

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 14, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

PRAYER

REV. FATHER THOMAS W. S. LOGAN, Guest Chaplain of the House of Representatives, offered the following prayer:

May we look to the Lord in prayer:

O God, in whom we live, we move, and we have our being, look down upon this Assembly, this House of Representatives of the Commonwealth of Pennsylvania. May we as teachers from Cheyney State Teachers College, or the university now, be welcomed and have our being with You. May we have the happiness and joy of Your benefaction for us at the State university. Give us liberty and give us justice for all. In Thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, February 13, 2006, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2462 By Representatives READSHAW, BOYD, CALTAGIRONE, FABRIZIO, GEIST, GEORGE, GOODMAN, GRUCELA, HERSHEY, JAMES, LEVDANSKY, MARKOSEK, McGEEHAN, PETRARCA, REICHLEY, SATHER, SCAVELLO, SIPTROTH, SOLOBAY, STABACK, TIGUE, WHEATLEY, WOJNAROSKI and YOUNGBLOOD

An Act relating to the rights of purchasers of defective new vessels.

Referred to Committee on TRANSPORTATION, February 14, 2006.

No. 2463 By Representatives RAYMOND, ADOLPH, BALDWIN, BARRAR, BELARDI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, CREIGHTON, DENLINGER, J. EVANS, FABRIZIO, FAIRCHILD, FREEMAN, GILLESPIE, GINGRICH, GODSHALL, HARRIS, HENNESSEY, HERSHEY, HESS, KENNEY, MARSICO, McGEEHAN, MELIO, MICOZZIE, MUNDY, O'NEILL, PETRARCA, PETRONE, PICKETT, RAMALEY, REICHLEY, RUBLEY, SATHER, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, STABACK, E. Z. TAYLOR, THOMAS, TRUE, WALKO, WATSON, WILT and YUDICHAK

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions on taxing powers.

Referred to Committee on FINANCE, February 14, 2006.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 1081, PN 1512

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 14, 2006.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who asks for a leave for the day for Representative McNAUGHTON from Dauphin County.

The Chair recognizes the gentleman, Mr. Veon, who asks for leaves for the day for the Democrats, Representative HARHAI from Westmoreland County, Representative THOMAS from Philadelphia County, and Representative JOSEPHS from Philadelphia County. Without objection, the leaves are granted.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll. Members will proceed to vote.

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair indicates the presence of Representative Steil from Bucks County and asks that his name be added to the master roll.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—196

Table listing names of representatives present, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Beyers, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Haluska, Hanna, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhatten, McIlhinney, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Parker, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Tighe, True, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, Wheatley, Williams, Wilt, Wojnarowski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Table listing names of representatives excused: Corrigan, Harhai, Josephs, McNaughton, Thomas

LEAVES ADDED—1

Sather

LEAVES CANCELED—2

Harhai

Josephs

GUEST INTRODUCED

The SPEAKER pro tempore. We have a guest today who is here at the request of Representative Scott Boyd and Representative Dave Argall. It is Maurice McTigue, and he is a distinguished visiting scholar at the Mercatus Center at George Mason University, where he directs the government accountability project. Previously he was a member of the New Zealand Parliament and New Zealand's Ambassador to Canada and was closely involved in New Zealand's deregulation of labor markets, deregulation of the transportation industry, and restructuring of the fishing industry. Among his many honors, Mr. McTigue is a recipient of the Queen's Service Order, bestowed by Queen Elizabeth II in a ceremony at Buckingham Palace. Mr. McTigue is seated to the left of the hall. He is now standing. Welcome to Harrisburg.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. REED called up HR 595, PN 3568, entitled:

A Resolution paying tribute to United States Army Specialist Jeremy W. Feldbusch, who has overcome life-altering injuries sustained while serving in Iraq in April 2003 to become a model for wounded service members.

On the question, Will the House adopt the resolution?

The SPEAKER pro tempore. Ladies and gentlemen, please take your seats. We have a very special presentation for a very special person here this morning. We would like you to hear this. Please take your seats.

The Chair recognizes the gentleman, Mr. Reed. Mr. REED. Thank you, Mr. Speaker.

Today we are going to be voting on a resolution to honor a wounded soldier from the war in Iraq, and I would just like to take a moment to introduce Jeremy W. Feldbusch, who will say a few words on the House floor.

Mr. Speaker, today I join with the gentleman from Westmoreland County to honor a young man from our community who exemplifies the essence of what makes America great and who the true heroes are in our society today.

Spc. Jeremy W. Feldbusch graduated from Derry Area High School in 1997, before earning his bachelor's degree in biology from the University of Pittsburgh. Upon graduation, Jeremy joined the United States Army and completed his Ranger indoctrination, ranking first out of the 228 soldiers in his graduating class.

During his tour of duty as a mortar gunman in the war in Iraq, Specialist Feldbusch - Sergeant Feldbusch he corrected me on today, actually - lost his sight and sustained severe

head injuries when he was struck by shrapnel as his unit fought to secure a dam in April of 2003. After undergoing repeated surgeries, rehabilitation, and learning how to live with his new physical challenges, Jeremy has waged a new campaign here at home as his fellow soldiers continue to fight for the security of our nation abroad. Since returning home, Jeremy has made it his personal mission to push for programs to assist other veterans who have suffered life-altering injuries. He has traveled to Washington, DC, where he successfully lobbied for Federal legislation to provide insurance for severely wounded soldiers.

More recently Jeremy's story has captured the interest of award-winning New York City-based documentary filmmaker, Richard Hankin. Hankin has followed Jeremy and his family with a camera crew over the course of the past year. The resulting film to be aired on Showtime, entitled "Home Front," focuses on a year in the life of the Feldbusches and on Jeremy's involvement with the Wounded Warrior Project.

Mr. Speaker, as elected leaders, we are charged with the task of acting for the greater good of the people we represent. We engage in public policy debates, partisan rhetoric, and the politics of geography, all in the name of creating a better way of life for our community members. In the end, I believe that as public leaders we must ask ourselves one question: Are we worthy? In the debate we engage in, are the policies we set forth or the lives we make, are these things worthy? Are they worthy of the sacrifices the young men and women, soldiers like Jeremy Feldbusch, are willing to make in defense of them, and moreover, are we worthy of the sacrifices they make in the name of liberty and freedom? Mr. Speaker, as elected leaders, it is our duty to be worthy each and every day.

Now, Mr. Speaker, it is my honor to introduce to this House a member of the elite squad of Army Rangers, a constituent of Representative Joe Petrarca's and a personal friend of mine, Spc. Jeremy W. Feldbusch.

SERGEANT FELDBUSCH. Thank you. Thank you very much, and I am going to have to correct you again, Dave. You did say sergeant one time. We are going to have to go back to the sergeant again.

But, yes, I have been striving hard in order to help our veterans that are coming back every single day from all branches of our United States military, helping them with the minor to severe injuries that they have sustained, but not only our veterans but also other citizens of our State and our nation also who have injuries that they sustained or diseases that they sustained and need to move forward and find the best care and help in order to strive forward and be a strong member of society, an active member of society, in every position that they can be, in every branch of life that they want to be in, active in many ways from things such as going out and hunting and fishing, which has been a love of my life, which I got a bill passed here in our State so that people with the loss of eyesight at birth from a disease, from an injury, or from conflict, such as my eyesight loss, can now go out hunting once again in the State of Pennsylvania by use of a laser and someone who holds a hunting license also to guide that laser into the game and gone as far as, Mr. Reed had mentioned, to get insurance passed for disabled veterans, traumatic Servicemembers' Group disability insurance, to take care of the financial strain that every soldier or every veteran receives when they come back with this injury, that they do have, where their family comes to stay with them and help them with their recovery and may have to leave a job and leave their own home behind in order to help out, and it is a

strong loss, not only for the soldier to have the physical injury but the psychological injury along with that, but to have the financial burden, just the same, and we have taken that away, and it has finally come full front here just this past November, in 2005.

And my mother, Charlene, and myself are also working with traumatic brain injury, those who suffer from that, be it traumatic brain injury, posttraumatic stress disorder, in order to help them out, and we will be going to New York just today to work with groups, not only for our State of Pennsylvania but for our nation, to help the families work with their loved ones in order to move forward and be successful citizens, not only one on one but also in small groups and even in large groups, and become an active citizen once again in anything that they want to do, can do, and will do, and that is something that we need to work hard on.

Dave, how am I on time? I am good?

And I am thankful for having the opportunity to come and speak here before the floor here in the State of Pennsylvania. And is that all, Dave?

So thank you very much.

Mr. PETRARCA. I, too, am honored to be here today to pay tribute to Jeremy Feldbusch. I followed him and his story since his very unfortunate accident a few years ago, and I can tell you that the inspiration that he has instilled in a number of us and the community in western Pennsylvania is just incredible, and I want to express my gratitude and I know the gratitude of the entire House of Representatives for the sacrifice that he made for the cause of freedom. The cause of freedom has exacted a huge toll over the years, as we all know, and I know that there are no better examples than Sergeant Feldbusch.

So I ask that you join us in the unanimous support of HR 595. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Feese	Major	Ruffing
Allen	Fichter	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Armstrong	Flick	Markosek	Santoni
Baker	Forcier	Marsico	Sather
Baldwin	Frankel	McCall	Saylor
Barrar	Freeman	McGeehan	Scavello
Bastian	Gabig	McGill	Schroder
Bebko-Jones	Gannon	McIlhattan	Semmel
Belardi	Geist	McIlhinney	Shaner
Belfanti	George	Melio	Shapiro
Benninghoff	Gerber	Metcalfe	Siptroth
Beyer	Gergely	Micozzie	Smith, B.
Bianucci	Gillespie	Millard	Smith, S. H.
Birmelin	Gingrich	Miller, R.	Solobay
Bishop	Godshall	Miller, S.	Sonney
Blackwell	Good	Mundy	Staback
Blaum	Goodman	Mustio	Stairs
Boyd	Grell	Myers	Steil
Bunt	Grucela	Nailor	Stern
Buxton	Gruitza	Nickol	Stetler
Caltagirone	Haluska	O'Brien	Stevenson, R.
Cappelli	Hanna	Oliver	Stevenson, T.
Casorio	Harhart	O'Neill	Sturla
Causer	Harper	Pallone	Surra
Cawley	Harris	Parker	Tangretti

Civera	Hasay	Payne	Taylor, E. Z.
Clymer	Hennessey	Petrarca	Taylor, J.
Cohen	Herman	Petri	Tigue
Cornell	Hershey	Petrone	True
Costa	Hess	Phillips	Turzai
Crahalla	Hickernell	Pickett	Veon
Creighton	Hutchinson	Pistella	Vitali
Cruz	James	Preston	Walko
Curry	Kauffman	Pyle	Wansacz
Daley	Keller, M.	Quigley	Waters
Dally	Keller, W.	Ramaley	Watson
DeLuca	Kenney	Rapp	Wheatley
Denlinger	Killion	Raymond	Williams
Dermody	Kirkland	Readshaw	Wilt
DeWeese	Kotik	Reed	Wojnaroski
DiGirolamo	LaGrotta	Reichley	Wright
Diven	Leach	Rieger	Yewcic
Donatucci	Lederer	Roberts	Youngblood
Eachus	Leh	Roebuck	Yudichak
Ellis	Lescovitz	Rohrer	Zug
Evans, D.	Levdansky	Rooney	
Evans, J.	Mackereth	Ross	
Fabrizio	Maher	Rubley	Perzel,
Fairchild	Maitland		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Corrigan	Josephs	McNaughton	Thomas
Harhai			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**MACUNGIE RELAY FOR LIFE
YOUTH COMMITTEE INTRODUCED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reichley, for the introduction of guests.

Mr. REICHLEY. Thank you, Mr. Speaker.

We are privileged this morning and I think it is great evidence of the kind of people we can meet in all walks of life here as members of the House. Obviously, the great and powerful presentation by the sergeant we just heard is a wonderful example for the young people we have in the back of the House who also serve as reminders to us of the need for public service at all times.

The youth committee and members of St. Ann’s Roman Catholic Church youth group were recognized with a State National Heart of Relay Award for outstanding youth engagement in a community Relay event for the Relay for Life for cancer awareness. I think it is a fitting tribute, in light of the timing of our resolution yesterday, to bring greater awareness for colorectal cancer awareness screening. Representative Beyer and I wanted to have this group come out to the Capitol here and to be recognized for their accomplishment of winning a statewide and national award.

Heart of Relay Awards are recognized across Pennsylvania and the nation and have developed innovative and creative practices supporting both the mission of the American Cancer Society and meeting its year 2015 goals. Awards are based on recognizing a best practice in any one of seven areas. To earn

this award, this group initiated the creation of the Macungie Relay Youth Committee after several of the youth attended a special summit with other Relay for Life youth across Pennsylvania. They planned and carried out on their own a special reception last February for cancer survivors as a way to get more survivors involved in Relay for Life events outside of the customary Relay for Life itself, and they were instrumental in obtaining volunteers during the 24-hour Relay for Life in Macungie. For example, they planned and carried out an antismoking rally to encourage smokers to quit smoking.

In April of last year, the group planned and coordinated a Lehigh Valley youth summit to youth across the valley who wished to learn more about the purpose of the American Cancer Society and the Relay for Life, and because of their hard work and as a result of these efforts of these 12 youth, who are in the back of the House today, the Pennsylvania division of the American Cancer Society has asked them to be part of a newly created youth task force whose purpose will be to work with other youth teams and Relays from across Pennsylvania.

The Macungie Relay for Life was also recognized in 2005 with a Pennsylvania Heart of Relay Award for its survivor involvement and a Pennsylvania Heart of Relay Award for its advocacy efforts.

As a person who has had a relative, I am sure many of us have, my mother survived a bout with breast cancer. I am sure every one of the members here in the House have been touched in some way with that dreadful disease. These young people are taking great strides in bringing greater awareness and hope for many survivors in the Lehigh Valley and across Pennsylvania. Representative Beyer and I are very grateful that they came out here today to be with us, and if they would stand in the back of the House to please be recognized by the House.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**GUESTS FROM CHEYNEY UNIVERSITY
INTRODUCED**

The SPEAKER pro tempore. At this time I would ask Representative Kirkland if he would come forward and introduce some of the special guests that he has here with us this morning.

Mr. KIRKLAND. Thank you, Mr. Speaker.

(“Cheyney University’s Alma Mater” was partially sung by Mr. Kirkland.)

Mr. KIRKLAND. Stop. I just wanted to give them a taste.

Good morning. It is indeed a pleasure and an honor to first introduce to you the president of the oldest African-American institution of higher education, which is Cheyney University. President Wallace C. Arnold is not only a leader in the world of academics, but he is also a leader concerning military affairs.

Major General Arnold, as he is affectionately known, is a retired Army veteran and a person who genuinely loves and cares about his students. He is joined today, accompanied today, by a very fine young lady, Miss Cheyney University, Kamalah Brown. Please join me in welcoming both of them here to the House floor.

Today we are blessed with the presence of one of the finest choirs in the land. The Cheyney University Choir, or singers, under the direction of Professor Daman H. Dandridge, has performed throughout the region. They currently have produced a CD (compact disk) entitled "Voices of Generations." Today they will bless us in song. They are also accompanied by Dr. Jia An on piano and Dr. C. Barnes, the musical coordinator.

Mr. Speaker and members of the House, please join me as we listen and I present to you the Cheyney University singers, members of my alma mater. Thank you.

("Lift Every Voice and Sing" was sung by Cheyney University Choir.)

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Also, we would like to acknowledge some of the Cheyney family members who are also present here today on this Black History Month program. They are located in the balcony and in the back of the House, Cheyney faculty and staff. Would you also welcome them, members of this body.

The SPEAKER pro tempore. The Chair wants to thank those young people for doing an excellent job on those musical numbers.

GUESTS INTRODUCED

The SPEAKER pro tempore. We have some special guests we need to introduce: Judith D'Angelo, Doug Blazey, and Lorraine Revello, members of the Government Affairs Committee of the Main Line Chamber of Commerce who are visiting the Capitol today as the guests of Representative Carole Rubley. Dr. D'Angelo is also executive director of the Timothy School, an approved private school located in Berwyn in Tredyffrin Township, Chester County. The guests are seated to the left of the Speaker. Would you please stand and be recognized. Oh, they are already standing. Okay. Thank you. Welcome to Harrisburg.

SUBCOMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the lady, Representative Sandy Major, for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

At the first call of recess, I would like to announce there is going to be a House Local Government Subcommittee on Counties meeting, and we will hold that meeting right in the back of the chamber. So once again, that is the House Local Government Subcommittee on Counties meeting. That will be at the recess.

The SPEAKER pro tempore. The Chair thanks the lady.

There will be a House Local Government Subcommittee meeting in the back of the chamber at the recess.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Taylor, for a caucus announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican Caucus meeting at 1 p.m.; 1 p.m.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grucela, for a caucus announcement.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 1 p.m. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and announces that we will expect to be back on the House floor at 2 p.m., unless further notified. That is 2 p.m. back on the House floor.

RECESS

The SPEAKER pro tempore. We are now in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The minority leader requests a leave of absence for the gentleman, Mr. ROONEY, to be placed on Capitol leave. Without objection, the leave of absence is so granted.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2158, PN 2981

By Rep. SEMMEL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2192, PN 3578 (Amended)

By Rep. ALLEN

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for the Uninsured Employers Guaranty Fund; and making an appropriation.

LABOR RELATIONS.

HB 2447, PN 3523

By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

JUDICIARY.

**RESOLUTIONS REPORTED
FROM COMMITTEES**

HR 380, PN 2375

By Rep. O'BRIEN

A Resolution supporting a National Sex Offender Public Registry (NSOPR) website.

JUDICIARY.

HR 592, PN 3565

By Rep. SEMMEL

A Resolution memorializing the President and Congress of the United States to maintain the force structure, troop strength and combat capabilities of the National Guard.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

**LIQUOR CONTROL
COMMITTEE MEETING**

The SPEAKER pro tempore. The chairman, Mr. Raymond, is recognized for a committee announcement.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an immediate meeting of the House Liquor Control Committee off the back of the floor.

The SPEAKER pro tempore. Will the chairman be kind to repeat that one more time for the members.

Mr. RAYMOND. I would like to call an immediate meeting of the House Liquor Control Committee off the back of the floor, the rear of the floor.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In case someone did not hear that, the members of the Liquor Control Committee will meet in the rear of the chamber, immediately.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 311, PN 3580 (Amended)

By Rep. FLICK

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair methods of competition" and "unfair or deceptive acts or practices."

CONSUMER AFFAIRS.

HB 476, PN 3581 (Amended)

By Rep. FLICK

An Act amending the act of December 16, 2002 (P.L.1810, No.222), known as the Unsolicited Telecommunication Advertisement Act, further prohibiting unsolicited or misleading commercial or electronic mail messages and facsimiles.

CONSUMER AFFAIRS.

SB 711, PN 1524 (Amended)

By Rep. FLICK

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

CONSUMER AFFAIRS.

SB 713, PN 1525 (Amended)

By Rep. FLICK

An Act prohibiting a provider of commercial mobile service from including the dialing number of any subscriber without first obtaining the express consent of that subscriber.

CONSUMER AFFAIRS.

SENATE MESSAGE

**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
February 13, 2006

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, March 13, 2006, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, March 6, 2006, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of March 6th, it reconvene on Monday, March 13, 2006, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

GUESTS INTRODUCED

The SPEAKER pro tempore. Representative Payne is hosting three students who are participating in a futures in government program: Bryan Metz, a junior at Lower Dauphin High School; Nicole Cronin, a senior at Central Dauphin High School; and Katie Gorton, a senior at Hershey High School. They are guest pages today. Please rise and be recognized.

The Chair also welcomes guest pages Amanda Snyder and Joseph Sutter from Bible Baptist School, who are the guests of Representative Jerry Nailor, and they are also located in the well of the House. Please rise and be recognized.

The Chair also welcomes Brittany Preston, guest page from Central York Future Leader program, who is the guest of Representative Keith Gillespie, also located in front of the Speaker. Please rise and be recognized.

The Chair welcomes Cynthia Thurston, Michael and Deidre Frazier and children Aisha and Mikal, who are the guests of Representative Butkovitz and Representative Frank Oliver. They are located in the rear of the chamber. Please rise and be recognized.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the minority leader, who requests that the gentleman's presence, Mr. Harhai, be recognized, and he is removed from the leave of absence.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2382 be taken from the table.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2382, PN 3455.

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2382 be recommitted to the Appropriations Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. WILLIAMS called up **HR 593, PN 3566**, entitled:

A Resolution commemorating the achievements and contributions the late Honorable Harry W. Bass made to the General Assembly and the Commonwealth of Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhatten	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Siproth
Beyer	Gergely	Metcalf	Smith, B.
Bianucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O'Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causar	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Ruble	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan Josephs McNaughton Thomas

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

EXCUSED—4

Mr. WILLIAMS called up **HR 594, PN 3567**, entitled:

Corrigan Josephs McNaughton Thomas

A Resolution commemorating the achievements and contributions the Honorable Herbert Arlene made to the General Assembly and the Commonwealth of Pennsylvania and observing February 13, 2006, as “Herbert Arlene Day” in Pennsylvania.

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

On the question,
Will the House adopt the resolution?

JANET WELLS HONORED

The following roll call was recorded:

The SPEAKER pro tempore. Members, please come to order. Members, please come to order.

YEAS—197

The gentleman, Mr. Pistella, is recognized on unanimous consent.

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Siptroth
Beyer	Gergely	Metcalfe	Smith, B.
Bianucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O’Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O’Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

Members, please take your seats. Sergeants at Arms, please clear the aisles. Members, please take your seats.

The gentleman may proceed.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, today I seek unanimous consent for the purposes of a presentation of a citation to a woman who has been a part of our Democratic Caucus and a member of our family here in the House of Representatives.

Janet Wells was born and raised in West Chester, Pennsylvania. Approximately 40 years ago she relocated here to Harrisburg. She began in March of 1978 a 28-year career here, which I will touch on in this citation.

The citation reads:

WHEREAS, It is with particular pride and gratitude that the House of Representatives of Pennsylvania recognizes those individuals who have dedicated themselves to its daily operations and to the legislative process of this Commonwealth; and

WHEREAS, Janet B. Wells is being honored for devoting twenty-eight years of exemplary service as a staff member of the Democratic Caucus in the House of Representatives; and

WHEREAS, Ms. Wells began her career with the Democratic Caucus on March 1, 1978, first serving as a Stenographer for Representative Robert A. Borski, Jr., and Representative Harold L. Brown. On January 1, 1980, Ms. Wells was assigned exclusively to Representative Borski’s office. She went on to serve in a secretarial capacity for Representatives James J. Manderino, Herman Mihalich and R. Ted Harhai; and she also worked for Democratic Support Services in the House. Presently a Legislative Assistant for Representative Frank J. Pistella, Ms. Wells has served in that capacity since November 18, 2004. Throughout her tenure with the House Democratic Caucus, Ms. Wells has faithfully performed her assignments with skill and expertise. Always willing to assist in any way possible, she proves on a daily basis that she is an invaluable staff member. Her dedication and hard work are deeply appreciated.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Janet B. Wells upon her richly deserved recognition; affirmatively states that she is a shining example for all to emulate;

NAYS—0

NOT VOTING—0

AND DIRECTS That a copy of this citation, sponsored by Representatives H. William DeWeese and Frank J. Pistella on February 13, 2006, be transmitted to Janet B. Wells.

I would like to thank the members for allowing me the opportunity to share this special Valentine’s Day greeting to Janet. As I outlined her achievements over the course of the 28 years that she worked here, she did it all while being a mother to three sons: Billy, who is married to his wife, Deana; Michael, who is married to his wife, Therese; and Tim, who is married to his wife, Adrienne.

One of the people that have been very, very special to her over the course of the years has been her dear friend, Bill Geesey. I share this with you because Janet came to me informing me that she was looking forward to retiring this year. It was my sincere hope and it was the effort of our staff to put together a wonderful party for her, recognizing her and her achievements. However, fate stepped in, as it is prone to do. At the time we were making our arrangements and had sent out the invitations, Janet was diagnosed with cancer. She is continuing to stay on my staff, and I want to thank each and every one of you for taking the time to share this greeting for her, to her today as she is watching this on television.

So to my special valentine, Janet, I can say that you were wonderful in bringing sunshine to our office and to the workplace every day that you came to work. For all those men and women that you worked with as coworkers and colleagues over the years, I would like you to know that each and every one of them are praying for you. You will be in our hearts forever.

Please enjoy the special time that you have with the four people you took your time to share with me your thoughts and hopes for, your grandchildren: Megan, Michael, and Lauren, your son, Michael’s children; and Haley, Billy’s daughter.

I want you to know that you will always be holding a special place in my heart and the heart of all of your friends here in the State Capitol.

Thank you and God bless.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Semmel, chairman of the Veterans Affairs Committee.

Mr. SEMMEL. Mr. Speaker, I request a suspension of the rules for consideration of HR 592.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson

Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Siproth
Beyer	Gergely	Metcalfe	Smith, B.
Biancucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O’Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O’Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan	Josephs	McNaughton	Thomas
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION

Mr. SEMMEL called up **HR 592, PN 3565**, entitled:

A Resolution memorializing the President and Congress of the United States to maintain the force structure, troop strength and combat capabilities of the National Guard.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Siptroth
Beyer	Gergely	Metcalfe	Smith, B.
Biancucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O'Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenny	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGiroloam	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan	Josephs	McNaughton	Thomas
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

STATEMENT BY MR. SEMMEL

The SPEAKER pro tempore. On the resolution, the gentleman, Mr. Semmel, is recognized.

Mr. SEMMEL. Thank you, Mr. Speaker.

I want to thank the members for their support of HR 592, which was a resolution co-prime-sponsored by myself, Chairman Tigue, and Representative Zug. It is imperative that we as a legislative body echo our strong concerns about these military funding cuts which have serious consequences to our Pennsylvania National Guard and National Guard armories throughout our communities.

In closing, I would like to remind all members of this body that Adj. Gen. Jessica Wright will be conducting a briefing on the impact of these proposed cuts tomorrow, February 15, at 2 p.m., room 60, East Wing. I would encourage all members and their staffs to attend this important briefing, thereby arming themselves with pertinent information needed for their offices to interact with their congressional delegation in hopes of bringing positive closure to this important matter.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 437, PN 1306**, entitled;

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to corrections employees; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Siptroth
Beyer	Gergely	Metcalfe	Smith, B.
Biancucci	Gillespie	Micozzie	Smith, S. H.

Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O'Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan	Josephs	McNaughton	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 1964, PN 2697**, entitled:

An Act authorizing investment tax credits for qualified alternative energy enterprises.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	Melio	Sipthoth
Beyer	Gergely	Metcalfe	Smith, B.
Biancucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Miller, S.	Staback
Blaum	Goodman	Mundy	Stairs
Boyd	Grell	Mustio	Steil
Bunt	Grucela	Myers	Stern
Buxton	Gruitza	Nailor	Stetler
Caltagirone	Haluska	Nickol	Stevenson, R.
Cappelli	Hanna	O'Brien	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan	Josephs	McNaughton	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence, and at the request of the majority leader, the gentleman, Mr. SATHER, requests leave for the day. Without objection, the leave is so granted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1022, PN 3497**, entitled:

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy and the Legislative Budget and Finance Committee.

On the question,
Will the House agree to the bill on third consideration?

Mr. **GANNON** offered the following amendment No. **A05896**:

Amend Sec. 5, page 7, line 30; page 8, lines 1 through 17, by striking out “THAT A LONG-TERM CARE” in line 30, page 7 and all of lines 1 through 17, page 8 and inserting

- :
- (1) A long-term care pharmacy:
 - (i) is required to go through the process of dispensing, repackaging and relabeling the drug so that the drug may be administered safely and in a manner and form that conform to the long-term care facility’s drug administration procedures and quality assurance standards;
 - (ii) may charge a reasonable fee which may not exceed the limit set forth in section 7(c) which may be charged to the patient for costs associated with dispensing, repackaging and relabeling the drug;
 - (iii) is required to disclose the amount of the fee, and that the fee may be charged for each drug dispensed; and
 - (iv) is immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside of the long-term care pharmacy if the long-term care pharmacy properly dispenses, repackages and relabels the drug.
 - (2) A long-term care facility:
 - (i) is required to administer a drug which has been dispensed, repackaged and relabeled by the long-term care pharmacy in a unit dose or such other form as to enable a long-term care facility to administer the drug to the patient safely and in a manner and form which conform with the long-term care facility’s drug administration procedures and quality assurance standards;
 - (ii) is required to maintain records;
 - (iii) may charge a reasonable fee which may not exceed the limit set forth in section 7(d);
 - (iv) is required to disclose the amount of the fee, and that the fee may be charged for each drug dispensed; and
 - (v) is immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside the long-term care facility if the long-term care facility properly administers the drug.

Amend Sec. 6, page 8, line 26, by inserting before “FOR”

- (a) Maintenance of records.—

Amend Sec. 6, page 9, line 14, by inserting after “and”
business

Amend Sec. 6, page 9, by inserting between lines 15 and 16

(b) Duty of drug source.—For each drug acquired from a drug source and dispensed by a long-term care pharmacy under section 5, the drug source shall provide a copy of the original prescription to a long-term care pharmacy. For purposes of complying with this subsection, the duty of the drug source is met if the drug source provides any of the following:

(1) A copy of the original prescription if the copy is provided electronically, via fax or in some other format which the long-term care pharmacy deems acceptable.

(2) The information contained in the original prescription if the information is provided in writing.

(3) The information contained in the original prescription or a copy of the original prescription if the copy or information has been provided in a manner which conforms with regulations of the board.

Amend Sec. 7, page 10, line 25, by striking out “FOUR” and inserting

seven

Amend Sec. 7, page 10, by inserting between lines 28 and 29

(d) Fee authorized for long-term care facilities.—A long-term care facility administering a drug which has been dispensed, repackaged and relabeled by a long-term care pharmacy under section 5 may charge a reasonable fee for each drug which has been dispensed, repackaged and relabeled by the long-term care pharmacy. The fee is reasonable if it does not exceed the specific dollar amount of the program payment under section 509(6)(iii) of the State Lottery Law.

Amend Sec. 40, page 12, line 27, by striking out “60” and inserting

90

On the question,
Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the gentleman, Mr. Gannon, is recognized.

Correction on the amendment.

On the question recurring,
Will the House agree to the bill on third consideration?

Mr. **GANNON** offered the following amendment No. **A05936**:

Amend Sec. 5, page 7, line 30; page 8, lines 1 through 17, by striking out “THAT A LONG-TERM CARE” in line 30, page 7 and all of lines 1 through 17, page 8 and inserting

- :
- (1) A long-term care pharmacy:
 - (i) is required to go through the process of dispensing, repackaging and relabeling the drug so that the drug may be administered safely and in a manner and form that conform to the long-term care facility’s drug administration procedures and quality assurance standards;
 - (ii) may charge a reasonable fee which may not exceed the limit set forth in section 7(c) which may be charged to the patient for costs associated with dispensing, repackaging and relabeling the drug;
 - (iii) is required to disclose the amount of the fee, and that the fee may be charged for each drug dispensed; and

(iv) is immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside of the long-term care pharmacy if the long-term care pharmacy properly dispenses, repackages and relabels the drug.

(2) A long-term care facility:

(i) is required to administer a drug which has been dispensed, repackaged and relabeled by the long-term care pharmacy in a unit dose or such other form as to enable a long-term care facility to administer the drug to the patient safely and in a manner and form which conform with the long-term care facility's drug administration procedures and quality assurance standards;

(ii) is required to maintain records;

(iii) may charge a reasonable fee which may not exceed the limit set forth in section 7(d);

(iv) is required to disclose the amount of the fee, and that the fee may be charged for each drug dispensed; and

(v) is immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside the long-term care facility if the long-term care facility properly administers the drug.

Amend Sec. 6, page 8, line 26, by inserting before "FOR"

(a) Maintenance of records.—

Amend Sec. 6, page 9, line 14, by inserting after "and"
business

Amend Sec. 6, page 9, by inserting between lines 15 and 16

(b) Duty of drug source.—For each drug acquired from a drug source and dispensed by a long-term care pharmacy under section 5, the drug source shall provide to the long-term care pharmacy:

(1) A copy of the original prescription. For purposes of complying with this paragraph, the duty of the drug source is met if the drug source provides any of the following:

(i) The copy of the original prescription electronically, via fax or in some other format which the long-term care pharmacy deems acceptable.

(ii) The information contained in the original prescription. The requirement of this subparagraph is met if the information is provided in writing. The writing may be provided electronically, via fax or in some other format which the long-term care pharmacy deems acceptable.

(iii) The information contained in the original prescription or a copy of the original prescription if the copy or information has been provided in a manner which conforms with regulations of the board.

(2) The name of the manufacturer of the drug, the lot number and the expiration date of the drug. For purposes of complying with this paragraph, the duty of the drug source is met if the information appears on the label of the drug.

Amend Sec. 7, page 10, line 25, by striking out "FOUR" and inserting

seven

Amend Sec. 7, page 10, by inserting between lines 28 and 29

(d) Fee authorized for long-term care facilities.—A long-term care facility administering a drug which has been dispensed, repackaged and relabeled by a long-term care pharmacy under section 5 may charge a reasonable fee for each drug which has been dispensed, repackaged and relabeled by the long-term care pharmacy. The fee is reasonable if it does not exceed the specific dollar amount of the program payment under section 509(6)(iii) of the State Lottery Law.

Amend Sec. 40, page 12, line 27, by striking out "60" and inserting

90

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I apologize for the confusion over the amendment number.

This amendment to HB 1022 strengthens the bill in the area of patient safety. During the course of the development of this piece of legislation, we have had many discussions with pharmacists, nursing home folks, and of course my colleagues on the other side of the aisle, and others about the need to make sure that pharmacists will have certain information when they repackage and relabel a prescription for a patient in a nursing home.

The amendment provides for the name of the manufacturer of the drug; the lot number, which is very important for tracking the prescription and the drug from the manufacturer to the ultimate consumer; the expiration date of the drug as well as the requirement for a copy of the original prescription to be with both the nursing home and the pharmacist, and I would appreciate an affirmative vote on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. VITALI. I just want to clarify a couple of things which I see in our pre-session report. It talks about increasing fees, allowable fees to be charged by the pharmacy from \$16 to \$28. Is there an increase in fee in your amendment?

Mr. GANNON. Yes.

Mr. VITALI. And who would be charged that fee?

Mr. GANNON. That fee would be charged back to the patient.

Mr. Speaker, if I may, it is my understanding that the interrogator had conversation with the sponsor of the bill and all of these questions were asked and answered, and it is my understanding under the rules of the House that you are not permitted to ask questions to which you know the answer, and I would appreciate a clarification from the Chair and from the interrogator as to whether or not he knows the answers to these questions.

Mr. VITALI. Let me be clear, and I am not sure why—

The SPEAKER pro tempore. Will the gentleman please suspend.

The gentleman knows the rules. You are not to ask questions that you know the answer.

Mr. VITALI. I can assure, I can assure both the Speaker and the gentleman from Delaware County that I will not and do not intend to ask questions I do not know the answer to, although I am not sure, I will add parenthetically, why you are reluctant to answer questions about your own amendment.

Mr. GANNON. Mr. Speaker, I am not reluctant to answer questions, but I am reluctant—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Vitali, do you have a salient question to ask the gentleman, Mr. Gannon?

Mr. VITALI. I do.

The SPEAKER pro tempore. You may proceed then.

Mr. VITALI. The first question I wanted to know, I wanted to confirm whether there was in fact an increase in fee in this amendment. I wanted to make sure that what is in the pre-session report conforms to what the gentleman believes in his amendment. So there is an increase in fee. Is that correct?

Mr. GANNON. I already answered the question in the affirmative, so he knew the answer before he asked it.

Mr. VITALI. Thank you, Mr. Speaker.

May I proceed, Mr. Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. This additional fee would be borne by senior citizens, I presume?

Mr. GANNON. Whoever is a patient in the nursing home.

Mr. VITALI. And the purpose for this fee would be what?

Mr. GANNON. Can I have a moment, Mr. Speaker? Thank you.

The SPEAKER pro tempore. The House will be at ease momentarily.

The gentleman, Mr. Gannon, may proceed.

Mr. GANNON. I am sorry, Mr. Speaker. Could you restate the question.

Mr. VITALI. The purpose for the increase in fee charged to the residents of nursing homes.

Mr. GANNON. That is to pay for the dispensing fee, relabeling and repackaging, the transportation, the recordkeeping, the wages and salaries of the pharmacist, the wages and salaries of the people that work for the pharmacist, the pharmacist's telephone bills, the cost of secretarial help for the pharmacist, the cost of the rent for the building that he has or the mortgage if he is paying that, the interest on the mortgage, any other incidental expenses that he would have in connection with his business as a pharmacist, and probably on and on and on, but that is to compensate the pharmacist for the work that he does.

Mr. VITALI. Now, how is this – I guess it is a \$12 fee – increase in fee arrived at?

Mr. GANNON. Well, it is not a \$12 increase in fee.

Mr. VITALI. Okay. Now, so correct me—

Mr. GANNON. You are talking about from the original bill to the amendment?

Mr. VITALI. The description of your amendment in the pre-session report indicates the amount to be charged by a pharmacist can be increased from \$16 to \$28. So that is the increase I am talking about.

Mr. GANNON. Correct. That is a limit on the fee that can be charged. That is not the fee that can be charged. That is the maximum that could be charged.

Mr. VITALI. And again, how is that maximum limit arrived at?

Mr. GANNON. That was worked out between the pharmacists; the prime sponsor of the bill; other members of the House Professional Licensure Committee, including the vice chairman, Representative Sturla, and myself; the staff; the nursing homes; the long-term care facilities; probably some people that I forgot, but that was worked out among all those people as a fee that would be appropriate under the circumstances. We did not pick it out of thin air.

Mr. VITALI. Has there been any estimate as to the total amount of additional revenues to be collected by this fee?

Mr. GANNON. Well, let us talk about how much it is going to save, and my answer is, you are looking at the wrong side—

Mr. VITALI. Point of order, Mr. Speaker.

Mr. GANNON. Excuse me. I can answer the question any way I want. You may not like the answer—

The SPEAKER pro tempore. Will the gentlemen please suspend.

One question and one answer at a time, please.

Mr. GANNON. And here is my answer to the question: The gentleman is focusing on the wrong side of the equation. At the public hearings that we held on this piece of legislation, we had people in nursing homes paying \$1500 a month for their prescription drugs. This takes that down to a maximum of \$28 for the pharmacist and \$4 for the nursing home.

Now, if the gentleman wants to continue to whine and complain and harp on the \$28 fee—

The SPEAKER pro tempore. Will the gentleman please suspend.

I appreciate the gentleman, Mr. Gannon's answer. Does the gentleman, Mr. Vitali, have any more questions?

Mr. VITALI. Yes, I do. I just want the previous question answered, and again, let me just preface this by saying, I have no preconceived notion about the good or bad of this amendment going into it, although I am a little taken aback by the reluctance in getting information. But my real question—

The SPEAKER pro tempore. Will the gentleman please suspend.

Please ask your question, sir.

Mr. VITALI. My question is, how much money is expected to be gained by this increase in fee?

Mr. GANNON. Gained by whom?

Mr. VITALI. May I ask who keeps turning off my microphone. This is kind of annoying.

How much in additional revenues will be brought in to the pharmacist by this fee?

Mr. GANNON. Pharmacists actually will not see any change in their revenues by this fee. If you had paid attention to my prior answer, I was indicating quite clearly that the cost to the consumer was going to go down dramatically.

Mr. VITALI. Okay. Let me try to understand this. The maximum fee a pharmacist can be charged for repackaging in one of these transactions, the maximum amount increases from \$16 to \$28, which leads me to believe that the pharmacist will be allowed to collect more revenue.

My question is, what is the estimate of the additional revenue the pharmacist will be allowed to collect?

Mr. GANNON. The "revenues" is the wrong word to use; it is cost, reimbursement for cost of dispensing. These are not revenues. This is to reimburse the pharmacist for his cost in dispensing the drugs under this plan. So there is no increase in revenue to the pharmacist. If anything, it is our belief that he will actually have some cost over and above what it would cost to dispense this fee from the standpoint from the pharmacist to the ultimate consumer or patient in the nursing home. The pharmacist is not going to see any increase in revenue. This is a dispensing fee, and this was based upon negotiations and a lot of data that was provided to us by the pharmacists themselves as well as the nursing homes in terms of what it costs them to receive a prescription, break it down, repackage it, make sure that it is labeled properly, make sure that it is tracked. As I said before, you asked me what costs were going to be considered, and I gave you a whole list of costs that were taken into

consideration in arriving at the \$28, which we believe is fair and equitable to both the pharmacist and to the consumer and to the nursing home, and I resent your statement that I am reluctant to answer your questions.

Mr. VITALI. Duly noted.

But the fee is what I am trying to get at. Again, the pre-session report indicates there is going to be an increase in fee. How much more money in fees will be collected pursuant to this amendment?

Mr. GANNON. How much more money in what?

Mr. VITALI. In fees.

Mr. GANNON. In fees? I do not know. Ask the pharmacist; ask the people that do this. They will tell you how much it is.

Mr. VITALI. Regrettably, that is not possible in this debate.

Mr. GANNON. Mr. Speaker, we are more concerned with the savings to those people in nursing homes who are seeing their life savings ripped away.

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my questioning.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton County, the gentleman, Mr. Samuelson. He waives off.

The gentleman, Mr. Boyd. Waives off.

The gentleman from Westmoreland County, Mr. Casorio, is recognized.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment 5936 is an affront to everyone in a nursing home. Mr. Speaker, this is obscene what we are doing here today.

Let me read you the amendment, Mr. Speaker, word for word. This amendment 5936 increases the maximum amount for the reasonable fee to be charged by the pharmacy from \$16 to \$28, increases the maximum amount of the reasonable fee to be charged by the pharmacy from \$16 to \$28; would allow the long-term care facility, where our loved ones and constituents are in at the current time, Mr. Speaker, would allow the long-term care facility to also charge a reasonable fee for administering the repackaged drug. One, we have an increase in the maximum amount, Mr. Speaker, of the fee charged by the pharmacy from \$16 to \$28, and also, Mr. Speaker, it would allow the long-term care facility to also charge, also charge a reasonable fee – what is that reasonable fee, Mr. Speaker, \$10, \$12, \$300? – for administering the repackaged drug.

Mr. Speaker, our parents and grandparents and neighbors are lying in those beds in the long-term care facilities, Mr. Speaker. Mr. Speaker, they have diabetes and they have glaucoma and they have Alzheimer's, and they need these prescription drugs, Mr. Speaker. To increase the fee from \$16 to \$28 and also allow an open-ended charge of a reasonable fee for administering the repackaged drug – administering is paperwork, Mr. Speaker – that is what we need to do, is charge people in hospital sickbeds a fee for paperwork; that is good. You tell your constituents that, and we are really telling them, Mr. Speaker, that we do not care about the quality of life that those folks have.

Mr. Speaker, for the life of me, for the life of me – and I will await a response, please – for the life of me, why would we want to stick it to our infirm and our sick and our folks in a long-term care facility from \$16 to \$28, one fee, and then allow for a reasonable fee, Mr. Speaker, reasonable fee for

administering the repackaged drug? So if we open up a bottle of drugs from 500 and we cut it down, it is an increase, Mr. Speaker, for administering the repackaged drug.

Forget about the political ramifications, Mr. Speaker, forget about that for a moment, if you will, and pretend we are not in a vacuum here. Think about your neighbors and your loved ones and your grandmothers that are in long-term care facilities and being cared for by people that are making minimum wage, by the way, Mr. Speaker, and they are in that facility and they need these life-sustaining drugs. Now, now, when they are lying there with Alzheimer's and glaucoma after being in the mill for 40 years and being good citizens and paying their taxes and raising children and being good stewards of the community, we are going to stick it to them. We are going to increase the fee from \$16 to \$28, and then we are going to increase a reasonable fee for administering that charge. Is that what we want to do, Mr. Speaker? Maybe that side of the aisle wants to, Mr. Speaker, but we do not want to do that on this side of the aisle, and I would strongly urge a “no” vote on the Gannon amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I fully understand the concern from the other side of the aisle regarding the fees, but I think they need to understand what we are talking about and what the Gannon amendment does.

This only applies if an individual in a nursing home has the opportunity to get drugs from another source cheaper. Let me give you an example of my own legislative district. I had a veteran who through the VA (Veterans' Administration) got his medication for about \$50 a month. He needed nursing home care. Under current law in Pennsylvania, they only could dispense those drugs one dose at a time. His bill in that nursing home went from \$50 outside to \$1100 a month in the nursing home. The Gannon amendment allows him to bring those drugs in from the VA, and the reasonable fee is defined at \$4. For \$32 additional above the \$50 he was paying before a month, he gets those drugs. So you tell me, do we want the seniors to pay \$82 a month or \$1200 a month? Gannon's amendment gives them the lower price.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

As the prime sponsor of HB 1022, I just rise to say that the Gannon amendment is an agreed-to amendment. It is really the product of negotiating with stakeholders, really, in the industry on both sides. It was worked through with bipartisan effort, including a lot of help from the other side of the aisle, and what the gentleman from Delaware County said is absolutely correct. This fee is something that would be assessed only when somebody no longer would be able to get their meds from particularly the Veterans' Administration, and that is only when they would move from standard care into skilled care in a nursing facility. In skilled care the requirement is that the meds be an individually dosed pack. The VA only will send meds in either a 30- or a 90-day supply. So what we are trying to do is provide the opportunity for seniors who have earned, by service

to their country, earned their benefits that they lose, they literally lose them when they go into skilled care.

In fact, I am not going to use the guy's last name out of respect to the family, but this is really for a constituent in my district named Joe, and I really call this Joe's bill. Joe was a decorated World War II veteran who recently passed away, and for the last 18 months, from the time he was moved into skilled care, when he was in standard care in the nursing facility, he was paying \$180 a month for his meds. When he moved into skilled care, every month he was assessed a fee of \$1800 a month.

All we are trying to do is provide an opportunity for the Joes of the world when they move to skilled care to maintain the benefits that they have earned by service to their country, and we are trying to provide an adequate fee so pharmacists in the long-term care facilities can ensure the safety and the security, the chain of custody that those meds would require to make sure that this is done in a safe fashion.

This is a good amendment. It is a negotiated and an agreed-to amendment to allow something that is very, very vital to our decorated seniors to maintain their medication. I would urge the members for an affirmative vote for the Gannon amendment, and I would urge a positive vote on HB 1022.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Eachus.

Mr. EACHUS. Thank you.

Will the maker of the amendment stand for brief interrogation?

Mr. GANNON. Yes.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. EACHUS. Thank you, Mr. Speaker.

I appreciate your standing for interrogation.

I want to make sure that the members understand that the committee has worked closely together to try and compromise this, but there are some questions from our side that have been percolating, particularly given certain populations that would be impacted in our nursing homes by your amendment. Can you just answer these series of questions for me.

How does this affect private-pay versus medical assistance patients? Can you answer that specifically?

Mr. GANNON. The private-pay would see their copay, in other words, their cost reduced to the copay that they had agreed to before they went into the long-term care facility. Those on medical assistance would not be impacted at all because their medical assistance would take care of their situation.

Mr. EACHUS. So given the fact that we have a private-pay population, can you just illuminate one more time for me how it would affect that population? You are saying there is no effect on medical assistance. Correct?

Mr. GANNON. Well, let me by way of illustration, if somebody is on a private pay and let us say they have a \$6 copay or a deductible, if they go into a long-term care facility, a nursing home, that gets wiped out. They are now paying the full freight on that prescription. This takes that back down to whatever that copay would be for that person. So they would see a substantial savings in the amount of payment that they would have to make for prescription drugs that they would be getting in the long-term care facility.

Mr. EACHUS. Thank you. I appreciate that explicit answer.

Question two: How does this work with Medicare Part D and fees charged for dual eligibles? Just clarify.

Mr. GANNON. On the Medicare Part D, this is exempted out, and the reason for that is the Medicare Part D already has a plan in place to provide for the unit dose, the unit dosage. The dual eligibles would not be impacted either. They are exempted out.

Mr. EACHUS. Thank you.

And third, patient safety measures have been put in place with immunity provisions. Can you talk to us about the chain of custody of the drugs? As you know, we have had some problems over the years with either mishandling of drugs, the drugs that maybe are not handled in a proper temperature or the length of time. Can you talk about how the patient can be assured that from a safety position, that the drug that they are getting meets the standards that the manufacturer sets forth for the quality of that drug?

Mr. GANNON. That is the precise purpose of this amendment, one part of it, and that is to improve the patient safety procedures, to make the reporting and documentation of that drug from point A to point Z as clear and as accurate as we humanly can make it.

For example, one of the elements I spoke about in my introductory remarks was the lot number. We are now tracking that lot number from the very beginning until it is received by that patient. So we know exactly where that medication came from when it came in bulk to its ultimate destination, which was the patient's bedside, where it still has that same lot number. So we now have in place what I think is almost a bulletproof tracking mechanism from the standpoint of the pharmacist to the patient and the nursing facility, and in order to induce them, we did provide some limited insulation from liability into the plan.

Mr. EACHUS. Thank you.

And one more quick question of clarification on the chain of custody. Will that drug go directly to the patient or the family?

Mr. GANNON. It goes from the pharmacist to the facility, to the long-term nursing care, and then where it is— Excuse me; just one second. I am sorry, Mr. Speaker. It comes from the pharmacist who dispenses the prescription to the long-term care facility, where the pharmacist there repackages the drug into its unit doses. It is then delivered to the patient through that pharmacist.

Mr. EACHUS. Thank you.

On the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. EACHUS. Thank you, Mr. Speaker.

Many of us who have worked in health-care policy – and in the last session, I worked closely with Representative Vance, who had been working on repackaging, and I am glad to see that you are trying to move this process forward – many of us believe that repackaging is an effective way to try and save cost and recycle drugs that still have a shelf life. Obviously, there have been some concerns, but I think that your amendment, the specificity of your amendment, moves us forward some.

So I am going to ask that members of our caucus, if they can, can support this amendment. I think your answering of the questions helped to clarify many of the concerns on the Democratic side.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to lend my support to this amendment. This was an agreed-to amendment that we worked together on, both on the Democrat and Republican sides in the House Professional Licensure Committee. Many hours were put into going through some of the details that were questioned by Representative Eachus in terms of chain of custody, how this operates, the cost savings involved, the numerous programs that impact this type of repackaging in nursing homes, and the savings that can be realized by seniors that are currently paying some outrageous fees in some cases. This will save them hundreds if not thousands of dollars.

So I would encourage members to approve this amendment and ultimately save seniors in the State thousands of dollars. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

We are down to the last speaker, the prime sponsor of the amendment, Mr. Gannon. Anyone else seeking recognition?

Seeing none, Mr. Gannon, you are recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, one of the speakers on the amendment was opposed to the amendment and recited some language in here, and I think what was going on here – I am scratching my head listening to that speaker in terms of the negative side of this amendment, which I did not see – I think perhaps it was a misreading of the amendment which led that speaker to attack the amendment, because he kept on saying, well, to charge a reasonable fee. Remember, the fees that we have set forth in here are the maximum. So \$28 is the maximum amount that can be charged by the pharmacist; \$4 is the maximum that can be charged by the nursing home. Twenty-eight dollars is the maximum, the most. You cannot charge any more. Something less than that may be reasonable under the given circumstances of that prescription – dispensing it, repackaging it, getting it to the patient. Something less than \$28 may be reasonable under those circumstances.

With respect to the nursing home, their costs for their pharmacist to take the drug and break it down into its basic unit packages and getting it to the patient, something less than \$4 may be reasonable. So if you take the time to read the entire language in the amendment, you see that it says reasonable, not to exceed \$28; reasonable for the long-term nursing home, not to exceed \$4, and I think there was a misreading on the part of those folks who were inclined to look at this amendment in a negative fashion.

But that is not the key to this amendment. The key to this amendment is those folks who find themselves in long-term care facilities and who find themselves in life's battle to fight a disease or an illness that may be something that was unexpected, brought them to that nursing home where they need the attention and care that they need and should get. The problem that they were being confronted with was a dramatic increase in the cost of their medication.

One of the other misreadings, I believe, was that this would apply to the entire population of folks who are receiving prescription drugs. This only applies to those folks who are confined to a long-term care facility, and I can give you some examples, and they were heart-wrenching examples that we

received in our testimony that was taken by the committee last summer.

For example, we have a veteran who served in World War II, who at the time was battling Parkinson's disease. He had been receiving numerous medications through his Veterans' Administration plan, and he was paying \$119 a month. So he was getting a lot of medicine to take care of a number of ailments that were related to the Parkinson's, which was his principal illness. Well, when he got into the long-term care facility, they started to bill him \$1,850 a month for his medicines. That is a 1,554-percent increase for the exact same medication, and none of us that have our prescriptions provided through retirement insurance or from the VA or any other pharmacy discount package can handle a monthly increase of that magnitude, particularly someone who is in a long-term care facility. What we heard from these folks – and this is just one example; there were other examples – this is draining their savings; it is draining their retirement benefits; it is draining them of their life, because in this instance, we had family members – in this instance, this gentleman's wife, who was not in the facility but was suffering all the financial detriment of having to come up with \$1,850 per month to pay for this medicine.

This legislation, which was crafted by Representative Boyd, addresses that specific problem. It takes those costs and brings them down dramatically to where now this gentleman may be paying something less than that \$119 a month for his prescription drugs, and he will be getting them in the proper dose at his bedside by the long-term care facility. We have agreed to reimburse these people for their cost of doing that. We did not say cost and profit; we did not say revenues. We looked at the cost, and we came up with what we believe is a fair and accurate assessment of what those costs are, and quite frankly, with the pharmacists, we feel that we got the better end of the deal in negotiating those costs.

So I think the criticism of the amendment came from a misreading of the language of the amendment, perhaps skimming it too fast, because I was scratching my head when I heard the speaker's remarks of his criticisms, and his not having the opportunity to be at the hearings and hear the unfortunate situation that these seniors found themselves in in long-term care nursing facilities, then I can understand under those circumstances his criticism, but I think after hearing the debate on the legislation, on the amendment, hearing the support that this has broadly in this House chamber, hearing specifically what this amendment does do and the positive impact it will have on that population in long-term nursing facilities, then I think that that member is going to change his position and he will vote "yes" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Fichter	Maitland	Rubley
Allen	Fleagle	Major	Ruffing

Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	George	McIlhattan	Shaner
Belfanti	Gerber	McIlhinney	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S. H.
Birmelin	Godshall	Millard	Solobay
Bishop	Good	Miller, R.	Sonney
Blackwell	Goodman	Miller, S.	Staback
Blaum	Grell	Mundy	Stairs
Boyd	Grucela	Mustio	Steil
Bunt	Gruitza	Myers	Stern
Buxton	Haluska	Nailor	Stetler
Caltagirone	Hanna	Nickol	Stevenson, R.
Cappelli	Harhai	O'Brien	Stevenson, T.
Causer	Harhart	Oliver	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Parker	Taylor, E. Z.
Cohen	Hennessey	Payne	Taylor, J.
Cornell	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Creighton	Hess	Petrone	Turzai
Cruz	Hickernell	Phillips	Veon
Curry	Hutchinson	Pickett	Vitali
Daley	James	Pistella	Walko
Dally	Kauffman	Preston	Wansacz
DeLuca	Keller, M.	Pyle	Waters
Denlinger	Keller, W.	Quigley	Watson
Dermody	Kenney	Ramaley	Wheatley
DeWeese	Killion	Rapp	Williams
DiGirolamo	Kirkland	Raymond	Wilt
Diven	Kotik	Readshaw	Wojnaroski
Donatucci	LaGrotta	Reed	Wright
Eachus	Leach	Reichley	Yewcic
Ellis	Lederer	Rieger	Youngblood
Evans, D.	Leh	Roberts	Yudichak
Evans, J.	Lescovitz	Roebuck	Zug
Fabrizio	Levdansky	Rohrer	
Fairchild	Mackereth	Rooney	Perzel,
Feese	Maher	Ross	Speaker

NAYS-2

Casorio Crahalla

NOT VOTING-0

EXCUSED-5

Corrigan McNaughton Sather Thomas
Josephs

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maitland	Rubley
Allen	Fleagle	Major	Ruffing
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	George	McIlhattan	Shaner
Belfanti	Gerber	McIlhinney	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S. H.
Birmelin	Godshall	Millard	Solobay
Bishop	Good	Miller, R.	Sonney
Blackwell	Goodman	Miller, S.	Staback
Blaum	Grell	Mundy	Stairs
Boyd	Grucela	Mustio	Steil
Bunt	Gruitza	Myers	Stern
Buxton	Haluska	Nailor	Stetler
Caltagirone	Hanna	Nickol	Stevenson, R.
Cappelli	Harhai	O'Brien	Stevenson, T.
Casorio	Harhart	Oliver	Sturla
Causer	Harper	O'Neill	Surra
Cawley	Harris	Pallone	Tangretti
Civera	Hasay	Parker	Taylor, E. Z.
Clymer	Hennessey	Payne	Taylor, J.
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Rieger	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker
Feese			

NAYS-1

Crahalla

NOT VOTING-0

EXCUSED-5

Corrigan McNaughton Sather Thomas
Josephs

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 2171, PN 3010**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders; imposing a penalty; and providing for sentences for sex offenders.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Could we have a brief explanation of this bill?

The SPEAKER pro tempore. The gentleman, Mr. Dally, has agreed, and you may proceed with your question.

Mr. DALLY. Thank you, Mr. Speaker.

A brief explanation. This is the same bill that came out of Judiciary the other week, and what this bill does is it establishes a mandatory minimum prison term for individuals who commit subsequent offenses of our State's Megan's Law. This mandatory minimum will require an individual who commits a violation of Megan's Law to be sentenced to a mandatory minimum sentence of 25 years in prison. If a person commits a third offense, the mandatory minimum sentence will be life in prison. In order to avoid the debacle that occurred in Vermont recently where a repeat sex offender was sentenced initially to 60 days in jail, under this bill, a court will have no authority to suspend the sentence or impose a lesser sentence or to place the sex offender on probation.

This House bill also amends Title 18 of the Crimes Code by establishing a new specific offense for intentionally assisting a sex offender in eluding a law enforcement officer. An individual can be charged with this offense if they have reason to believe that a sex offender is not complying with the requirements of the sex offender's probation or parole, including registering with the Pennsylvania State Police, and that individual does any of the following: One, they withhold information or do not notify a law enforcement agent; two, they harbor or assist another in harboring or attempting to harbor a sex offender; conceals or assists another in concealing or attempting to conceal a sex offender; and provides false information to a law enforcement agent or agency. This new offense is graded as a felony of the third degree punishable by a maximum fine of up to \$15,000 and a maximum term of incarceration of 7 years.

Now, why are these enhancements required? A few notable recent crimes by repeat sex offenders: There was Dru Sjodin, a college student in North Dakota who was kidnapped, raped, and

murdered by a twice-convicted sex offender who had recently been released from prison following a 23-year sentence for rape; 9-year-old Jessica Lunsford in Florida was abducted, raped, and buried alive by John Couey, a convicted sex offender on probation with a 30-year criminal history record and was in violation of sex offender registration requirements at the time of the crime; 13-year-old Sarah Lunde in Florida was murdered by a registered sex offender with a previous rape conviction; 9-year-old Dylan Groene from Idaho was raped and murdered, and his 8-year-old sister, Shasta Groene, was kidnapped and repeatedly raped by a convicted child rapist who was currently on probation and in violation of sex offender registration requirements.

Unfortunately, Mr. Speaker, that is just a few of the recent cases that have occurred in this area of crime, and I ask that the House support HB 2171 and the very needed enhancements that are included in that bill. Thank you.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to speak on the bill.

The SPEAKER pro tempore. The gentleman is in order, and you may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

First I would like to congratulate the maker of the bill on his efforts to deal with such a heinous crime of sex offenders. Certainly these vicious and disgusting people should be heavily prosecuted.

Reluctantly I am going to vote against this bill because I think that it really goes too far. Mr. Speaker, the problem with minimum mandatory sentencing is that when you set this trap out to make sure the vicious and evil people are caught and sentenced hard, you also create a trap for the hapless and less guilty, and the problem with minimum mandatory sentencing is that it takes the ability away from judges whom we elect to sift out the difference between the truly heinous people, the truly vicious people, who deserve to go away for the rest of their lives, between them and those who perhaps should only go to jail for 5 years or 7 years or 9 years. It really creates a situation where judges are forced to perform injustices.

Mr. Speaker, we could create scenarios where there might be a person who does commit some sort of sex offense for the second time, although totally indefensible, where perhaps he should not go to jail for 25 years. Maybe 18 years is enough; maybe 17 years is enough; maybe he ought to get 30 years, but to simply say he has to get 25 when the appropriate sentence might be 15 is tying the hands of the judges to look into the individual circumstances of each case.

I mean, you also have in this case life imprisonment for a third offender. Again, there could be this scenario where there are certain circumstances where it should not be life. Maybe it should be 40 years; maybe it should be 30 years, but we should care about doing justice.

I think, Mr. Speaker, there are some provisions here that create a third-degree felony for someone who merely harbors a sex offender. Now, that could be the mother of a sex offender who is just trying to protect her son; it could be somebody who does nothing other than let her son come home to stay with her, and that, under this law, would have a maximum penalty of 7 years.

Failure to register. Again, someone does not even have to harm a child in any way. Simply failing to register, that again is a felony of the third degree, which is 7 years.

I am not going to beat this to death, but I think that in short this bill simply does not take a reasonable, thoughtful approach in trying to differentiate between those who definitely have committed heinous acts and those who have committed less heinous acts.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton County, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise on behalf of my colleague from Northampton County in the Slate Belt in support of HB 2171.

In Northampton County, District Attorney John Morganelli has been working with myself and Representative Jenn Mann on many of these issues involving Megan’s Law and sexual offenders.

Much of the research shows that, unfortunately, this is a crime that really has no cure. So I believe Representative Dally’s bill is a very good bill, and I encourage all the members to vote in favor of HB 2171. I applaud again my colleague from Northampton County, look forward to working with him, the district attorney of Northampton County, and Representative Mann to strengthen as best we can any of those bills that have to do with serious sexual offenders, that they are punished accordingly and severely.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentlelady, Ms. Josephs, on the floor of the House, and her name will be added to the master roll call.

CONSIDERATION OF HB 2171 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sainato
Baker	Forcier	Mann	Samuelson
Baldwin	Frankel	Markosek	Santoni
Barrar	Freeman	Marsico	Saylor
Bastian	Gabig	McCall	Scavello
Bebko-Jones	Gannon	McGeehan	Schroder
Belardi	Geist	McGill	Semmel
Belfanti	George	McIlhattan	Shaner
Benninghoff	Gerber	McIlhinney	Shapiro
Beyer	Gergely	Melio	Siptroth

Bianucci	Gillespie	Metcalfe	Smith, B.
Birmelin	Gingrich	Micozzie	Smith, S. H.
Bishop	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Gruitza	Myers	Stern
Caltagirone	Haluska	Nailor	Stetler
Cappelli	Hanna	Nickol	Stevenson, R.
Casorio	Harhai	O’Brien	Stevenson, T.
Causer	Harhart	Oliver	Sturla
Cawley	Harper	O’Neill	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Parker	Taylor, E. Z.
Cohen	Hennessey	Payne	Taylor, J.
Cornell	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Rieger	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS—2

Manderino	Vitali
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NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

PORTRAIT PRESENTED TO MR. OLIVER

The SPEAKER pro tempore. The Chair kindly requests the gentleman, Mr. Williams, to come to the podium, please.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you very much.

If the House would momentarily note the ascension to the podium of one of our deputy whips, Representative Jewell Williams has a presentation to make to one of our very senior members. This will only take a minute or two, but this is a very special moment for the Democrats and I think in general for our brothers and sisters on the other side. It is in honor of one of our members.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Williams, you may proceed when you are ready.

Mr. WILLIAMS. Thank you, Mr. Speaker.

On behalf of Black History Month, we have a gentleman who has been in the House, who is an African-American, who has spent many years here. We were thinking about what should we do for Black History Month? So we decided to get a portrait, and this portrait that we have will be presented, and if the gentleman, Mr. Oliver, could join me so you can see, so everyone can see this portrait. We know he is bashful, but—

Mr. Oliver, for the many years that you contributed to the Black community, I would just like to present this portrait to you and your family. For all the great things you have done for the city of Philadelphia and particularly your district and the North Philadelphia community, we present you with this portrait for your enjoyment to you and your family.

Mr. Oliver.

Mr. OLIVER. Thank you very much.

Believe me, in all sincerity, this is a tremendous honor. I am the type of person I never really look for anything, but to get something like this, believe me, I certainly appreciate it. In fact, I will tell you, if you do not mind, I think I would just like to steal a line from the Reverend Jackson. Based on this presentation, I feel today like I am somebody, just because of that, because like I said, I do not ever look for anything. I just go about doing what I think is best for me and the district that I represent.

I feel like, I do not know, like I am ready to leave this House of Representatives, but if I do, I think it would break my heart, because I have received so many friends, when I stop to think, in all corners of this Commonwealth, Republicans and Democrats, and I want to say to you, some of the best things that have happened to me in my lifetime have happened right here in this House of Representatives, and I shall be forever grateful to all of you.

Thank you so much.

The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates the gentleman and wishes him the very best.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1966, PN 2699**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sexual offender registration procedures and applicability.

On the question,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. 5925.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	Oliver	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Josephs	Pyle	Waters
Dally	Kauffman	Quigley	Watson
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenney	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel, Speaker
Fairchild	Mackereth		

NAYS—0

NOT VOTING—1

O'Brien

EXCUSED—4

Corrigan McNaughton Sather Thomas

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration?

The SPEAKER. The rules are immediately suspended for amendment 5925.

On the question recurring,
Will the House agree to the bill on third consideration?

Mr. DALLY (for Mr. O'BRIEN) offered the following amendment No. A05925:

Amend Title, page 1, line 2, by inserting after "for" registration and for

Amend Sec. 1, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Sections 9795.1(a)(1) and 9795.2(a)(2) and (2.1) and (b) of Title 42 of the Pennsylvania Consolidated Statutes, amended or added November 24, 2004 (P.L.1243, No.152), are amended to read: § 9795.1. Registration.

(a) Ten-year registration.—The following individuals shall be required to register with the Pennsylvania State Police for a period of ten years:

(1) Individuals convicted of any of the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping) where the victim is a minor.

18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle).

18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

18 Pa.C.S. § 3126 (relating to indecent assault) where the offense is graded as a misdemeanor of the first degree or higher.

18 Pa.C.S. § 4302 (relating to incest) where the victim is 12 years of age or older but under 18 years of age.

18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses) where the actor promotes the prostitution of a minor.

18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to obscene and other sexual materials and performances) where the victim is a minor.

18 Pa.C.S. § 6312 (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

* * *

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

This amendment A5925 is an amendment to HB 1966. Back in 2005, Act 76 of 2005, there were additional offenses added to Megan's Law which created an F-3 offense, and what these offenses pertained to were offenses against a victim that was 13 years of age or less. The F-3 that was created in that bill provides for an additional crime to be charged in instances like that. What occurred is that under current Megan's Law, F-3 offenses are not subject to the registration requirements under the current Megan's Law. So what this amendment does, it brings the F-3 within Megan's Law so those individuals that are convicted of crimes that are graded as an F-3 would have to register under Megan's Law. So it closes that loophole.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalf	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Tighe
Cornell	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Rieger	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan McNaughton Sather Thomas

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?
Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Tigue
Cornell	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGiolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic

Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Rieger	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan McNaughton Sather Thomas

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 2117, PN 2912**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

On the question,
Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
Could we have a brief explanation of this?

The SPEAKER. The gentleman, Mr. Benninghoff, indicates that he will give a brief explanation. The gentleman is in order.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

To the gentleman's inquiry, this proposal just extends for those who are registered as a sex offender, should they go out and commit a second offense and subsequently kill their victim, that they would be eligible for the death penalty.

On the question recurring,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubley
Argall	Fleagle	Major	Ruffing
Armstrong	Flick	Manderino	Sainato

Baker	Forcier	Mann	Samuelson
Baldwin	Frankel	Markosek	Santoni
Barrar	Freeman	Marsico	Saylor
Bastian	Gabig	McCall	Scavello
Bebko-Jones	Gannon	McGeehan	Schroder
Belardi	Geist	McGill	Semmel
Belfanti	George	McIlhattan	Shaner
Benninghoff	Gerber	McIlhinney	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Birmelin	Gingrich	Micozzie	Smith, S. H.
Bishop	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Gruitza	Myers	Stern
Caltagirone	Haluska	Nailor	Stetler
Cappelli	Hanna	Nickol	Stevenson, R.
Casorio	Harhai	O'Brien	Stevenson, T.
Causer	Harhart	Oliver	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Parker	Taylor, E. Z.
Cohen	Hennessey	Payne	Taylor, J.
Cornell	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Rieger	Yudichak
Ellis	Leh	Roberts	Zug
Evans, D.	Lescovitz	Roebuck	
Evans, J.	Levdansky	Rohrer	Perzel,
Fabrizio	Mackereth	Rooney	Speaker
Fairchild			

NAYS-2

Kirkland	Vitali
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NOT VOTING-0

EXCUSED-4

Corrigan	McNaughton	Sather	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 2374, PN 3390**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing, in motorbus road tax credits or refund, for bus company reimbursement for motor fuel tax.

On the question,
Will the House agree to the bill on third consideration?

Mr. **LEH** offered the following amendment No. **A05934**:

Amend Sec. 1 (Sec. 9805), page 2, lines 7 through 9, by striking out "that qualifies for a refund of" in line 7, all of line 8 and "Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6427)" in line 9

On the question,
Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Leh.

Mr. **LEH**. Thank you, Mr. Speaker.

This amendment is simply a technical amendment, and all it does is remove the unnecessary reference to the IRS Code section, and I would ask a positive vote from the chamber.

The **SPEAKER**. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Feese	Maher	Rubleby
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Tigue
Cornell	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic

Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Rieger	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan	McNaughton	Sather	Thomas
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair has before it a motion for a suspension of the rules on amendment A6001, but that amendment, substantially the same, was defeated on June 7, 2005. It is therefore out of order.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Mr. Speaker, I move that the rules of the House be suspended for amendment A6002.

On the question,

Will the House agree to the motion?

The SPEAKER. Would the gentleman give a brief explanation.

Mr. CASORIO. Thank you, Mr. Speaker, for the opportunity.

At your request, this amendment 6002 would place a moratorium on the auto emissions inspection program. "Notwithstanding any of the provisions of this chapter or any law to the contrary, all vehicle emission inspection programs shall cease immediately for a period of five years beginning on the effective date of this section," and that is the amendment in its entirety, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I am going to ask the members to vote against the suspension of the rules at this time. Certainly the content of this amendment is something that I personally am supportive of.

Dealing with this whole issue is something that I would like to see this legislature do. I am just concerned, Mr. Speaker, that the issue has been wrestled with in the Transportation Committee. I would like to see them come to some more permanent resolve as opposed to a temporary moratorium that this amendment would present.

So with respect for the content of the amendment, and as I mentioned, Mr. Speaker, it is something I personally would be able to be supportive of in general, I reluctantly would ask the members to oppose the motion to suspend the rules.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-79

Bebko-Jones	Gerber	Marsico	Santoni
Belardi	Gergely	McGeehan	Shaner
Belfanti	Gruitza	Melio	Shapiro
Biancucci	Haluska	Metcalfe	Siptroth
Bishop	Hanna	Myers	Solobay
Blackwell	Harhai	Oliver	Sturla
Blaum	Hasay	Pallone	Surra
Caltagirone	James	Parker	Tangretti
Casorio	Josephs	Petrarca	Tigue
Cawley	Keller, W.	Petrone	Veon
Cohen	Kirkland	Pistella	Walko
Costa	Kotik	Preston	Wansacz
Cruz	LaGrotta	Ramaley	Waters
Daley	Lederer	Readshaw	Wheatley
DeLuca	Lescovitz	Rieger	Williams
Dermody	Levdansky	Roberts	Wojnaroski
DeWeese	Maher	Roebuck	Yewcic
Donatucci	Manderino	Rooney	Youngblood
Fabrizio	Mann	Ruffing	Yudichak
Frankel	Markosek	Sainato	

NAYS-118

Adolph	Fairchild	Killion	Rohrer
Allen	Feese	Leach	Ross
Argall	Fichter	Leh	Rubley
Armstrong	Fleagle	Mackereth	Samuelson
Baker	Flick	Maitland	Saylor
Baldwin	Forcier	Major	Scavello
Barrar	Freeman	McCall	Schroder
Bastian	Gabig	McGill	Semmel
Benninghoff	Gannon	McIlhattan	Smith, B.
Beyer	Geist	McIlhinney	Smith, S. H.
Birmelin	George	Micozzie	Sonney
Boyd	Gillespie	Millard	Staback
Bunt	Gingrich	Miller, R.	Stairs
Buxton	Godshall	Miller, S.	Steil
Cappelli	Good	Mundy	Stern
Causer	Goodman	Mustio	Stetler
Civera	Grell	Nailor	Stevenson, R.
Clymer	Grucela	Nickol	Stevenson, T.
Cornell	Harhart	O'Brien	Taylor, E. Z.
Crahalla	Harper	O'Neill	Taylor, J.
Creighton	Harris	Payne	True
Curry	Hennessey	Petri	Turzai
Dally	Herman	Phillips	Vitali
Denlinger	Hershey	Pickett	Watson
DiGirolamo	Hess	Pyle	Wilt
Diven	Hickernell	Quigley	Wright
Eachus	Hutchinson	Rapp	Zug
Ellis	Kauffman	Raymond	
Evans, D.	Keller, M.	Reed	Perzel,
Evans, J.	Kenney	Reichley	Speaker

NOT VOTING—0

EXCUSED—4

Corrigan McNaughton Sather Thomas

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?
Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Sorry, you know, for this chain of thought, but the machine did not work right. I wanted to vote in the green. So sorry.

The SPEAKER. The gentleman's remarks will be spread across the record.

Mr. STAIRS. Thank you very much.

CONSIDERATION OF HB 2374 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Schroder
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	Oliver	Surra

Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Tigue
Cornell	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Rieger	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan McNaughton Sather Thomas

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 509, PN 806

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order of payment of claims against the estate of a decedent.

Whereupon, the Speaker, in the presence of the House, signed the same.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1177, PN 3582 (Amended) By Rep. KENNEY

An Act providing for the content and format of a uniform prescription drug beneficiary identification card, for prohibitions relating to discounts from pharmacies and for remedies and penalties.

HEALTH AND HUMAN SERVICES.

HB 2125, PN 3583 (Amended)

By Rep. KENNEY

An Act amending the act of March 4, 1971 (P.L. 6, No.2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

HEALTH AND HUMAN SERVICES.

HB 2443, PN 3519

By Rep. KENNEY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for continuation of demonstration projects for cardiac care.

HEALTH AND HUMAN SERVICES.

SB 969, PN 1530 (Amended)

By Rep. RAYMOND

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "eligible entity"; and further providing for responsible alcohol management remediation for licensees and for rights of municipalities preserved.

LIQUOR CONTROL.

The SPEAKER. The House will be at ease.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. For what purpose does the gentleman, Mr. Blaum, rise?

Mr. BLAUM. Thank you, Mr. Speaker.

Just to request a Capitol leave for the gentleman, Mr. KOTIK.

The SPEAKER. Without objection, that leave will be granted.

CONFERENCE COMMITTEE APPOINTED**CONFERENCE COMMITTEE MEETING**

The SPEAKER. For the information of the members, there will be a meeting in the majority leader's conference room, room 110, for the conferees on HB 1318. The conferees are the gentleman, Mr. Barrar; the gentleman, Mr. Turzai; and the gentelady, Ms. Josephs.

At 5:30, room 110, the majority leader's conference room.

REPUBLICAN CAUCUS

The SPEAKER. The Chair at this time recognizes the gentelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican caucus at 4:45 – 4:45.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there also will be a Democratic caucus at 4:45.

Mr. Speaker, could you tell us what time we are going to be back on the House floor?

The SPEAKER. It is the indication of the gentelady from Chester between 6 and 6:30.

Mr. COHEN. Okay. Then I would like to make a further announcement. There will be informal discussions in the caucus room at 5:30.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Any other announcements?

Hearing none, this House is in recess until the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1467, PN 3577**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**COMMUNICATION FROM
DEMOCRATIC LEADER**

The SPEAKER. The clerk will read the communication from the minority leader.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

February 8, 2006

Honorable Michael F. Gerber
PA House of Representatives
25B East Wing
Harrisburg, PA 17120

Dear Representative Gerber:

This letter supplements my correspondence to you dated January 20, 2005. Please be advised that you have been appointed to serve as Democratic Subcommittee Chair on Energy for the

Environmental Resources and Energy Committee for the remainder of the 2005-2006 Legislative Sessions of the General Assembly, replacing Representative Alan Butkovitz, effective immediately.

Sincerely,
H. William DeWeese
The Minority Leader

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. BARRAR presented the report of the committee of conference on **HB 1318, PN 3587**.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1467, PN 3588 (Amended) By Rep. S. SMITH

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

RULES.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1955, PN 2669**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1955, PN 2669

An Act designating the bridge carrying State Route 66 over Garrett's Run and the J. Franklin Graff Bridge in Manor Township, Armstrong County, as the 1/112th Infantry Alpha Company Bridge.

Whereupon, the Speaker, in the presence of the House, signed the same.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1467, PN 3588**, as further amended by the House Rules Committee:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. It is moved by the gentleman, Mr. Stevenson, that the House do concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members of the House to nonconcur in the Senate amendments.

As a reminder, this is a bill that deals with folks who are building new homes and what procedure they have to go through if they have a dispute about the condition of the home or repairs that need to be made. And there are some good parts of the bill in terms of having a procedure that gives the contractor the opportunity to repair in the first instance, and when this bill was in the House originally, I said that that was a good concept in the bill. Unfortunately, the bill undermines important consumer protections that our law currently gives to folks in Pennsylvania right now, and the amendments in the Senate did not improve that situation.

So if we would pass this on a concurrence, we would be doing a number of detrimental things to our homeowners. We would be taking them out from underneath our Pennsylvania Consumer Protection Law, a law that was designed to help consumers in these kinds of situations have a fair and even bargaining position with the moneyed interests that have more power than they do.

Right now our Consumer Protection Law, which applies to repairs, recognizes that consumers are at a disadvantage and allows them to get treble damages and attorney's fees if they have to go so far as to take a builder or a contractor to court in order to get their property repaired. But this law puts into effect a procedure that takes folks out of those protections under our law, and in particular, what I find egregious is that even the remedies provided under this proposed statute do not allow consumers to recover what it might actually cost them to fix their house.

Under the "Right of action" language in this bill, a claimant may not recover any amount in excess of the fair market value of the offer to repair the construction defect or the actual cost of repairs, whichever is less, and they do not know until they go to court whether or not someone is going to find the offer that they were made up front reasonable or not. But if it is determined after the fact that it was not reasonable, then folks are going to

end up with less money or not enough money to even repair their homes.

I do not think we want to do this to Pennsylvania consumers, particularly because there is no real problem out there that we are trying to affect. There have been no massive complaints in Pennsylvania about how our procedures currently work, and as a matter of fact, most reputable home contractors already provide for a procedure that is fair to their consumers, allows them to negotiate and to go through an arbitration process and avoid court without taking away their consumer protections under our laws, and this is working very well. So why we want to pass a law to protect folks who are not doing that, who are not the reputable homebuilders, who are not treating our consumers fair, is beyond me. Our current laws work well. Reputable builders and homeowners, people purchasing a new home, are well served by the current Pennsylvania law.

Let us keep the current Pennsylvania law in place. In order to do that, you have to vote “no” on concurrence in 1467. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentlelady from Montgomery, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I have a parliamentary inquiry.

The SPEAKER. The gentlelady will state.

Ms. HARPER. Mr. Speaker, my computer is showing HB—

The SPEAKER. The gentlelady is correct.

Ms. HARPER. I am sorry?

The SPEAKER. The gentlelady is correct. There is an error. We are waiting for a reprint.

Ms. HARPER. I cannot hear you.

The SPEAKER. We are waiting for a reprint.

Ms. HARPER. You anticipated my question, and I thought we had the wrong bill on the screen.

The SPEAKER. I thought Mr. Vitali would pick it up before you did.

Ms. HARPER. Thank you very much.

The SPEAKER. Would the gentleman, Mr. Stevenson, like to be recognized while we are waiting for the reprint?

Mr. T. STEVENSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. T. STEVENSON. I would just like to say, really refute what the gentlelady from Philadelphia County had to say. Basically, we are not taking the procedure away from the consumer that they can go under our Pennsylvania Consumer Protection Act. They can still do that at any time that the contractor is not bargaining in good faith and, under that act, get treble damages and attorney’s fees.

This procedure that is set forth in HB 1467 is going to benefit the consumer, and it is proconsumer in that a great percentage of the construction defect cases will be settled by using this mediation process, therefore really saving money for the consumer in attorney’s fees and court costs. And I would encourage the members to support this bill and remind them that this bill passed overwhelmingly the first time in the House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I also rise in favor of this bill, in favor of concurrence. We had this bill in the House earlier, a couple of months ago. We went through all the arguments at that time, and I would urge – I agree with my colleague who just spoke, Representative Stevenson – that we concur in this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Mr. Speaker, I have another parliamentary inquiry.

The SPEAKER. The gentlelady will state.

Ms. HARPER. Is it appropriate for us to be debating a bill which is not on our screens at the present time, which was amended about an hour ago, and that we do not have a copy of?

The SPEAKER. If a member raises an objection, we will stop. If that is what the gentlelady is doing, we will stop.

Ms. HARPER. Yes, I am objecting. Any bill that—

The SPEAKER. No problem; that is it. We will stop.

Ms. HARPER. I think we ought to be able to read it. Thank you very much, Mr. Speaker.

The SPEAKER. We will be at ease.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1467 will be passed over temporarily.

RECESS

The SPEAKER. This House stands in recess in regular session to the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 862, PN 1319**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for licensure application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals, for licensing of key employees, for recusal and disqualification of members, for alternate members, for initial applications and for code of conduct; and further providing for occupation permit application, for gross terminal revenue deductions, for transfers from the State Gaming Fund, for public official financial interests, for political influence and for enforcement.

On the question,
Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 862 be placed upon the table.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 862 be taken off the table.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. For what purpose does the gentleman, Mr. VEON, rise?
Mr. VEON. Thank you, Mr. Speaker.
Mr. Speaker, to make a motion.
The SPEAKER. The Chair recognizes the gentleman, Mr. Veon, for the purpose of a motion.
Mr. VEON. Thank you, Mr. Speaker.
Mr. Speaker, I would like to make a motion to remove HB 2021, the bill to increase the minimum wage in the State of Pennsylvania, from the tabled calendar and place it on the active calendar.

The SPEAKER. That motion is not debatable except by the floor leaders.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—174

Adolph	Feese	Major	Ruffing
Allen	Fichter	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Barrar	Frankel	Marsico	Saylor
Bastian	Freeman	McCall	Scavello
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Shaner
Belfanti	George	McIlhattan	Shapiro
Benninghoff	Gerber	McIlhinney	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Micozzie	Smith, S. H.
Birmelin	Gingrich	Millard	Solobay
Bishop	Godshall	Miller, R.	Sonney
Blackwell	Good	Mundy	Staback
Blaum	Goodman	Myers	Stairs
Bunt	Grell	Nailor	Steil
Buxton	Grucela	Nickol	Stern
Caltagirone	Gruitza	O'Brien	Stetler

Cappelli	Haluska	Oliver	Stevenson, T.
Casorio	Hanna	O'Neill	Sturla
Causler	Harhai	Pallone	Surra
Cawley	Harhart	Parker	Tangretti
Civera	Harper	Payne	Taylor, E. Z.
Clymer	Hasay	Petrarca	Taylor, J.
Cohen	Hennessey	Petri	Tigue
Cornell	Herman	Petrone	True
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Keller, M.	Quigley	Waters
Dally	Keller, W.	Ramaley	Watson
DeLuca	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wojnarowski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maitland	Rublely	Speaker

NAYS—23

Armstrong	Forcier	Leh	Rohrer
Baldwin	Gabig	Maher	Schroder
Boyd	Harris	Metcalfe	Stevenson, R.
Creighton	Hickernell	Miller, S.	Turzai
Denlinger	Hutchinson	Mustio	Wilt
Ellis	Kauffman	Pyle	

NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

MOTION TO RECOMMIT

The SPEAKER. The Chair at this time recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2021 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,
Will the House agree to the motion?

PARLIAMENTARY INQUIRIES

The SPEAKER. The gentleman, Mr. Veon.
Mr. VEON. Mr. Speaker, a point of parliamentary inquiry.
The SPEAKER. The gentleman will state.
Mr. VEON. Mr. Speaker, I just want to make sure I heard the Speaker correctly, that the Speaker in his duties as Speaker of the House was rereferring the bill to—? I am sorry.
The SPEAKER. The Appropriations Committee.
Mr. VEON. The Appropriations Committee.
A point of parliamentary inquiry.

Is it appropriate at this point to oppose that rereferral to Appropriations?

The SPEAKER. The gentleman is in order.

Mr. VEON. Is a motion necessary, Mr. Speaker – as a point of parliamentary inquiry – or a simple opposition of rereferral? Do I have to make a motion to oppose the referral?

The SPEAKER. The motion has been made to recommit, so the gentleman would state his reasons as to not recommit the bill to the Appropriations Committee.

Mr. VEON. Thank you, Mr. Speaker.

One more point of parliamentary inquiry.

Is that debatable by members here on the floor?

The SPEAKER. Yes, it is.

Mr. VEON. Thank you, Mr. Speaker.

So, Mr. Speaker, any member on the Democratic side could get up and make the point that we oppose this motion to rerefer this bill to the Appropriations Committee.

That concludes my inquiry. I just want to make a comment on the—

The SPEAKER. The gentleman is in order.

Mr. VEON. —recommittal. Thank you, Mr. Speaker.

Mr. Speaker, I cannot tell you how disappointed I am again here tonight, as we stand here in February in the House of Representatives in the State of Pennsylvania, where once again the Republican leadership here in the House, together with way too many members of the Republican Caucus here in the House of Representatives, are doing everything possible, using more new and updated parliamentary tricks of the trade, to prevent the House Democrats from putting on the floor of this House a vote to increase the minimum wage for the 420,000 Pennsylvanians who have gone 9 long years – 9 long years – with no increase in the minimum wage. And, Mr. Speaker, I strongly oppose this effort by the Republican leadership to recommit, rerefer this bill to Appropriations. This simply is one more effort to stop us from having a vote on the floor of the House.

Now, the Democrats have worked very hard, and we have in fact had three or four votes here already on the House floor where the Republicans have said no, the Republicans have tabled, the Republicans have stopped us from having an up-or-down vote on an increase in the minimum wage in the State of Pennsylvania. When is that going to stop? When will this Republican leadership, members of the Republican Caucus, rank-and-file members, allow us to have an opportunity to increase the minimum wage for a vote, simply a vote on the House floor to increase the minimum wage for 423,000 Pennsylvanians?

Mr. Speaker, enough is enough. It is long past time to give us an opportunity to vote on a bill to increase the minimum wage in the State of Pennsylvania, and I strongly oppose this motion to rerefer and ask my colleagues to join me in doing the same.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair would like to note to the membership that it has given more latitude to the leader than it will allow the other members on this particular piece of legislation. It is a normal procedure to submit bills to the Appropriations Committee for a fiscal note, because it does have a fiscal impact.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Dally, was next. The gentleman, Mr. Cohen, is after Mr. Dally.

Mr. DALLY. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state.

Mr. DALLY. And I think you just alluded to that. On my screen it indicates this bill has never been to Appropriations.

The SPEAKER. That is correct.

Mr. DALLY. And is it not required that we get a fiscal note?

The SPEAKER. That is correct.

Mr. DALLY. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is not important for it to go to the Appropriations Committee, because there is no fiscal impact. What would it cost to raise—

The SPEAKER. Mr. Cohen, I have already made a ruling, Mr. Cohen. That is a fact.

Mr. COHEN. Mr. Speaker, this is a motion to recommit to the Appropriations Committee, and I think that the reason for recommitting to the Appropriations Committee is to discuss what the fiscal impact is. The fact that there is not one single State employee, not one single State employee earning below \$7.15 shows that there is no fiscal impact. There is nothing to find. We do not need to know how much money is this going to cost because we know there is not a single State employee that is covered by this bill. Because there is no fiscal impact, it is not necessary to refer it to committee. Because the other bills have been recommitted to committee and died there, if we want to pass an increased minimum wage, it is necessary not to refer it to committee.

I think, Mr. Speaker, we ought to vote “no” on this, and let us find out where everybody stands on raising the minimum wage, something that is desired by 84 percent of the population of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the Appropriations chairman, the gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, I must disagree with my colleague from Philadelphia. It has a fiscal impact on political subdivisions as well. Our rule says it must be submitted to the Appropriations Committee for a fiscal note if there is a fiscal impact on the Commonwealth or a political subdivision. Many political subdivisions, particularly in my district, Mr. Speaker, hire youth for the summer. They do not pay necessarily \$7 an hour, more than \$7 an hour as indicated by Mr. Cohen, and so it is appropriate that it goes to the committee and we do our job and present a fiscal note to this body.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Well, this is interesting to say the least, and I rise to oppose the motion to rerefer HB 2021, the minimum-wage-increase legislation, to the Appropriations Committee.

Mr. Speaker, in all the years that I have been here, in the various minimum-wage bills that we have debated, I do not ever recall seeing a fiscal note that dealt with local government at all. Now, my memory, I am getting older and maybe it is wrong, but I am pretty sure I am correct. And I want to reach out to my Republican colleagues who heretofore have been really blocking this legislation, because I know the day will come when we do get an up-or-down vote, and we can do that now if we do not rerefer this bill, and when that day comes, Mr. Speaker, you know that there will be a landslide of votes that come to pass that legislation.

The time is now. There are a half a million Pennsylvanians who desperately need this. It is time to do it. The Federal government will not act. Many, many other States and all the States that surround us have done it—

The SPEAKER. The gentleman is far beyond the scope.

Mr. SURRA. Yes, Mr. Speaker, I have been shut up on this debate before, so I will conclude—

The SPEAKER. Mr. Surra, nobody shut you up.

Mr. SURRA. —that I— Well, they cannot rise on unanimous consent. That is what I was speaking about, Mr. Speaker. If I can continue, sir? Thank you.

The SPEAKER. We are waiting.

Mr. SURRA. I rise to oppose the motion to recommit. I am asking everybody in this room that knows that Pennsylvanians need this bill to vote to not rerefer. It is the right thing to do, and let us get it before us so we can vote on it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

To expand on the observations of our worthy Appropriations chairman, I would also note that Pennsylvania, our Commonwealth, funds an enormous number of social service programs, many of which entail a cost-reimbursement formula.

There certainly is a fiscal impact on this Commonwealth of Pennsylvania directly, and what that impact is I have no ability to estimate. I will look to the staff of the Appropriations Committee to try to come up with their best estimate of what that impact would be on the Commonwealth itself. And I will avoid the discussions on the merits of the bill and the tragic consequences it could have for many Pennsylvanians but stick to the observation that we do need a fiscal note, we do need to understand the fiscal impact, and support the motion to do our normal procedure and have the Appropriations Committee consider the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Ironically, there is a fiscal impact of this legislation, but it is not to the Commonwealth of Pennsylvania, it is to the people of Pennsylvania, and the fiscal impact is increased wages for people in Pennsylvania, something that we should all be standing for.

It certainly is not the time to send this into another black hole or pit so that it can just be bantered around in committee until we can finally someday consider bringing it back up for consideration. We have the time now, we have the opportunity

now, to affect and impact fiscally the people of Pennsylvania and increase the minimum wage now.

I strongly urge you to vote against the recommitment. Thank you, Mr. Speaker.

POINT OF ORDER

The SPEAKER. The gentleman, Mr. Walko.

Mr. WALKO. A point of order.

I would like to understand – I am a little bit confused – we are recommitting— This is a motion to recommit. I am wondering, has it already been through the Appropriations Committee? Since we are recommitting, it must have already been—

The SPEAKER. The answer is, no, it has not been to Appropriations.

Mr. WALKO. It has not been. So why is it a recommitment? I do not understand the parliamentary—

The SPEAKER. It was previously in another committee.

Mr. WALKO. I am sorry. I did not hear that.

The SPEAKER. It was previously in another committee.

Mr. WALKO. So it is a rereference.

The SPEAKER. Normally we just read those off at the beginning of each day, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the chairman of the Appropriations Committee?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. LEACH. Thank you, Mr. Speaker.

It seems to me that we have an impasse that has been ongoing which is easily solvable, and I would like to assume the good faith of the people on the other side of the aisle on this. There have been a lot of accusations that this is being bottled up and prevented from coming to a vote, and, you know, I would like to assume that is not true. So I would ask you, and I am willing to accept your answer as honest, if this is recommitted, if this motion passes, you as the majority chairman of the committee control the calendar of the committee, can you give us a date certain when you will bring it to a vote in the Appropriations Committee?

The SPEAKER. The Parliamentarian indicates that that is not a proper question to ask when a bill is just being recommitted for a fiscal note to the Appropriations Committee.

Mr. LEACH. So as I understand it, the Appropriations Committee chair is not permitted to answer it or he is not willing to answer it?

The SPEAKER. No, it is not a proper question to ask.

Mr. LEACH. Okay. So he is being instructed not to answer it, Mr. Speaker? Is that what you are saying?

The SPEAKER. The Chair had no conversation with the Appropriations chairman.

Mr. LEACH. Okay. So if he wishes to answer it, may he answer it, as a parliamentary inquiry?

The SPEAKER. The gentleman can question the ruling of the Chair.

PARLIAMENTARY INQUIRY

Mr. LEACH. Oh, I am sorry, Mr. Speaker. A parliamentary inquiry.

I am trying to understand the ruling of the Chair. I have watched a lot of debate where people answering questions said, despite a similar ruling, no, no, I will answer the question. I am wondering if the chair of the Appropriations Committee is permitted to make a similar offer to answer the question or if he is prohibited from making a similar offer to answer the question.

The SPEAKER. No.

Mr. LEACH. No to— No, he is not permitted to answer the question?

The SPEAKER. If the gentleman would like to question the ruling of the Chair, that is in order. The Chair will take that question.

Mr. LEACH. Well, I would hate to do that, Mr. Speaker, so I am trying to make sure I understand the ruling of the Chair before I do that.

May— I guess I will not ask a compound question. A simple question is, may, if he wishes, the Appropriations chair answer the question?

PARLIAMENTARY INQUIRY

Mr. FEESE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FEESE. And correct me if this is not the appropriate time.

Mr. Speaker, I question whether the gentleman, the majority leader's motion to recommit is appropriate and is in order under the rule? And if I could explain, Mr. Speaker, I will.

The SPEAKER. We understand. The gentleman can continue. We have discussed this previously.

Under rule 19(a), page 9, a bill cannot move to second without a fiscal note. The Chair has already determined that a fiscal note is necessary under rule 19(a).

Mr. LEACH. That is very interesting, Mr. Speaker.

The SPEAKER. The appropriate question would be to suspend rule 19(a).

Mr. LEACH. That is a motion?

The SPEAKER. Yes.

MOTION TO SUSPEND RULE 19(A)

Mr. LEACH. I make a motion to suspend rule 19(a), a rule I have always hated, Mr. Speaker.

The SPEAKER. It is moved by the gentleman that rule 19(a) be suspended.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, only the leaders can speak.

Mr. Feese? The gentleman, Mr. Smith, yields to the gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, rule 19(a) requires a fiscal note in that the bill be recommitted to the Committee on Appropriations, and "recommittal" is the correct term, unless there is a two-thirds

vote by the Rules Committee in certain limited circumstances, which has not occurred. Therefore, the bill should be recommitted to the Committee on Appropriations under the rule, unless we suspend the rule. I oppose the motion to suspend so the bill is returned to the Appropriations Committee and we can do our job and prepare a fiscal note.

Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

Just to enlighten some of our younger members and to embellish the recollection of Chairman Dermody and others who have more seniority in the process, the inimitable Tom Stish, a name that I will remember for a long, long time, Mr. Speaker, in 1986—

The SPEAKER. We will, too.

Mr. DeWEESE. That was quick.

In 1986, after Tom had sashayed from one side of the aisle to the other, the honorable gentleman introduced a minimum-wage proposal that was passed into law. It came out of the Labor Relations Committee onto the floor and it was voted; there was no fiscal note – none. I do not quite understand why the dynamics, parliamentarily speaking, tonight are any different than when the legendary Stish was at the microphone leading a cavalcade of Republicans to augment the minimum wage a decade ago. I do not understand the nuances of tonight's delicate deliberations.

The Honorable Mr. Feese wants a fiscal note, but we have a fiscal note dated yesterday 2006, and we have no municipal or State costs at all in this fiscal note. So other than the proverbial fishing expedition, I do not understand what is different today than when Tom Stish was at the helm, and all the Republicans seemed to be in favor, especially those Delaware County boys and Montgomery County fellows. I do not understand, what is the difference tonight, Mr. Speaker? I would like to think that this parliamentary exchange is unnecessary and we can get on with business.

The SPEAKER. We liked Tom Stish, Mr. DeWeese.

This is on suspension. Only the leaders can speak. The gentleman, Mr. DeWeese, spoke for the minority side of the aisle. Does the gentleman, Mr. Smith, wish to speak? The Chair apologizes; the gentleman, Mr. Feese, did.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-92

Bebko-Jones	Evans, D.	Manderino	Samuelson
Belardi	Fabrizio	Mann	Santoni
Belfanti	Frankel	Markosek	Shaner
Beyer	Freeman	McCall	Shapiro
Bianucci	George	McGeehan	Siptroth
Bishop	Gerber	Melio	Solobay
Blackwell	Gergely	Mundy	Staback
Blaum	Goodman	Myers	Stetler
Buxton	Grucela	Oliver	Sturla
Caltagirone	Gruitza	Pallone	Surra
Casorio	Haluska	Parker	Tangretti
Cawley	Hanna	Petrarca	Tigue
Cohen	Harhai	Petrone	Veon
Costa	James	Pistella	Vitali
Cruz	Josephs	Preston	Walko
Curry	Keller, W.	Ramaley	Wansacz

Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Rieger	Wheatley
Dermody	LaGrotta	Roberts	Williams
DeWeese	Leach	Roebuck	Wojnaroski
Diven	Lederer	Rooney	Yewcic
Donatucci	Lescovitz	Ruffing	Youngblood
Eachus	Levdansky	Sainato	Yudichak

NAYS—105

Adolph	Fleagle	Maher	Rohrer
Allen	Flick	Maitland	Ross
Argall	Forcier	Major	Ruble
Armstrong	Gabig	Marsico	Saylor
Baker	Gannon	McGill	Scavello
Baldwin	Geist	McIlhattan	Schroder
Barrar	Gillespie	McIlhinney	Semmel
Bastian	Gingrich	Metcalfe	Smith, B.
Benninghoff	Godshall	Micozzie	Smith, S. H.
Birmelin	Good	Millard	Sonney
Boyd	Grell	Miller, R.	Stairs
Bunt	Harhart	Miller, S.	Steil
Cappelli	Harper	Mustio	Stern
Causar	Harris	Nailor	Stevenson, R.
Civera	Hasay	Nickol	Stevenson, T.
Clymer	Hennessey	O'Brien	Taylor, E. Z.
Cornell	Herman	O'Neill	Taylor, J.
Crahalla	Hershey	Payne	True
Creighton	Hess	Petri	Turzai
Dally	Hickernell	Phillips	Watson
Denlinger	Hutchinson	Pickett	Wilt
DiGiroloamo	Kauffman	Pyle	Wright
Ellis	Keller, M.	Quigley	Zug
Evans, J.	Kenny	Rapp	
Fairchild	Killion	Raymond	
Feese	Leh	Reed	Perzel,
Fichter	Mackereth	Reichley	Speaker

NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

BILL RECOMMITTED

The SPEAKER. HB 2021 is recommitted to the Committee on Appropriations.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF HB 1467 CONTINUED

The SPEAKER. Does the gentlelady, Ms. Harper, wish to be recognized? We are back on HB 1467.

PARLIAMENTARY INQUIRIES

Mr. VEON. Mr. Speaker, a point of parliamentary inquiry.
The SPEAKER. The gentleman will state.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, the parliamentary inquiry is that it was my understanding that we still would have to have a vote on the motion to recommit the bill to the Appropriations Committee.

The SPEAKER. Because the motion to suspend rule 19(a) was not successful, the Chair sent the bill immediately to the Appropriations Committee.

Mr. VEON. Mr. Speaker, again, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state.

Mr. VEON. The parliamentary inquiry is that it was my understanding that a motion to recommit by the gentleman, Mr. Smith, was on the board and in order. The parliamentary inquiry would be, Mr. Speaker, does it therefore not take a vote of the House for that bill to be recommitted?

The SPEAKER. The Chair noted that the gentleman, Mr. Feese, was correct and that the proper motion was to suspend rule 19(a) as opposed to recommittal. Therefore, after taking the vote on that motion and that motion being defeated, the bill was immediately sent to the Appropriations Committee.

Mr. VEON. Thank you, Mr. Speaker.

One more point of parliamentary inquiry.

The SPEAKER. The gentleman will state.

Mr. VEON. Mr. Speaker, as I understand your ruling in this case, it would seem to me that the Speaker would be able to, therefore, unilaterally send any bill to Appropriations Committee before the second reading, if this particular ruling were to stand here this evening, and the point of parliamentary—

The SPEAKER. We do it day to day on a voice vote without objection, but go ahead, the gentleman will state.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a further point of parliamentary inquiry then—

The SPEAKER. The gentleman will state.

Mr. VEON. —would be that as I recall the last half-hour, we did not have or you did not ask for a voice vote on the recommittal of the bill to Appropriations, and therefore, the opportunity for a recorded vote, as I understand it, Mr. Speaker, would have been in order. The question is, am I correct in that point?

The SPEAKER. By taking the vote to suspend the rules and failing that, a vote to recommit was a lesser vote, so the Chair took the first vote and then reported the bill to the Appropriations Committee.

Mr. VEON. Thank you, Mr. Speaker.

STATEMENT BY DEMOCRATIC WHIP

Mr. VEON. Mr. Speaker, with your agreement, I would like to discontinue the point of parliamentary inquiry and make a brief statement rather than challenge the ruling of the Chair.

The SPEAKER. One moment.

The gentleman, Mr. Veon, is in order.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think as the gentleman understands and I would believe most of the members of the House understand, I certainly do not agree with the findings that the Speaker has put in front of us here today, but I do respect the position of the Speaker, and even though I disagree with what he has determined here, I do not wish to challenge the Speaker on those points.

I would say, Mr. Speaker, that I do understand that the Republicans are in the majority here in the House, and I clearly understand that the Republicans can use every parliamentary trick available, and we have now spent the last hour arguing over arcane terms, parliamentary maneuvers, recommit, rerefer, and while we have had that debate, the fact is that 423,000 Pennsylvanians who get up and go to work every day, who try to play by the rules, many of whom are heads of household, continue to live on the same minimum wage that they had 9 years ago.

Mr. Speaker, at another time on another day, I will be back here again requesting, requiring, asking, and demanding a vote to increase the minimum wage in the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Metcalfe. For what purpose does the gentleman rise?

Mr. METCALFE. It was a point of order. The gentleman, I did not know if he was operating under the minority leader's ability to make all those far-fetched arguments or not, but thank you.

The SPEAKER. It is a moot point at this point in time, Mr. Metcalfe.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Pallone, rise?

Mr. PALLONE. Thank you, Mr. Speaker.

I rise on a parliamentary inquiry, I believe. I am somewhat confused, and I do not have the experience as many of you who have been here for more than two decades, but my parliamentary inquiry is, if the motion to recommit was not appropriate based on the rule 19(a) failure, is there a mechanism contained within the rules, without challenging the decision of the Speaker, which we certainly respect your decision to commit this particular bill into the Appropriations Committee, is there a mechanism contained within the rules that would allow myself or any of the other members to record any kind of a formal objection, if you will, to the recommittal of this particular bill into the Appropriations Committee, since we do not get to cast a public vote?

The SPEAKER. The motion to suspend the rules took precedence to the other motion, so we took the motion to suspend rule 19(a), which was the appropriate motion to make so that the bill could be moved to second consideration. That failed. Once that failed, the Chair sent the bill to the Appropriations Committee. There is no other motion with the exception of the appealing of the ruling of the Chair.

Mr. PALLONE. Was it committed to Appropriations without objection or with potential objection or with, in fact, expressed objection?

The SPEAKER. It was done automatically once the motion had failed on the floor.

Mr. PALLONE. The objection is irrelevant, in other words?

The SPEAKER. Under unanimous consent, you could make the objection.

Mr. PALLONE. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. SAMUELSON

The SPEAKER. For what purpose does the gentleman, Mr. Samuelson, rise?

Mr. SAMUELSON. Thank you, Mr. Speaker. To rise on unanimous consent to say that I hold out great hope for the Appropriations Committee.

Just last week on the floor of this House, I saw a bill that needed a fiscal note and within 1 hour the Appropriations Committee got a fiscal note together on HB 1318, the voting bill. Perhaps we can expect as a House that the Appropriations Committee will move with similar speed when the topic is raising the minimum wage for Pennsylvanians and we should see this bill back on the House floor shortly, perhaps within the hour.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. FEESE

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker. Unanimous consent, please.

The SPEAKER. The gentleman is in order.

Mr. FEESE. Thank you.

Mr. Speaker, as I see the procedural posture of this case for members of the House, and I am diametrically opposed to the views of the gentleman from Beaver, what the Speaker did was move this process forward, and let me explain. Under rule 19 – I believe the House can listen – under rule 19, the bill may not move to second consideration unless it has a fiscal note, unless rule 19 is suspended. Rule 19 was not suspended. Therefore, the bill would sit in limbo indefinitely and could not move to second consideration without going to the Appropriations Committee for a fiscal note. So by the Speaker referring it to Appropriations for a fiscal note, it can then move later to second consideration and the bill could move forward; otherwise, it sits. If that is what the gentleman would like, we could maybe, I guess we could not reverse the process, but if we could reverse the process, the bill would sit in limbo and not move at all.

INTERROGATION

The SPEAKER. For what purpose does the gentleman, Mr. Belfanti, rise?

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the chairman of the Appropriations Committee.

The SPEAKER. This is under unanimous consent.

Mr. BELFANTI. Yes, Mr. Speaker.

The SPEAKER. So far the gentleman has unanimous consent. The gentleman, Mr. Feese.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, under House rule 19(a), "Fiscal Notes," 19(a), (1)(b), it gives the House the authorization to "Waive the necessity of a fiscal note on any bill which it deems to have a de minimis fiscal impact or which merely authorizes, rather than mandates, an increase in expenditures or an action that would result in a loss of..." income. So there is a mechanism in our

House rule No. 19 to advance this issue, notwithstanding your immediately previous comments.

But my question for you, sir, is, it was my understanding that since there were certain Commonwealth employees, typically or notably those in the Conservation Corps, who were being paid less than the \$7.15 an hour that the Democratic proposal and the Governor's backing calls for, and the Governor has subsequently raised those wages to \$7.15 an hour, but there are no longer any Commonwealth employees that are earning the minimum wage or anything between \$5.15 and \$7.15, so could you explain to me, and the majority chairman made the comment, this does have a fiscal impact on the Commonwealth's Treasury or the General Fund. How so, sir?

Mr. FEESE. Mr. Speaker, in response to the gentleman's questions, I would first, two responses. The first statement that he made, which requires a response, if the gentleman would read the entire rule rather than the portion that he deems beneficial to his argument, he would find that the rule says that the Rules Committee by an affirmative vote of two-thirds may invoke subsection (a) or (b). It takes the Rules Committee by a two-thirds vote, not the vote of the entire House, unless the rule is suspended.

Secondly, Mr. Speaker, in my earlier comments I referred to the fact that this can have a fiscal impact on political subdivisions, and rule 19 requires this House to have a fiscal note when there could be a fiscal impact on political subdivisions as well as the Commonwealth. I cannot dispute the gentleman's contentions at this time that there may not be a fiscal impact on the Commonwealth. That might be true, might not be true. I do not know that. My staff will tell me whether that is true or not, but clearly, we must look at political subdivisions also. So on both fronts, Mr. Speaker, the gentleman is incorrect.

The SPEAKER. Mr. Belfanti?

Mr. BELFANTI. Thank you, Mr. Speaker.

I believe the gentleman answered question number one correctly, but again, I am not certain— Well, going back to Representative Samuelson's comments, I see no major or any significant, anything but a de minimis impact on the Commonwealth or any of its political subdivisions. I just do not believe that anyone in our school districts, our counties, our townships, or our boroughs is earning minimum wage at this date and time, not after 9 years, but thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It has been informed by the majority leader there is no more unanimous consent.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Walko, has a point of parliamentary inquiry.

Mr. WALKO. I just want to understand this, Mr. Speaker, because so many of my constituents want a minimum-wage increase, so I want to understand. Because Representative Leach's motion to suspend rule 19(a) failed, suddenly a debatable motion disappeared. Is that correct?

The SPEAKER. That is not suddenly. That is under the rules, our rules of parliamentary procedure.

Mr. WALKO. So a debatable motion where we could talk about why we need a minimum-wage increase was wiped out

under some arcane rules and we cannot debate the substance of the issue?

The SPEAKER. Mr. Walko, it is not arcane. It is page 9 of the House rules, rule 19, "Fiscal Notes."

Mr. WALKO. Well, it seems arcane to me because all of it—

The SPEAKER. That is not arcane. Every member was supplied a copy of the rules. Go ahead.

Mr. WALKO. It is phony, and we all know it. We are delaying a vote on the minimum wage.

Mr. S. SMITH. Mr. Speaker?

Mr. WALKO. You could talk about rules—

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentleman is no longer asking a parliamentary question.

Mr. WALKO. Thank you.

CONSIDERATION OF HB 1467 CONTINUED

The SPEAKER. The Chair is back on HB 1467, PN 3588.

The gentelady from Montgomery, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

This 12-page bill is now on our screens, but I would like to ask the Speaker if he would go over the bill for today. Previous iterations of this bill were opposed by the AARP and the Pennsylvania Bar Association. This bill came from the Senate today, was amended in Rules—

The SPEAKER. Would the member suspend. That is not a correct motion. You would have to move to postpone.

MOTION TO POSTPONE

Ms. HARPER. Then I would make that motion, Mr. Speaker, because this bill came from the Senate today. It was amended about an hour ago in Rules. It is 12 pages and was opposed in its previous iterations by the AARP and the Pennsylvania Bar. We need to give those groups and other people interested in the rights of consumers in this Commonwealth time to comment on the amendments.

The SPEAKER. The question is on the motion to postpone. Does the gentelady have a specific date that she would like to postpone till or just postpone?

Ms. HARPER. No, I do not have a specific date; to the convenience of the Speaker but not tonight.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question to postpone, the Chair recognizes Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

We have discussed this bill till we are blue in the face. It is time to vote on this bill, and I ask the members to vote against postponement. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman from Allegheny County. I think there has been very significant discussion on this issue over many, many months. I respect the point that the gentelady is making here, but I think that a very significant discussion has taken place, and I would oppose the motion to

postpone. I would recommend that other members oppose the motion to postpone.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentlelady, Ms. Harper.

Ms. HARPER. Mr. Speaker, I just point out to my colleagues in the House that this bill deals with a homebuilder's or a repairman's right to repair a home, a brand-new house, or repairs. It is a bill that probably matters to an awful lot of our constituents, and yet it is a new, freestanding 12-page act that we are seeing basically in this iteration for the first time tonight. There would be no harm in postponing this vote to give our constituents a chance to let us know how they feel about it.

So I would respectfully ask my colleagues to postpone the vote tonight so that our constituents have a chance to let us know how they feel about this bill, which was previously opposed by the AARP and the Pennsylvania Bar.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—46

Beyer	Godshall	Melio	Staback
Cawley	Grucela	Mundy	Steil
Clymer	Haluska	Nickol	Stetler
Cohen	Harper	O'Brien	Sturla
Crahalla	Hennessey	O'Neill	Taylor, J.
Creighton	Josephs	Petri	Tigue
Cruz	Kenney	Roebuck	Vitali
Curry	Leach	Rubley	Watson
Evans, D.	Mackereth	Samuelson	Wheatley
Fichter	Maher	Scavello	Yewcic
Freeman	Manderino	Siptroth	Youngblood
Gerber	McIlhinney		

NAYS—151

Adolph	Fabrizio	Lescovitz	Roberts
Allen	Fairchild	Levdansky	Rohrer
Argall	Feese	Maitland	Rooney
Armstrong	Fleagle	Major	Ross
Baker	Flick	Mann	Ruffing
Baldwin	Forcier	Markosek	Sainato
Barrar	Frankel	Marsico	Santoni
Bastian	Gabig	McCall	Saylor
Bebko-Jones	Gannon	McGeehan	Schroder
Belardi	Geist	McGill	Semmel
Belfanti	George	McIlhattan	Shaner
Benninghoff	Gergely	Metcalfe	Shapiro
Bianucci	Gillespie	Micozzie	Smith, B.
Birmelin	Gingrich	Millard	Smith, S. H.
Bishop	Good	Miller, R.	Solobay
Blackwell	Goodman	Miller, S.	Sonney
Blaum	Grell	Mustio	Stairs
Boyd	Gruitza	Myers	Stern
Bunt	Hanna	Nailor	Stevenson, R.
Buxton	Harhai	Oliver	Stevenson, T.
Caltagirone	Harhart	Pallone	Surra
Cappelli	Harris	Parker	Tangretti
Casorio	Hasay	Payne	Taylor, E. Z.
Causser	Herman	Petrarca	True
Civera	Hershey	Petrone	Turzai
Cornell	Hess	Phillips	Veon
Costa	Hickernell	Pickett	Walko
Daley	Hutchinson	Pistella	Wansacz

Dally	James	Preston	Waters
DeLuca	Kauffman	Pyle	Williams
Denlinger	Keller, M.	Quigley	Wilt
Dermody	Keller, W.	Ramaley	Wojnarowski
DeWeese	Killion	Rapp	Wright
DiGirolamo	Kirkland	Raymond	Yudichak
Diven	Kotik	Readshaw	Zug
Donatucci	LaGrotta	Reed	
Eachus	Lederer	Reichley	Perzel,
Ellis	Leh	Rieger	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. On concurrence, the gentleman, Mr. Vitali. Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the motion to concur, but before I do that, Mr. Speaker, I would like the maker of the bill to explain the changes that were made in this bill's coming back from the Senate. So I rise therefore in requesting interrogation, and the first question would be explaining the changes made in this bill over in the Senate.

The SPEAKER. The gentleman, Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

The Senate made the following changes: It makes the bill prospective to construction started after the effective date of the act. Previously it had been retroactive to previously constructed dwellings. It removes the sanction that undisclosed evidence would not be permitted in a legal action. Now, if evidence is disclosed after a contractor's offer, he will be permitted to make a new offer based on that new disclosure. Notice of and opportunity to be present at any testing would be afforded to both the claimant and the builder. Disclosure of test reports, expert reports, photographs, and other documentary evidence would be required by both the builder and the claimant. Claimant would not have to list any specific reasons for rejection of a builder's offer. Change is made in the notice that is set forth at the end of the act of the bill to reflect those above changes. And there are some technical language changes, and the claim of the homeowner would disclose results of the defects only if those defects were known by the homeowner, and that is the sum of the changes made by the Senate, Mr. Speaker.

The SPEAKER. Mr. Vitali?

Mr. VITALI. Further interrogation. Could the maker of the bill also outline the changes made after the bill came back from the Senate but in our committees?

The SPEAKER. Mr. Stevenson?

Mr. T. STEVENSON. Yes, Mr. Speaker.

I believe the Rules Committee made the following change: that the contractor shall give the claimant copies of all

test reports, expert reports, photographs, and videotapes that are not otherwise privileged or protected by the attorney-client privilege, and that was the change added by the Rules Committee.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Again, I would rise in opposition to the motion to concur, and if one would ask me why we need lobbyist disclosure and why we need campaign finance reform, I think I would point to this as one of the many, many reasons why.

Mr. Speaker, all I think—

The SPEAKER. Mr. Vitali, please stick to the issue before the chamber.

Mr. VITALI. I am just kind of getting into that it is a little circle first.

The SPEAKER. Well, you got a little carried away there, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair loves to hear you, but try to stay on the subject.

Mr. VITALI. Thank you, Mr. Speaker.

I am not an expert in this area, but I am a lawyer and I have done some civil litigation over the years. All I see this bill doing is weakening the legal rights of those who have purchased a new home and are unhappy with the workmanship. Each and every provision in this bill, in my view – well, most of the provisions in this bill, in my view, take away from the plaintiff's right to pursue a civil action unimpeded and unfettered, and it aids, frankly, it aids the homebuilders and the Home Builders Association in, A, requiring delays in the filing of the suit; B, giving them additional discovery.

In the absence of this, I have no constituents of mine who are calling for this. It is clear in my mind who is calling for this, but it is not our constituents. It is not the people who vote for us. Right now all of this negotiation can go on in good faith between an aggrieved home purchaser and a homebuilder. All these negotiations, all these exchanges of information can go on prior to discovery if our constituents think it is in their best interest. But right now what our constituents have is unfettered access to the court system to be made whole. All this bill does is erode it, so I would ask we nonconcur in this.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose concurrence in this legislation. As was stated by the gentleman, Mr. Vitali, and by the lady, Ms. Manderino, there are many defects in this legislation. With this legislation, we are hampering the ability of the consumer to be able to get redress for their grievances in a timely fashion. We are putting an artificial delay of 75 days that would allow the contractor to address those now, up front, without having to go through a 75-day delay period.

In looking at this bill, we have to realize that a good contractor will respond immediately to defects in their workmanship. They do not need to wait 75 days. If a client is displeased with their work, a good contractor will make amends. They will correct the error. All this legislation really does is provide an artificial barrier to protect a bad contractor

who has done shoddy work and to delay the ability of the injured party to get immediate action on the shoddy workmanship, to have that bad workmanship repaired. We are doing no favor to the consumer by passing this legislation, and as the lady, Ms. Harper, has pointed out, many consumer-oriented groups, such as AARP, recognize that and oppose this legislation.

I would urge the House not to embrace a piece of legislation which is a step backwards from good consumer protections, which we have tried to abide by here in the Commonwealth of Pennsylvania. There is no need for this legislation. It will only serve to undercut the standing and ability of a consumer to seek redress for shoddy workmanship done in construction of their property.

Let us stand up for the property owner, let us stand up for the consumer, and vote to nonconcur. Thank you.

The SPEAKER. The gentlelady, Ms. Harper, for the second time.

Ms. HARPER. Thank you, Mr. Speaker.

I am also rising to oppose the bill. Most people put their life savings into their homes, and when they spend money to remodel those homes to add a kitchen or a family room or a sunroom, it is the most expensive purchase they make in their lives. This bill reduces the rights of those people when their dream turns out not to be the kitchen they wanted but a defective job. It also ruins their dream when the house they hope would be their perfect home is not. It reduces their rights and gives rights to builders and remodelers who do a bad job. There was a way to do this bill correctly, and the House Urban Affairs did this bill correctly by putting into place a format where builders and homeowners could get together on a repair scheme. Those amendments were taken out. The committee that had the obligation and the responsibility to do this bill correctly did it, and those things were changed.

I am voting “no” on this bill. There is nothing good in it for consumers. We could have done this bill correctly, and I am sorry that this is not the bill that it should be for both builders, remodelers, and homeowners.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

There has been a lot of misinformation tonight on this bill, and we have rehashed this and we continue to rehash it every time this bill is brought up. The truth of the matter is, in Colorado similar legislation has reduced construction defect cases by 62 percent. They have unclogged their court system with these, a lot of them are nuisance cases, and in return, the consumer has saved probably thousands, if not hundreds of thousands of dollars, in attorney's fees and court costs. It is now time to pass this proconsumer legislation and unclog our court system.

I ask for the support of the members on this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—156

Adolph	Evans, J.	Leh	Reed
Allen	Fabrizio	Lescovitz	Reichley
Argall	Fairchild	Levdansky	Roberts
Armstrong	Feese	Mackereth	Rohrer
Baker	Fichter	Maitland	Rooney
Baldwin	Fleagle	Major	Ruffing
Barrar	Flick	Mann	Sainato
Bastian	Forcier	Markosek	Santoni
Bebko-Jones	Frankel	Marsico	Saylor
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shaner
Biancucci	George	McIlhattan	Shapiro
Birmelin	Gergely	McIlhinney	Siptroth
Bishop	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S. H.
Blaum	Godshall	Millard	Solobay
Boyd	Goodman	Miller, R.	Sonney
Bunt	Grell	Miller, S.	Staback
Buxton	Gruitza	Mustio	Stairs
Caltagirone	Hanna	Myers	Stern
Cappelli	Harhai	Nailor	Stevenson, R.
Casorio	Harhart	Nickol	Stevenson, T.
Causar	Harris	Oliver	Surra
Civera	Hasay	Pallone	Tangretti
Clymer	Herman	Parker	Tigue
Cornell	Hershey	Payne	True
Costa	Hess	Petrarca	Turzai
Creighton	Hickernell	Petri	Veon
Daley	Hutchinson	Petrone	Wansacz
Dally	James	Phillips	Wheatley
DeLuca	Kauffman	Pickett	Wilt
Denlinger	Keller, M.	Preston	Wojnaroski
Dermody	Keller, W.	Pyle	Wright
DeWeese	Kenney	Quigley	Yudichak
DiGirolamo	Killion	Ramaley	Zug
Diven	Kirkland	Rapp	
Donatucci	Kotik	Raymond	
Eachus	LaGrotta	Readshaw	Perzel,
Ellis	Lederer		Speaker

NAYS—41

Beyer	Haluska	O'Neill	Sturla
Cawley	Harper	Pistella	Taylor, E. Z.
Cohen	Hennessey	Rieger	Taylor, J.
Crahalla	Josephs	Roebuck	Vitali
Cruz	Leach	Ross	Walko
Curry	Maher	Rubley	Waters
Evans, D.	Manderino	Samuelson	Watson
Freeman	Melio	Scavello	Williams
Gerber	Mundy	Steil	Yewcic
Good	O'Brien	Stetler	Youngblood
Grucela			

NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

Ordered, That the clerk return the same to the Senate for concurrence.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Barrar.

Mr. BARRAR. Mr. Speaker, I move that the rules of the House be immediately suspended to bring up HB 1318, PN 3587.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—157

Adolph	Evans, D.	Lescovitz	Ross
Allen	Evans, J.	Mackereth	Rubley
Argall	Fairchild	Maher	Sainato
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Mann	Schroder
Barrar	Flick	Marsico	Semmel
Bastian	Forcier	McCall	Shaner
Bebko-Jones	Frankel	McGeehan	Shapiro
Belardi	Gabig	McGill	Siptroth
Belfanti	Gannon	McIlhattan	Smith, B.
Benninghoff	Geist	McIlhinney	Smith, S. H.
Beyer	Gillespie	Metcalfe	Solobay
Biancucci	Gingrich	Micozzie	Sonney
Birmelin	Godshall	Millard	Staback
Blackwell	Good	Miller, R.	Stairs
Blaum	Goodman	Miller, S.	Steil
Boyd	Grell	Mundy	Stern
Bunt	Gruitza	Mustio	Stetler
Buxton	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Causar	Harhai	O'Brien	Sturla
Cawley	Harhart	Oliver	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Payne	Taylor, E. Z.
Cornell	Hasay	Petri	Taylor, J.
Costa	Hennessey	Petrone	True
Crahalla	Herman	Phillips	Turzai
Creighton	Hershey	Pickett	Veon
Cruz	Hess	Pyle	Wansacz
Daley	Hickernell	Quigley	Watson
Dally	Hutchinson	Ramaley	Williams
Denlinger	Kauffman	Rapp	Wilt
Dermody	Keller, M.	Raymond	Wright
DeWeese	Keller, W.	Readshaw	Youngblood
DiGirolamo	Kenney	Reed	Zug
Diven	Killion	Reichley	
Donatucci	LaGrotta	Rieger	
Eachus	Leach	Rohrer	Perzel,
Ellis	Leh	Rooney	Speaker

NAYS—40

Bishop	Gergely	Melio	Samuelson
Caltagirone	Grucela	Myers	Santoni
Casorio	James	Pallone	Tigue
Cohen	Josephs	Parker	Vitali
Curry	Kirkland	Petrarca	Walko
DeLuca	Kotik	Pistella	Waters
Fabrizio	Lederer	Preston	Wheatley
Freeman	Levdansky	Roberts	Wojnaroski
George	Manderino	Roebuck	Yewcic
Gerber	Markosek	Ruffing	Yudichak

NOT VOTING—0

EXCUSED—4

Corrigan McNaughton Sather Thomas

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

SUPPLEMENTAL CALENDAR C

REPORT OF COMMITTEE OF CONFERENCE

Mr. BARRAR called up for consideration the following report of the committee of conference on **HB 1318, PN 3587**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for compensation of district election officers, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; and further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to ask for a "no" vote on concurrence or a "no" vote on the conference report, I think is more proper. I am asking for a "no" vote.

This is the bill that we debated over and over again and which I am proud to say— Mr. Speaker, I will try and be brief, but I would like to have attention.

The SPEAKER. The gentlelady is correct. Would you please keep the noise levels down.

Ms. JOSEPHS. Mr. Speaker, if I am under the impression that people are listening, I will not repeat myself. It will go faster.

This has got to do with identification at the polls, moving polling places around. It has military ballots in it. It has got some good things, but it has got a really bad load of really bad things, and I believe that the identification requirement will prevent thousands of Pennsylvanians from voting based on unsubstantiated allegations of fraud. The National Commission of Election Reform looked into this issue, and they found that there was practically no or no fraud based on any kind of a scenario you can think of that would be prevented by making people show identification at the polls every single time they vote, every election. Even if the person in the polling place who is the judge of the election is the mother or the son of this

person, this voter must show some sort of ID. In fact, a Federal court in reviewing a similar law in Georgia found that, in this case, photo identification does not address the fraud associated with absentee ballot voting, which we know is the most prevalent and problematic kind of fraud.

The identification requirements in this bill, which are slightly better than the ones that we sent over to the Senate but not good enough, will harshly impact on people with disabilities, domestic violence survivors, and those who are temporarily displaced from their residence due to floods or fires or crime or any other reason. Many of the individuals often do not have any of the acceptable forms of identification, and these individuals may lose their ability to vote on election day. If you are a student or a young person living with your family and not a student, you may not have a utility bill even in your own name; no kind of acceptable identification under this bill, many, many Pennsylvanians.

The bill makes it harder to have provisional ballots counted. It says that if a voter does not have one of the acceptable forms of identification, the voter is to ask for a provisional ballot. We know that there were problems with not having enough provisional ballots in many polling places, and we also know that even if you vote a provisional ballot, you have to go back to the board of elections or the commission and show identification. If you did not have any on election day, you might not have any a couple days after election day, just the same.

We do not understand entirely the new provisions regarding polling places. They could lead to further hardships in finding sufficient numbers of polling places and make voting more difficult for those with limited transportation or limited mobility.

This bill is not bipartisan. So far I do not think there has been any Democratic vote for it, not one, I believe, and I hope that we can keep it that way. Election reform cannot really be achieved without bipartisan support. The people who use the system, our voters, our constituents, are not going to have confidence when they see something passed along party-line votes. I can certainly concur with that. Already there is confusion out there about what, if any, photo or nonphoto ID is required. I do not want to make the confusion worse.

I am mystified by what my respected colleagues on the other side of the aisle are trying to do. It occurs to me that the candidate at the top of their ticket might very well like to have people vote in some areas of Philadelphia where this would be a hardship and disenfranchise people. I do not understand why they are working against the interest of the man at the top of their ticket, but if they insist upon it, I guess I cannot stop it.

I am asking for a "no," and I hope that everybody on this floor will employ common sense and be a rational human being and follow me and vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Cambria, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

I would like to interrogate the—

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. YEWIC. Thank you, Mr. Speaker.

Reading the bill on page 9, section 529.1, "Polling Places in Other Buildings," it states that "No election shall be held in any

of the following...,” and as I go down through the list, No. (7), it says, “An office, building or private residence of an elected official.” And the language is rather vague. Does that mean that if I am a township supervisor, mayor, State Rep, Senator, that those votes could be challenged in those polls because our office might be in a municipal building or a township building?

Mr. BARRAR. No. I think the provision of this bill was meant to deal with the ownership of that building. If the building was owned by an elected official or a party officer, it would prohibit the use of that then as a legitimate polling place.

Mr. YEWIC. Okay. The language states, if I may, “An office, building or private residence of an elected official.” The language seems rather vague to me, and I am wondering – since this is a conference, we cannot amend that language – the intent is, it is in a building owned by the elected official or the candidate?

Mr. BARRAR. Right; yes. If it is owned by the candidate, a party official, or an elected official, it would then exclude that.

Mr. YEWIC. Upon reading this language, if I were a constituent or if I were an opponent of somebody running for supervisor, I assume I could challenge the election results at that poll, is that correct, according to this language?

Mr. BARRAR. Okay. In your question are you challenging the location or are you challenging the results of that?

Mr. YEWIC. Well, the point is, it does not say anything about ownership. The language says, “An office, building or private residence of an elected official.” I could take that to mean two different things. It could be the ownership by the elected official or the office where the elected official happens to have his office. If his office is in a municipal building and they vote in that building, those votes can be challenged in court because it does not say anything about ownership; it just says a building or an office.

Mr. BARRAR. Right. Our Election Code says that a public building is the preferred place to hold a polling place.

Mr. YEWIC. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. The gentleman is in order.

Mr. YEWIC. Mr. Speaker, I am aware that the Election Code says the preferred place to vote is a public building such as a municipal building, a community building, a township building. However, when we put into statute language that says that “No election shall be held in any of the following...,” it says, “An office, building or private residence of an elected official,” that language is rather vague and it does not specify ownership by the elected official or candidate. Therefore, those votes can be challenged on election day as being proper votes.

I understand what the Election Code says and I agree with the Election Code, but I do not agree with this language in that township supervisors, mayors, State Reps, Senators, whoever has an office where they vote in the municipal building or the township building, those votes could be challenged in court or opening up court cases to a lot of challenges that we should not do. We received this language, we suspended the rules to vote on this bill, and we have problems with the language already because of rushing through it. I do not think there should be a hurry to do this. This does not take effect, this section, until probably the general election. However, I think we ought to clean this thing up before we move further.

I plan on voting “no” on the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this imposes certain costs on both the State of Pennsylvania and local districts, local municipalities, counties around the State. Do we have a fiscal note for this bill?

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, the chairman of the Appropriations Committee.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, there is a fiscal note completed for this bill, and at least on my laptop, it is on the system. You can view it on the screen, but I also have a paper copy I would be happy to give to the gentleman who does not have it on his computer.

The SPEAKER. The gentleman, Mr. Cohen, asked the question.

The gentleman from Delaware, Mr. Barrar. The Chair rescinds.

The gentleman, Mr. Cohen?

Mr. COHEN. Yes, Mr. Speaker.

The SPEAKER. Does the gentleman have a question?

Mr. COHEN. Yes. Mr. Speaker, will Mr. Feese submit to interrogation?

The SPEAKER. The gentleman, Mr. Feese, indicates he will stand for interrogation. The gentleman is in order and may proceed. The gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, Representative Feese suggested that while he is getting the answer to the question, perhaps somebody else ought to interrogate, and then if it is okay with you, I could be recognized again.

The SPEAKER. Mr. Cohen, we are down to the prime sponsor of the bill, Mr. Barrar.

Mr. COHEN. Okay. Mr. Speaker, then could we just suspend for a minute and wait for Mr. Feese to find out the answer to the question?

The SPEAKER. The House will be at ease.

Mr. COHEN. Mr. Speaker, the chair of the Appropriations Committee and his staff have informed me that they cannot answer the question of how much pollworker compensation costs local governments. We know and the fiscal note says the judges’ and inspectors’ minimum would be increased from \$45 to \$75 and the minimum for clerks and machine operators would be increased from \$40 to \$70. What the Appropriations Committee staff apparently does not know is how many election clerks and machine operators there are and therefore what the total fiscal cost to local governments is. It certainly would seem to me to be a reason to vote against this legislation since we do not know what the costs to local governments are under this bill.

In addition to the fact that we do not know what the costs in the aggregate to local governments are, there are still many outstanding issues of rights of voters that have led many organizations around the State, most prominently the Pennsylvania Chapter of the American Association of Retired People, which is very, very worried about the effect of this legislation on senior citizens who do not have driver’s licenses in many cases, who do not have access to transportation to go have their picture taken in many cases, who are sometimes forgetful, who have difficulty walking in many cases, the AARP strongly opposes this legislation because it seriously and

adversely affects the rights of senior citizens to show up at the polls. This legislation is an anti-senior-citizen bill, it is an antirights bill, it is an antivoting bill, and it is a fiscal extravagance where we simply do not know what the total costs are going to be. We have an estimate of \$207,000, \$207,570 from the Motor License Fund, money that perhaps could be better spent on improving our highways or improving our signs on the highways, and we have an incalculable cost, apparently in the millions of dollars, certainly, on our local governments.

I do not think we ought to spend money, money that we really do not have, in order to help take the rights of senior citizens away. This legislature ought to be and sometimes has been in the past and hopefully will be in the future strongly pro-senior-citizen. This bill is anti-senior-citizen; this bill is anti-voting-rights; this bill is an expense that we cannot afford. For all these reasons I strongly urge a “no” vote on this conference report.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I just wanted to make a few comments about this bill, and particularly, I wanted to comment about some of the things the previous speaker just mentioned, a complaint relative to what pollworkers would be paid.

I would remind the members that that was an amendment that was considered here in the House just a few weeks ago, whenever it was that we considered this bill. It was sponsored by a member, a Democratic member from Philadelphia, and I would be very surprised if the previous speaker even opposed that amendment at that time. So you know, I am a little bit surprised and shocked at some of the negative comments about this bill, because if my recollection serves me right, and I maybe did not listen to every word that was said over that 2-day period or so when we ran this same bill through the House not too long ago, I really think, Mr. Speaker, that the bulk of the complaints about that bill, the bulk of the opposition to that bill have been fundamentally addressed, and now that we have another bill that would hopefully just make our law very square to allow one person to have one vote and have that vote count just once, now we are grasping for straws to find some reason to oppose it. But most of the debate, and it was several hours over a couple-of-days period of time – and I will not even go to the first time we dealt with this issue in this session, Mr. Speaker – they have been addressed in this bill. A compromise has been made.

There is no solid reason to be opposed to this legislation, Mr. Speaker, unless you do not want to deal with the fundamental issues in it. The fundamental issues in this bill, Mr. Speaker, are the military and overseas absentee ballots. Mr. Speaker, it is simply un-American for Pennsylvanians fighting in a combat zone to be banned from voting because of bureaucratic red tape. I would remind the members that 2 years ago the Governor of this State was sued over this very issue. This election reform bill protects the rights of men and women putting their lives on the line defending our rights, and if you are going to vote against that, Mr. Speaker, or find some other crazy reason to vote against it, then more power to you, but this bill corrects something that the Governor of this State was sued over just 2 years ago in the last Presidential election year. Fundamentally, it extends the deadline for county receipt of absentee ballots cast by overseas military electors and their

families, civilian employees of the U.S. and their families. This bill does much more than what the naysayers are referencing.

The bottom line, Mr. Speaker, is, voters must present some acceptable form, and that has been broadened since we were last dealing with this bill on this floor. A source of great complaint: The voter must present an acceptable form of photo or nonphoto ID when they vote. Mr. Speaker, let us be real. You can hardly walk across the street to another building around here without showing a photo ID. You cannot rent a movie, I do not think, without showing a photo ID. This does not even go that far. It goes along the lines of what the Federal law prescribes, and I think that that is a significant compromise, Mr. Speaker. I just do not understand what form of opposition, other than just grabbing at straws, that members can have to this legislation.

Polling places must be located in buildings that are easily accessible. Another issue that we are complying with the Federal voting laws; we are making our law in Pennsylvania comply with the Federal law. It is all about access. It is not about denying people the right to vote. It is not about keeping people from voting. It is about making sure that each person can vote, that each person can only vote once, and that that vote will be counted once, Mr. Speaker. It is that simple.

A statement of voters’ rights will be posted at a polling place, something to tell people that it is against the law for them to be intimidated at the polling place. Is that so wrong, Mr. Speaker? My lands, there may be people voting that they do not know the difference of what they are allowed to do. They may think they have to ask the permission of someone in the polling place as to what they can do. Mr. Speaker, just simply posting the law so that voters will be informed and understand that they have the right to go in the polling place, cast their ballot in privacy, without intimidation or threat from someone else in that community or from outside of that community, without the threat of force, violence, injury, or coercion, what is wrong with telling the public, telling the voting public that they have those rights? It does not hurt them at all to know that, Mr. Speaker, and as a matter of fact, it will help them.

I repeat one more time, Mr. Speaker, this is about every citizen’s right to vote, to have their vote count, and it is the individual’s choice to vote or not, but the idea, Mr. Speaker, is that we all vote, we all vote once, and our vote counts once. That is the principle under a democracy, the democratic, representative form of government that we have, and that is the way it should work, Mr. Speaker, and I am just baffled at the opposition of this bill, considering the changes that were made in the conference committee.

I would urge the members to support the conference report.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I have to say that I am pleased to hear the majority leader say that he is in favor of democracy in Pennsylvania, but I am somewhat confused because this particular piece of legislation is contrary to democracy in Pennsylvania. It in fact quashes the right to vote; it quiets the right to vote. It takes the older people, the minorities in Pennsylvania, and it makes it more difficult for them to have the opportunity to vote.

One of the greatest privileges that we have in this country and in this Commonwealth is the right to vote. There are wars being fought all over this world so that people can enjoy the right to vote and the freedom to vote. This particular piece of

legislation does nothing more than add another obstacle to folks who live in their home residential communities that have voted at the same polling location for the last decade or more, the last two decades, in some cases the last 50 years. I know in my legislative district and many of you here today have senior citizens that have never missed a vote since they turned 21 years old and now since they have turned 18 years old, with the change in the voting law.

This adds nothing more than an obstacle to make it more difficult for these folks who have continued to vote at home, where they live, where they know the judge of elections, where they know the folks that are there and making sure that the right person is there to vote. This is nothing more than an obstacle.

For decades the people of Pennsylvania have enjoyed the ability to be able to vote. We have had no voter fraud issues relative to the wrong person casting a ballot in Pennsylvania. The issue is directly related to absentee ballots, not personal, physical voting in Pennsylvania.

I strongly urge the House to vote to nonconcur in the Conference Report on HB 1318. It is nothing but another obstacle to make it more difficult for senior citizens and the minority population in Pennsylvania, and it quashes their ability to be able to vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, to characterize this voting rights bill, as it were, as anti-American if we oppose this, quite frankly, is being very disingenuous and I would think a bit hypocritical, Mr. Speaker.

Mr. Speaker, voting against this bill is not anti-American, Mr. Speaker. Mr. Speaker, this bill certainly does have the ability to disenfranchise voters. You know, we are a trusting lot in Westmoreland County, we are. Maybe things are different in Jefferson County or some other county, but in Westmoreland we are a rather trusting group. As I may have mentioned before, we still sign when we go into the polling place in pencil, and I know the people inside; I know folks that work in my polling place; I know the judge of elections. They know me and they know the senior citizens that come in there, Mr. Speaker.

The gentleman from Philadelphia alluded to the fact earlier that a lot of seniors are prone to sometimes being confused on issues or maybe not wanting to be put in a situation where they are giving into certain peer pressure. Mr. Speaker, when seniors go in to vote, they need to have a relative assurance that they are going to be treated fairly, they are going to be treated adequately, and if they have lived there for 70 years, Mr. Speaker, and they do not have an ID – maybe they do not drive; maybe they do not have a car; maybe their husband is deceased and they come into the polling place with a relative or a neighbor that is picking them up every election day at 10:30 in the morning – they need to have some relative certainty that when they come in and they see the judge of elections that they have seen there for the past 40 years or 20 years of their 70 years of voting, that they know it is them; they know it is Mr. Smith or Mrs. Smith.

Again, we are a trusting lot in the west, and, Mr. Speaker, to characterize this as un-American I think really is stooping a bit below the belt, Mr. Speaker. To say that those of us on this side of the aisle that would vote against this are un-American is,

quite frankly, doing a disservice to those of us that really care about every single vote. It is an affront to those men and women that are fighting overseas, Mr. Speaker, to say that those of us on this side of the aisle care less about that issue. We want those ballots cast. We want those ballots cast across the sea. We want to make sure that they are certainly franchised and able to vote, and, Mr. Speaker, when you come to the polling place that you have been for 70 or 80 years and you do not have an ID and we give you a provisional ballot and that provisional ballot ends up in the landfill maybe, that is not what we should be talking about in a democracy, Mr. Speaker.

So HB 1318, Mr. Speaker, certainly has the ability, as I said before, to disenfranchise voters, and I believe that it has a chilling effect. Just the notion, Mr. Speaker, of seniors to not want to be embarrassed when they go into the polling place, to maybe say, well, I do not want to be embarrassed with a line of 10 or 20 people behind me, and to say, you are not allowed to vote, you do not have your ID, to send that senior home, Mr. Speaker, to have that embarrassment of that senior who has been paying their taxes and raising a family and being good stewards of the community and obeying the law and respecting the neighbor's property lines, Mr. Speaker, that is un-American, that is un-American, and we would oppose HB 1318, and I ask for a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose concurrence.

You know, I come from a neighborhood that has a lot of seniors, and to me, our seniors are our most treasured people that we have in this Commonwealth. I also come from a neighborhood that has a lot of crime. I am sorry to say that. But to answer the question of what is being un-American, does being un-American mean being concerned about people having the right to vote or assuring that people have to make a choice between whether they are going to eat or whether they are going to have heat? Which is un-American? Is it un-American to have neighbor after neighbor distrust one another or be encouraged to distrust one another after you have gone to poll election after election after election? You know the same people. Some seniors will come. They are very distrusting of people that they do not know. They will not pull their pocketbooks out, their wallets out to get ID because they are afraid that it might get snatched. Some people do not understand what it means to have to go through that. I do.

Also, let me add, Mr. Speaker, I, too, support our military's right to vote. My father happened to be a veteran, my brother happened to be a veteran, so I do not want to take the rights of anyone, take the rights away from them to vote or have the opportunity to vote, but I think we are dealing with a situation— Mr. Speaker, may I have attention, please. Attention. This is very important.

We are talking about the rights of people, but we cavalierly sit here and discuss the people's business where we have educated people in here, we are talking about what we cannot do, but we have no solutions to what we can do, but we call ourselves honorable. Every letter that I get has the word "Honorable" in front of my name. Do we really earn that? Are we really earning that, Mr. Speaker? I daresay that some of us should be ashamed to be called honorable, where we would

debate basic quality-of-life issues and yet we are talking about taking or making it harder and harder for people to vote.

Now, I was not here, Mr. Speaker, when the debate was going on last week or when we honored Mrs. King, but for everyone that honored her, was it real? Did it come from your heart, because the very thing that you are proposing tonight for us to agree to is what she stood against.

Mr. Speaker, I think it is time that we stop playing games with people in terms of quality-of-life issues and get on with the people's business of this Commonwealth, because right now what we are doing is distancing our people from their very right to choose, from their very right to have access to polling places. It is not right, and I am going to daresay that sitting before God, one of these days, one of these days we are all going to pay. Remember, you reap what you sow.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Siproth.

Mr. SIPROTH. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose concurrence on HB 1318.

HAVA stands for Help America Vote Act. By passing this particular piece of legislation, we will be hindering the American vote.

In my particular district, Mr. Speaker, individuals stand in line for hours for the privilege to vote. If we impose a form of identification that individuals will need to show at the polling places, we will continue to impose even longer lines, longer times.

Again, let us help the American vote, oppose concurrence, and if you do not, you will be hindering the right to vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Barrar.

Mr. BARRAR. Mr. Speaker, we have debated this bill now for almost 4 days. It is time to send it to the Governor. This bill does not disenfranchise one person from voting. It just puts safeguards in place.

We have answered every question that could be asked of this bill, and we have met the other side half way. We have taken out some of the most offensive parts of this bill that the other side has found offensive, parts that I supported wholeheartedly, and we were willing to compromise.

I think it is time to send this bill to the Governor. I would ask for a positive vote on it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to make a couple of points. For those of you who might be feeling slightly un-American for voting against this bill, let me point out that you are not only very American, you are very, very American, because we have twice voted here for extending, changing the military and overseas ballot so that more military and overseas citizens will have a chance to vote. We voted for it in HB 544, which is now in the Senate State Government Committee and which could be released in one moment and which we could vote for again, and we voted for it – actually, the gentleman who is the prime sponsor of this bill had another bill, HB 1688, and we voted for that.

So those of you who are taking umbrage at being called un-American can say, twice I have been an American right on

this issue; twice I voted to help military and absentee voters. There is no reason whatsoever to discomfort our senior citizens. To make survivors of domestic violence, to make people that have been thrown out of their homes because of crime or flood or fire, there is no reason whatsoever to make voting difficult for them when there is no credible group who has ever found any fraud that is associated with a cure that has to do with people showing ID – photo or any other kind – every single election, every time they vote, even if they are well known in the neighborhood, even if they are a friend or a relative of the person who sits on the board of elections.

This is not a good bill. This is very unwise public policy. This has not had one member of the party on my side of the aisle vote for it. This cannot be credible voter or any kind of reform, because it is absolutely 100 percent and completely up to this point partisan. A very bad way to do voter reform.

I would like very much to have the opportunity to vote on a clean bill again and send to the Governor something that would help military and overseas voters. That is what we ought to be doing; that is what the voters out there, our constituents, care about. They want to see that we can govern. They want to see that we can make a change for the better in their condition. They do not want to see this kind of partisan squabbling, and we ought to vote “no,” put an end to it, and vote for the real kinds of reforms that people need.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, are there any more? I would just like to go last to wrap it up. Is there anybody else waiting to be recognized?

The SPEAKER. The gentleman, Mr. Scavello, and the gentleman, Mr. Waters, have risen.

First we will take the gentleman, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise in support of HB 1318 on concurrence.

I am really confused here. We talk about rights. Here are the highlights of this legislation: Soldiers fighting overseas will have more time to return their absentee ballots, ensuring their right to vote is protected; polling places must be placed in buildings that are easily accessible to senior citizens and people with disabilities, and they must be in places that are free from voter intimidation; a statement of voters' rights will be posted at each polling place on election day, stating that each voter has the right to cast his or her ballot without the use of threat of force, violence, injury, or coercion; voters must present an acceptable form of photo or nonphoto ID each time they vote. This helps prevent fraud and ensures each vote counts.

For these reasons I urge the support of this bill on concurrence.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

I want to also concur with my colleague on this side of the aisle who spoke earlier about we have a trusting area where we live, and we do trust and we do have great relationships with the people where we live, and in doing so, it is great that when people come to our polling places, that we know each other and we are familiar with each other.

As has been said already and I will continue to say again and again because I know that this is important to me, if my mother

comes to the polling place to vote and my sister is working as the judge of elections, should my sister require my mother to show her ID? I think that is asinine, and it is other cases just as similar or just as relevant as that. I think this is a bad idea if we require every single person, no matter how long you have known this person, to vote.

I do agree that it does make sense that when a person comes to a polling place to vote for the first time, as a new voter or someone who has moved and they have to come to the polling place, maybe they got married or have a new name, those are reasonable requests. But to ask a senior citizen who has been voting at the same polling place for 50 years, to come there now and tell Mrs. Smith or Mr. Jones or Mr. Witherspoon or Ms. Springer or Mr. Ruffing or Mr. James, and they come to the polling place and you say to them, it is good seeing you again; it is good to see you again; you are dedicated; you are a faithful voter; we always can depend on you to come out, these are some of the conversations that take place at the polling place where I vote, because we like to encourage them and let them know how much we appreciate their voter participation, but now we want to change that support and say we cannot say that anymore, because if we say that and at the next breath ask them for ID, that sounds contradictory.

We are right now engaged with a medical issue dealing with Medicare Part D, and right now that is enough for the senior citizen population to have to deal with, without us giving them some more problems that they have to deal with. I think that it is time that we make life easier for senior citizens, and we should be working diligently to make life easier for them because they have done much for us and we should show them some appreciation and not ask them— A lady – and I had this at the polling place where I am, and maybe you can identify with this, too – they love coming to vote so much that they could use an absentee ballot but they like coming there, even if they have to come on a walker, even if they have to have someone guide them there because they cannot see well. They just love that opportunity to come out and vote.

Some people cannot read, because when they come to the polling place, they say they can sign their name with an X, and that is acceptable. So we are talking about posting regulations on a wall. That is not fair because those regulations will not be easily accessible to every single voter who comes out to vote.

We always talk about, make sure every vote counts, and now a senior citizen who comes there who has a physical handicap is going to be told that they cannot vote, and we are going to ask that senior citizen to go back home because they do not want to hear about a provisional ballot. They want to know their vote counts right now. They do not want to hear about, check with us 3 days from now. They want to know their vote counts right away. That is what they have been used to, and that is what they expect, and that is what they deserve.

So now we have a person who comes to the polling place and we are going to tell them, we are sorry, but you cannot vote unless you show us some required ID that someone up here has decided that they must show, and if they cannot show us the ID, they cannot vote. So we send them on their merry way. It is a possibility that that person might not come back.

How do we get more people to participate in the electoral process if we keep raising the bar and making it more difficult for them to participate? Why should we change the rules when what we already have in place is not working as well as we

would like to see it work? And this is historically a fact, because as we all know, in the State of Pennsylvania and in some counties in the State of Pennsylvania, voter turnout has been poor at best. So if anything, we should be finding a way to make sure that more and more people get a chance to come out and vote.

I believe that that would be the real challenge for us up here in the Commonwealth of Pennsylvania and us as Representatives, and the word “representatives” of our constituents. I believe that we will do a better job if we work hard to make sure that we make voting better, easier, and more accessible for them, because this right here, what you are trying to propose today, does not accomplish that.

Now, I just want to say one thing before I end. The conference committee has done some things; they have moved towards the right direction; they have, because this is better than it was, and we are not opposed to everything that is in this bill. At least I know I am not. I am not opposed to everything that is in this bill, but there are some things in this bill that are not necessary. It does not help voter turnout, and I will just say that we should not concur with this and we should send it back to the conference committee and ask them to send us a bill back again after they keep moving the bill further towards the right direction.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to direct these comments to my good friends from Philadelphia. You are talking about the inability of people to vote, that this legislation is going to hamper them. I just want to remind you that when you open your two large casinos in the city of Philadelphia, they are open 24 hours a day on election day, and there will be many people who will be gridlocked, who will be in those casinos, who will never vote. You have got to consider that. You have done the impact studies; I am sure you have. So you are going to see many people, Mr. Speaker, who will not be voting because they are going to be in those casinos. Now, you can pout and complain and whine all you want, but those are the facts.

Mr. Speaker, this is a good bill. This is the result of the election from 2000, the Florida situation that we had, when critics were complaining about some of the things that should be righted. This bill attempts to do just those things. This bill brings integrity and honesty to the election process, and I urge a “yes” vote for it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, citizens around the State may be in loads of places besides casinos on election day. The reason we ought to be voting against this bill is because we want this to be a pleasant, easy experience for all our voters, and this bill sets up additional bureaucratic obstacles for senior citizens and others to vote. It limits the right to vote. It bogs people down in all sorts of unnecessary hassles. It probably is unconstitutional. A court in Georgia found similar legislation to be unconstitutional in that State.

I strongly join with my Democratic colleagues and urge everybody to cast a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Previous speakers have suggested that the core of this legislation lies in what is done to make it easier for military personnel to vote, and certainly I favor whatever is done to make that possible. Certainly those who fight are fighting for the rights of a democratic society, and that is good, but enhancing the right of people in the military to vote should not be a smoke screen for disenfranchising people here in the United States. It should not be a justification for taking away voting rights for all those citizens who we represent in the Commonwealth of Pennsylvania.

Now, history tells me that oftentimes those who want to disenfranchise pose it in the terms of great and glorious reforms. Literacy tests were offered as a reform to make the standard of voting higher, to get rid of those who were illiterate, those who did not understand the process of voting, but we all know that in reality it was not designed to do that. It was designed to disenfranchise citizens of the United States, and I honestly believe that this measure will in reality disenfranchise large numbers of individuals who have a legitimate right to vote, who are citizens of this country, some of whom fought for this country, all of whom pay taxes and who deserve to be treated better by this legislature than we propose to do in this bill.

This is terrible legislation. This is legislation that is undeserving of the oldest legislative body in the United States. We ought not to hold our heads high in passing this. If indeed we do, we ought to indeed be ashamed of the actions we take tonight in adopting this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Williams. The gentleman waives off.

The gentelady, Miss Parker.

Miss PARKER. Mr. Speaker, I rise to ask my colleagues to not concur with HB 1318.

Mr. Speaker, my colleague who spoke earlier about those two casinos in Philadelphia, where Philadelphia voters getting caught up in traffic on an election day would prefer to be in the casino versus at a polling place voting, the difference, Mr. Speaker, is that if I make a conscious decision that that is where I want to be, I have a right to be there and government is not discouraging me from participating in the process, Mr. Speaker. So we should be clear with that.

In addition, Mr. Speaker, I would like to ask my colleagues that when you get a moment, take a look at the Brookings Institution's Web site and note a wonderful partnership that they have joined with the American Enterprise Institute, and they are talking about true election reform, reform where we can use technology, Mr. Speaker, to link all of our State agencies along with our voting rolls. If we are really talking about encouraging people to come to the polls and to vote, Mr. Speaker, there are ways that we can do it, and disenfranchising the poor and the elderly and making them pay, people pay, for not having permanent housing and being transient, Mr. Speaker, that is not the way to do it.

Thank you.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman, the majority leader, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, I really, as I said earlier, Mr. Speaker, fail to understand some of the complaints about this bill, given the debate over the last couple of months on this entire issue of voting and voting rights. This bill as it is before you now, Mr. Speaker, is very consistent with the Federal law and the requirements of the Federal law both in terms of voters being asked to present some kind of identification to just verify who they are.

You know, Mr. Speaker, I heard a couple things that were really different here across this State. While one member said that they are very trusting in their area and everybody knows each other, another member noted that someone might be afraid to bring out an ID at the polling place for fear that somebody would steal their wallet. Well, those are two different districts, Mr. Speaker. I have another member who was sitting here telling me that in his precinct over the last, I believe, 20 years that he has been there, there used to be two polling places in the municipality in which he lives; there used to be two polling places. Today there are six polling places within that same township or that same municipality. Mr. Speaker, those people do not all know each other. There are more polling places because there are new people, new judges of elections.

Mr. Speaker, to ask people to identify themselves at the polling place does not disenfranchise voters. It ensures that each person's vote does count. I just, Mr. Speaker, fail to grasp why anyone wants to allow a system to function in a corrupt manner when there is a very simple mechanism in which to make it a safe and fair manner.

One final point, Mr. Speaker, more or less. I heard a lot about senior citizens here over the course of this debate, and quite frankly, Mr. Speaker, I think a lot of people have really sold them short. Now, I know in my case with my mother and father, they are 84 and 80, and, Mr. Speaker, to suggest that they cannot find their way to the poll and take some kind of ID with them, that these people, this generation – by and large, we are talking about the people that we know as the Greatest Generation, the people that fought in World War II – to suggest that these people, these senior citizens, cannot come to the polling place with some kind of ID and that they are going to be disenfranchised because they are elderly is absurd, and I think, frankly, it is an insult to anyone that would be considered elderly.

Mr. Speaker, this bill does several good things. It addresses the issue with the military absentee ballot issue. That is something in which this State was sued in the last Presidential election. It clears it up. It sets a process in place that will clarify how those ballots will be handled. Mr. Speaker, it deals with allowing people to be ensured that the polling place will be safe, open, free of intimidation, that it will be accessible to people with disabilities, Mr. Speaker.

This bill, Mr. Speaker, provides for some form of identification. When you look at what the bill was and what it is – and I support the bill as it was passed in the House; I would support a strong voter ID – this bill, this conference committee report that is before us, provides many options of ID that are consistent with the Federal law, a Federal law, I might add, Mr. Speaker, that was not some kind of Republican anti-disenfranchise voter act. Mr. Speaker, it was an act that was passed with significant support of Republicans and Democrats throughout the United States Congress and the United States Senate. This act is consistent with that. I do not understand,

Mr. Speaker. I am baffled at what the opposition to that is, Mr. Speaker.

This bill, Mr. Speaker, is a good bill. It is a bill that ensures many things, as I mentioned. It is a bill that ensures, most importantly, that each person can vote once and that each person's vote will be counted once, and that I think is the most important element of integrity for this system.

Mr. Speaker, I ask for an affirmative vote on the Conference Report on HB 1318.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—106

Adolph	Feese	Mackereth	Reichley
Allen	Fichter	Maher	Rohrer
Argall	Fleagle	Maitland	Ross
Armstrong	Flick	Major	Rubley
Baker	Forcier	Marsico	Saylor
Baldwin	Gabig	McGill	Scavello
Barrar	Gannon	McIlhattan	Schroder
Bastian	Geist	McIlhinney	Semmel
Benninghoff	Gillespie	Metcalfe	Smith, B.
Beyer	Gingrich	Micozzie	Smith, S. H.
Birmelin	Good	Millard	Sonney
Boyd	Grell	Miller, R.	Stairs
Bunt	Harhart	Miller, S.	Steil
Cappelli	Harper	Mustio	Stern
Causar	Harris	Nailor	Stevenson, R.
Civera	Hasay	Nickol	Stevenson, T.
Clymer	Hennessey	O'Brien	Taylor, E. Z.
Cornell	Herman	O'Neill	Taylor, J.
Crahalla	Hershey	Payne	True
Creighton	Hess	Petri	Turzai
Dally	Hickernell	Phillips	Watson
Denlinger	Hutchinson	Pickett	Wilt
DiGiroلامo	Kauffman	Pyle	Wright
Diven	Keller, M.	Quigley	Zug
Ellis	Kenney	Rapp	
Evans, J.	Killion	Raymond	Perzel,
Fairchild	Leh	Reed	Speaker

NAYS—91

Bebko-Jones	Frankel	Mann	Santoni
Belardi	Freeman	Markosek	Shaner
Belfanti	George	McCall	Shapiro
Biancucci	Gerber	McGeehan	Siptroth
Bishop	Gergely	Melio	Solobay
Blackwell	Godshall	Mundy	Staback
Blaum	Goodman	Myers	Stetler
Buxton	Grucela	Oliver	Sturla
Caltagirone	Gruitza	Pallone	Surra
Casorio	Haluska	Parker	Tangretti
Cawley	Hanna	Petrarca	Tigue
Cohen	Harhai	Petrone	Veon
Costa	James	Pistella	Vitali
Cruz	Josephs	Preston	Walko
Curry	Keller, W.	Ramaley	Wansacz
Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Rieger	Wheatley
Dermody	LaGrotta	Roberts	Williams
DeWeese	Leach	Roebuck	Wojnaroski
Donatucci	Lederer	Rooney	Yewcic
Eachus	Lescovitz	Ruffing	Youngblood

Evans, D.	Levdansky	Sainato	Yudichak
Fabrizio	Manderino	Samuelson	

NOT VOTING—0

EXCUSED—4

Corrigan	McNaughton	Sather	Thomas
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. There will be no further votes.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. Representative Cohen would like to be recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to give notice that I intend to call up Discharge Resolution 5, discharging HB 257 dealing with the minimum wage from the Appropriations Committee, after the passage of 2 session days.

The SPEAKER. That would be in order on the Wednesday of the week we come back, Mr. Cohen.

There will be a nonvoting session tomorrow.

Are there any further announcements?

Is there any further business from the majority or minority?

Mr. Cohen.

Mr. COHEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The motion that the gentleman made would be in order on the Tuesday that we come back.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman have another further question?

Mr. COHEN. Thank you.

RECESS

The SPEAKER. This House is in recess to the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Leh.

Mr. LEH. Mr. Speaker, I move that this House do now recess until Wednesday, February 15, 2006, at 10:30 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:29 a.m., e.s.t., Wednesday, February 15, 2006, the House recessed.