

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 3, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 21

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. Prior to the prayer being offered by our Chaplain, Rev. Glen Bayly, members and guests will please rise for a moment of silence in memory of our former Speaker, K. Leroy Irvis. Members and all guests, please rise.

(A moment of silence was observed.)

PRAYER

REV. T. GLEN BAYLY, Chaplain of the House of Representatives, offered the following prayer:

Shall we pray:

Our gracious Heavenly Father, we pause at this time to honor and recognize You as this session of business begins in our Pennsylvania House of Representatives.

We come before You to give You thanks for our many blessings today. For the blessings of food and clothing and shelter, for the blessings of living in a free nation, we give You thanks today. We thank You for the freedoms that we have – freedom of speech and freedom of assembly, freedom of the press, freedom to worship You.

We ask Your guidance upon this session of business today. We thank You especially for the newest member who will be sworn in today, Representative John Sabatina. We pray Your blessing upon him and his efforts here. May he have good relations with his colleagues and good success in what he endeavors to do.

We thank You for each member, and we pray today for their families, for their personal lives. We pray for those who have health concerns and other needs in their lives. We commit them to Your care. We seek Your guidance upon their efforts today that all that is said and done in this place might be pleasing to You.

We would also remember today those who are on the frontlines fighting the war on terror – our troops in Afghanistan and Iraq and around the world. We pray Your protection over them. We pray for wisdom and guidance for their leaders, and we ask for our President, President Bush, that You would be with him today and grant him special guidance and wisdom from above. Be with Governor Rendell as he carries out his duties for our State, and again we commit this session to You,

asking You to give guidance and blessing from above, and we pray this in Your holy and precious name. 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, March 20, 2006, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2434 By Representatives CORNELL, J. TAYLOR, QUIGLEY, BEYER, HERSHEY, YOUNGBLOOD, BUNT, CALTAGIRONE, THOMAS, SOLOBAY, PYLE, FABRIZIO, JAMES, CASORIO, HENNESSEY, HARPER and PALLONE

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for definitions.

Referred to Committee on LOCAL GOVERNMENT, April 3, 2006.

No. 2476 By Representatives CALTAGIRONE, DONATUCCI and MYERS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, imposing a six percent sales tax on advertising.

Referred to Committee on FINANCE, April 3, 2006.

No. 2477 By Representatives CALTAGIRONE, BELFANTI, ALLEN, CAWLEY, DeWEESE, DIVEN, GOODMAN, JAMES, LaGROTTA, MYERS, PALLONE, BEYER, SIPTROTH, STABACK, TIGUE and WANSACZ

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, expanding the scope of the act to include sports pool betting.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, April 3, 2006.

No. 2478 By Representatives CALTAGIRONE, BEBKO-JONES, BELFANTI, CAWLEY, COSTA, FABRIZIO, JAMES, MARKOSEK, MYERS, PISTELLA, THOMAS and YOUNGBLOOD

An Act mending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for classes of income.

Referred to Committee on FINANCE, April 3, 2006.

No. 2548 By Representatives GERGELY, WHEATLEY, EACHUS, NICKOL, WALKO, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BIANCUCCI, BISHOP, BLACKWELL, BUXTON, CALTAGIRONE, COHEN, CORRIGAN, CURRY, DALLY, DERMODY, DeWEESE, DIVEN, D. EVANS, FABRIZIO, FRANKEL, GEORGE, GERBER, GRUCELA, HALUSKA, HANNA, JAMES, JOSEPHS, KOTIK, LaGROTTA, LEACH, LEVDANSKY, MANDERINO, MARKOSEK, McCALL, McGEEHAN, MELIO, MICOZZIE, MUNDY, PALLONE, PARKER, PETRONE, RAMALEY, RAYMOND, READSHAW, ROEBUCK, RUFFING, SAINATO, SANTONI, SCHRODER, SHAPIRO, SIPTROTH, SOLOBAY, STABACK, STETLER, STURLA, SURRA, J. TAYLOR, THOMAS, TIGUE, VEON, VITALI, WANSACZ, WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK, HARHAI, FREEMAN, COSTA and PISTELLA

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for determination of eligibility, for physician, certified registered nurse practitioner and pharmacy participation, for reduced assistance, for rebates for expenses prohibited, for program generally, for generic drugs, for restricted formulary, for reimbursement, for income verification, for contracts and for the pharmaceutical assistance contract for the elderly needs enhancement tier, for pharmacy best practices and cost controls review further providing for penalties; and establishing the coordination of Federal and State benefits.

Referred to Committee on AGING AND OLDER ADULT SERVICES, April 3, 2006.

No. 2549 By Representatives BISHOP, O'NEILL, CALTAGIRONE, SIPTROTH, THOMAS, JAMES, YOUNGBLOOD, FABRIZIO, MANDERINO, PARKER, BLACKWELL and FREEMAN

An Act amending the act of May 17, 1921 (P.L.860, No.303), entitled "An act to provide for the recording, and notation upon the record of any deed or other recorded instrument, of any judgment or decree affecting such deed or other instrument, and providing that such recording and notation shall be notice of such judgment or decree," further providing for recording judgments.

Referred to Committee on JUDICIARY, April 3, 2006.

No. 2550 By Representatives GRUCELA, CALTAGIRONE, CRAHALLA, CURRY, DALLY, HARPER, JOSEPHS, LEACH, MACKERETH, McGEEHAN, PALLONE, SHANER, SIPTROTH, STEIL, THOMAS and COSTA

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for educational impact fee and assessment in certain school districts.

Referred to Committee on EDUCATION, April 3, 2006.

No. 2551 By Representatives SURRA, BELFANTI, CALTAGIRONE, COHEN, FABRIZIO, GRUCELA, HESS, JAMES, MAHER, PALLONE, SIPTROTH, SOLOBAY, STABACK, THOMAS, WOJNAROSKI, YOUNGBLOOD and FREEMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors, for insurance and other employee benefits and for audit of accounts by auditors and financial report to Department of Community Affairs.

Referred to Committee on INSURANCE, April 3, 2006.

No. 2552 By Representatives SCHRODER, BARRAR, BENNINGHOFF, BOYD, CLYMER, CURRY, DENLINGER, GABIG, HARRIS, JOSEPHS, KAUFFMAN, M. KELLER, LEH, R. MILLER, PALLONE, PYLE, RAPP, ROHRER, SIPTROTH, SOLOBAY, SONNEY, E. Z. TAYLOR, WILT and CALTAGIRONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for automated red light enforcement systems in first class cities.

Referred to Committee on TRANSPORTATION, April 3, 2006.

No. 2553 By Representatives REICHLEY, ALLEN, ARMSTRONG, CALTAGIRONE, CRAHALLA, CREIGHTON, DALLY, DeWEESE, DIVEN, FAIRCHILD, GEORGE, GINGRICH, GOODMAN, HARRIS, HERSHEY, MACKERETH, MUSTIO, PETRONE, SCAVELLO, SIPTROTH, SONNEY, STABACK, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WILT, YUDICHAK, ZUG, HARPER, BENNINGHOFF and TURZAI

An Act providing for local senior citizen property tax rent rebates.

Referred to Committee on FINANCE, April 3, 2006.

No. 2554 By Representatives WRIGHT, OLIVER, McILHATTAN, DeWEESE, BALDWIN, BELFANTI, BENNINGHOFF, BEYER, BOYD, CALTAGIRONE, CAPPELLI, CLYMER, COHEN, CORNELL, CRAHALLA, CREIGHTON, DONATUCCI, FABRIZIO, FAIRCHILD, GEIST, GEORGE, GINGRICH, GOODMAN, HALUSKA, HARPER, JAMES, JOSEPHS, MAITLAND, MUNDY, MYERS, PALLONE, SATHER, SCHRODER, SHAPIRO, B. SMITH, SOLOBAY, SONNEY, TIGUE, WATSON and WILT

An Act providing for the use of credit information in personal lines insurance underwriting, for limitations on the use of credit information, for dispute resolution and error correction, for notification and reunderwriting requirements, for adverse action notification and for violations.

Referred to Committee on INSURANCE, April 3, 2006.

No. 2555 By Representatives DENLINGER, BARRAR, BOYD, CALTAGIRONE, CAPPELLI, DALLY, DeLUCA, FAIRCHILD, GINGRICH, GOODMAN, MARSICO, MUSTIO, PALLONE, ROHRER, SCHRODER, SIPTROTH, E. Z. TAYLOR, TIGUE, WANSACZ and WILT

An Act amending the act of July 31, 1968 (P.L.805, No.247), further providing for location of methadone treatment facilities in certain locations.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 3, 2006.

No. 2556 By Representatives DENLINGER, ARMSTRONG, BAKER, BALDWIN, BARRAR, BELARDI, BELFANTI, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CAUSER, CRAHALLA, DALLY, DeWEESE, DIVEN, FAIRCHILD, FREEMAN, GEIST, GEORGE, GILLESPIE, GODSHALL, GOOD, GOODMAN, GRUCELA, HARHART, HARPER, HARRIS, HICKERNELL, JAMES, M. KELLER, KILLION, LEH, MACKERETH, MAITLAND, MARKOSEK, MARSICO, McILHINNEY, MILLARD, MUSTIO, MYERS, PALLONE, PETRARCA, PHILLIPS, PICKETT, PYLE, RAYMOND, READSHAW, REICHLEY, RUBLEY, SCAVELLO, SCHRODER, SEMMEL, SOLOBAY, STABACK, R. STEVENSON, J. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WANSACZ, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and ZUG

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for property tax and rent rebate eligibility.

Referred to Committee on FINANCE, April 3, 2006.

No. 2558 By Representatives CASORIO, DeWEESE, BELFANTI, CALTAGIRONE, BAKER, BOYD, CAPPELLI, CRAHALLA, FABRIZIO, GOODMAN, GRUCELA, KIRKLAND, KOTIK, LEACH, LEDERER, MAHER, PALLONE, PAYNE, PHILLIPS, PISTELLA, RAYMOND, READSHAW, SATHER, SIPTROTH, TANGRETTI and YOUNGBLOOD

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for seizure and detention of dogs, costs and destruction of dogs.

Referred to Committee on LOCAL GOVERNMENT, April 3, 2006.

No. 2559 By Representatives CASORIO, DeWEESE, BELFANTI, CALTAGIRONE, BAKER, BOYD, CAPPELLI, CRAHALLA, FABRIZIO, GOODMAN, GRUCELA, KIRKLAND, KOTIK, LEACH, LEDERER, MAHER, PALLONE, PAYNE, PHILLIPS, PISTELLA, RAYMOND, READSHAW, SATHER, SIPTROTH, TANGRETTI and YOUNGBLOOD

An Act relating to cats; regulating the keeping of cats; providing for the licensing, seizure, detention and destruction of cats; establishing a Cat Law Restricted Account; making an appropriation; and establishing penalties and enforcement mechanisms.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 3, 2006.

No. 2560 By Representatives PRESTON, GRUCELA, BARRAR, BELARDI, CALTAGIRONE, COHEN, DeWEESE, FABRIZIO, GEIST, JAMES, JOSEPHS, KOTIK,

MANDERINO, McGEEHAN, PARKER, READSHAW, REICHLEY, ROONEY, SHANER, SIPTROTH, J. TAYLOR, THOMAS, TIGUE, YOUNGBLOOD, BELFANTI, BEYER, BIANCUCCI, BUNT, PISTELLA and PALLONE

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 providing for unfair methods of competition and unfair or deceptive acts or practices.

Referred to Committee on CONSUMER AFFAIRS, April 3, 2006.

No. 2561 By Representatives BENNINGHOFF, BARRAR, GOODMAN, BELFANTI, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, DALLY, DeWEESE, FRANKEL, GEIST, GINGRICH, HARHAI, HARHART, HARPER, HARRIS, HERMAN, JAMES, KILLION, LEDERER, MACKERETH, MANDERINO, MANN, R. MILLER, MUNDY, PARKER, PICKETT, SATHER, SAYLOR, SCAVELLO, SIPTROTH, B. SMITH, SOLOBAY, SONNEY, STERN, R. STEVENSON, J. TAYLOR, THOMAS, TRUE, YOUNGBLOOD and DENLINGER

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

Referred to Committee on JUDICIARY, April 3, 2006.

No. 2562 By Representatives NICKOL, BOYD, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, CREIGHTON, DENLINGER, FAIRCHILD, FICHTER, GILLESPIE, GINGRICH, GRELL, GRUCELA, HANNA, HARHART, HERSHEY, M. KELLER, MACKERETH, MAITLAND, R. MILLER, MUSTIO, NAILOR, PETRI, PHILLIPS, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, B. SMITH, SONNEY, E. Z. TAYLOR, J. TAYLOR, WATERS, WILT and JAMES

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the employer contribution rates on behalf of active members.

Referred to Committee on STATE GOVERNMENT, April 3, 2006.

No. 2563 By Representatives STABACK, GOODMAN, BAKER, BELFANTI, BEYER, BOYD, CALTAGIRONE, CAPPELLI, DeLUCA, DeWEESE, DIVEN, FABRIZIO, FAIRCHILD, FORCIER, GEIST, GEORGE, GODSHALL, HALUSKA, HANNA, HARHAI, HARRIS, HESS, HUTCHINSON, M. KELLER, KOTIK, McGEEHAN, McILHINNEY, METCALFE, R. MILLER, PETRARCA, PHILLIPS, PICKETT, PYLE, READSHAW, REICHLEY, SIPTROTH, SOLOBAY, SURRA, TANGRETTI, TIGUE, WILT, WOJNAROSKI and PALLONE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for possession of firearm for protection of self or others.

Referred to Committee on GAME AND FISHERIES, April 3, 2006.

No. 2564 By Representatives MAITLAND, FLEAGLE, KAUFFMAN, CLYMER, CRAHALLA, GRUCELA, HARPER, HERSHEY, MELIO, S. MILLER, SAYLOR, SCAVELLO, SCHRODER and E. Z. TAYLOR

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for definitions; amending provisions relating to municipal capital improvements; and providing for building excise fees and for development moratoriums.

Referred to Committee on LOCAL GOVERNMENT, April 3, 2006.

No. 2565 By Representatives LEACH, THOMAS, BELARDI, BELFANTI, BEYER, CALTAGIRONE, CAWLEY, COHEN, CURRY, FABRIZIO, FRANKEL, FREEMAN, GERBER, GOODMAN, HARHAI, JAMES, JOSEPHS, MANDERINO, McGEEHAN, MICOZZIE, MUNDY, PISTELLA, READSHAW, SCHRODER, SIPTROTH, B. SMITH, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, VITALI, WALKO, YOUNGBLOOD, YUDICHAK and PALLONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax exclusions.

Referred to Committee on FINANCE, April 3, 2006.

No. 2566 By Representatives LEACH, THOMAS, BELARDI, BELFANTI, BEYER, CALTAGIRONE, CAWLEY, COHEN, CURRY, FABRIZIO, FRANKEL, FREEMAN, GERBER, GOODMAN, HARHAI, JAMES, JOSEPHS, MANDERINO, McGEEHAN, MICOZZIE, MUNDY, PISTELLA, READSHAW, SCHRODER, SIPTROTH, B. SMITH, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, VITALI, WALKO, YOUNGBLOOD, YUDICHAK and PALLONE

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for use of the Growing Greener Bond Fund to support the installation of residential solar energy systems and related education; and establishing the Residential Solar Power Assistance and Education Fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 2006.

No. 2567 By Representatives LEACH, THOMAS, BELARDI, BELFANTI, BEYER, CALTAGIRONE, CAWLEY, COHEN, CURRY, FABRIZIO, FRANKEL, FREEMAN, GERBER, GOODMAN, HARHAI, JAMES, JOSEPHS, MANDERINO, McGEEHAN, MICOZZIE, MUNDY, PISTELLA, READSHAW, SCHRODER, SIPTROTH, B. SMITH, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, VITALI, WALKO, YOUNGBLOOD, YUDICHAK and PALLONE

An Act directing the Department of General Services to study the economic and technical feasibility of installing a solar power system on certain buildings.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 2006.

No. 2568 By Representatives GEORGE and SURRA

An Act authorizing and directing the Department of Conservation and Natural Resources, with the approval of the Governor, to convey to Pine Township, Clearfield County, a certain tract of land situate in Pine Township, Clearfield County, for a consideration of \$1.

Referred to Committee on STATE GOVERNMENT, April 3, 2006.

No. 2600 By Representatives B. SMITH and McNAUGHTON

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license costs and fees; providing for a turkey stamp and pheasant stamp and fees and for restricted accounts for turkey and pheasant programs.

Referred to Committee on GAME AND FISHERIES, April 3, 2006.

No. 2601 By Representatives B. SMITH and McNAUGHTON

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license costs and fees; providing for a turkey stamp and pheasant stamp and fees and for restricted accounts for turkey and pheasant programs.

Referred to Committee on GAME AND FISHERIES, April 3, 2006.

No. 2602 By Representatives B. SMITH and McNAUGHTON

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for classes of licenses by providing for a conservation stamp and fee.

Referred to Committee on GAME AND FISHERIES, April 3, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 658 By Representative THOMAS

A Resolution encouraging the Pennsylvania Attorney General to investigate Federal agents in their handling of the deportation of Jiang Zhen-Xing, a pregnant Chinese national.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, March 22, 2006.

No. 662 By Representatives SEMMEL, TIGUE, MCGILL, WATSON, STERN, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BEYER, BOYD, CAPPELLI, CLYMER,

COHEN, CRAHALLA, DeLUCA, DENLINGER, DeWEESE, DONATUCCI, FABRIZIO, FICHTER, FORCIER, FRANKEL, GEIST, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARPER, HERSHEY, HESS, JAMES, LEH, MAHER, MAITLAND, MANDERINO, MANN, MARKOSEK, MARSICO, R. MILLER, S. MILLER, MUNDY, MUSTIO, MYERS, NAILOR, O'NEILL, PALLONE, PETRARCA, PETRONE, PHILLIPS, PISTELLA, PYLE, RAYMOND, READSHAW, REICHLEY, ROHRER, SAYLOR, SHANER, SHAPIRO, SIPTROTH, SOLOBAY, E. Z. TAYLOR, THOMAS, TRUE, WANSACZ, WOJNAROSKI, WRIGHT and YOUNGBLOOD

A Resolution memorializing the United States Department of Defense to reverse its decision and preserve the Charles E. Kelly Support Facility Commissary in Oakdale and the Willow Grove Naval Exchange and to move forward with previously approved plans to build a new commissary at the Willow Grove Naval Air Station and approve construction of a new commissary in western Pennsylvania.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 3, 2006.

No. 663 By Representatives DENLINGER, ALLEN, BAKER, BALDWIN, BARRAR, BELARDI, BEYER, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, DeLUCA, DeWEESE, GEIST, GEORGE, GINGRICH, GOODMAN, HERSHEY, HESS, M. KELLER, MARKOSEK, METCALFE, MILLARD, MYERS, PALLONE, PAYNE, PICKETT, PYLE, REICHLEY, ROBERTS, ROHRER, RUBLEY, SAYLOR, SCHRODER, SEMMEL, SIPTROTH, WILT and YOUNGBLOOD

A Resolution urging the Congress of the United States to adjust the tax on Social Security benefits to compensate for inflation.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 3, 2006.

No. 665 By Representatives CLYMER, BLAUM, BUXTON, CALTAGIRONE, CRAHALLA, DALEY, DALLY, DENLINGER, DeWEESE, FABRIZIO, FICHTER, GINGRICH, GODSHALL, GOODMAN, HARHART, HERSHEY, JAMES, LEH, MAITLAND, McILHATTAN, R. MILLER, MUSTIO, NAILOR, O'NEILL, PETRARCA, PHILLIPS, PICKETT, PISTELLA, ROBERTS, ROHRER, RUBLEY, SANTONI, SAYLOR, B. SMITH, SONNEY, STERN, T. STEVENSON, TANGRETTI, E. Z. TAYLOR, THOMAS, TRUE, TURZAI, WANSACZ, WATSON, WOJNAROSKI, YUDICHAK and REED

A Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive study and cost review of personal care home services in Pennsylvania, including the actual costs incurred to operate a personal care home.

Referred to Committee on STATE GOVERNMENT, April 3, 2006.

No. 676 By Representatives LEVDANSKY, HERMAN, PISTELLA, BALDWIN, BEBKO-JONES, BEYER, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, COHEN,

COSTA, CRAHALLA, CREIGHTON, CURRY, DALEY, DENLINGER, DeWEESE, FABRIZIO, FAIRCHILD, FRANKEL, GEIST, GEORGE, GERGELY, GINGRICH, GOODMAN, GRUCELA, HARHART, HARPER, HASAY, HERSHEY, JAMES, JOSEPHS, KOTIK, LEACH, LEDERER, LEH, MAHER, MAITLAND, MANN, MARKOSEK, McGEEHAN, McILHATTAN, MELIO, MUNDY, MYERS, PALLONE, PARKER, PERZEL, PETRARCA, PETRONE, PICKETT, RAMALEY, RAPP, READSHAW, REICHLEY, ROBERTS, ROEBUCK, SAMUELSON, SANTONI, SAYLOR, SCAVELLO, SHAPIRO, SIPTROTH, B. SMITH, SOLOBAY, STAIRS, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, TIGUE, VEON, WALKO, WOJNAROSKI and YOUNGBLOOD

A Concurrent Resolution urging the Pennsylvania Congressional Delegation to support legislation calling for Federal approval of the extension of the Lewis and Clark National Historic Trail.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, April 3, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 780, PN 1549

Referred to Committee on LIQUOR CONTROL, March 22, 2006.

SB 845, PN 1355

Referred to Committee on JUDICIARY, April 3, 2006.

SB 866, PN 1124

Referred to Committee on JUDICIARY, April 3, 2006.

SB 873, PN 1539

Referred to Committee on TRANSPORTATION, March 22, 2006.

SB 874, PN 1618

Referred to Committee on TRANSPORTATION, April 3, 2006.

SB 1043, PN 1621

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 3, 2006.

SB 1088, PN 1649

Referred to Committee on TRANSPORTATION, April 3, 2006.

SB 1160, PN 1599

Referred to Committee on APPROPRIATIONS, April 3, 2006.

SB 1163, PN 1602

Referred to Committee on APPROPRIATIONS, April 3, 2006.

SB 1164, PN 1603

Referred to Committee on APPROPRIATIONS, April 3, 2006.

SB 1165, PN 1604

Referred to Committee on APPROPRIATIONS, April 3, 2006.

SB 1166, PN 1605

Referred to Committee on APPROPRIATIONS, April 3, 2006.

SB 1169, PN 1628

Referred to Committee on TRANSPORTATION, April 3, 2006.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move the following bills be taken from the table:

HB 2381;
HB 2441;
HB 2457; and
HB 2472.

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

BILLS ON SECOND CONSIDERATION

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

HB 2381, PN 3754; HB 2441, PN 3510; HB 2457, PN 3569; and HB 2472, PN 3605.

BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move the following bills be recommitted to the Appropriations Committee:

HB 2381;
HB 2441;
HB 2457; and
HB 2472.

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

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 349, PN 2062**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for teacher qualification and for conditional certification of certain persons.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 349 be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 349 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 1027, PN 1183**, entitled:

An Act naming the Academic Training Building at Fort Indiantown Gap the Major General Henry K. Fluck Academic Training Building.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1027 be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1027 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 1652, PN 2079**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for governing board; and providing for regional transportation authorities.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1652 be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1652 be taken off the table.

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

RESOLUTION

Mr. S. SMITH called up **HR 480, PN 2888**, entitled:

A Resolution supporting a Pennsylvania high-speed maglev industry.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HR 480 be placed on the table.

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

RESOLUTION REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HR 480 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 pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2253 be taken off the table.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2253 be placed on the table.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 58, PN 3760; HB 200, PN 3732; HB 213, PN 3115; and HB 893, PN 3718**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2157, PN 2980**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 386, PN 1058**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 969, PN 1554**.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence? The Chair recognizes the majority whip, who requests a leave of absence for the week for the gentlelady from Chester County, Mrs. TAYLOR.

The Chair recognizes the minority whip, who requests a leave of absence for the week for the gentleman, Mr. DERMODY, from Allegheny County; for the week for the gentlelady, Mrs. LEDERER, from Philadelphia County; and for the day, Mr. CRUZ from Philadelphia County and Mr. RIEGER from Philadelphia County. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Fichter	Major	Ruffing
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Bianucci	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, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wilt
DiGirolamo	Kirkland	Readshaw	Wojnaroski
Diven	Kotik	Reed	Wright
Donatucci	LaGrotta	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	
Fairchild	Maher	Rubley	Perzel,
Feese	Maitland		Speaker

ADDITIONS—1

Sabatina

NOT VOTING—0

EXCUSED—5

Cruz	Lederer	Rieger	Taylor, E. Z.
Dermody			

LEAVES ADDED—4

Myers Roberts Smith, S. Steil

REMARKS SUBMITTED FOR THE RECORD

Mr. PETRI submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Colin Lehman, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Colin Lehman.

Whereas, Colin Lehman earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 29.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Colin Lehman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Mr. Surra, for a Capitol leave.

Mr. SURRA. Thank you, Mr. Speaker.

I would like to put Representative Kevin BLAUM on Capitol leave.

The SPEAKER pro tempore. Without objection, the leave will be granted.

SOUDERTON AREA HIGH SCHOOL BOYS WATER POLO TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Godshall, who would like to make a citation presentation.

The gentleman, Mr. Godshall, may proceed when he is ready.

Mr. GODSHALL. Thank you, Mr. Speaker, for giving me the opportunity to welcome the State champion Souderton Area Boys Water Polo Team to the House of Representatives with a league season of 21 and 0; the season overall, 32 and 4.

Mr. Speaker and members of the House, in a game that observers said was too good, that no one really deserved to lose, Souderton Area High School Indians outlasted the defending champion, North Penn Knights, which is also in my district, 12 to 11 to win the water polo championship on November 5, 2005, in three overtimes. The event, which featured teams from across the State, was held at the Cumberland Valley High School pool in Mechanicsburg. This was Souderton's second State championship in the last 3 years, and I am sure there are going to be more to come.

Souderton defeated Wilson, Wissahickon, and Governor Mifflin to get to the title game.

Though water polo is quite different from the version introduced in Scotland in the middle of the 19th century, it is still a sport that emphasizes swimming, speed, and passing. The topnotch players, like the young men with us today, can attest, too, that it is a sport of strength and endurance. Water polo was first played in the United States in 1888, and it was the first team sport added to the Olympic program in 1900.

We are proud of our State champions, and I am certain that they will enjoy success in future years both in the pool and in the classroom.

Awarded with first-team State honors from the Indians were Reid Fox, Matt Gruszecki, and Matt Zrada; Scott Bronsdon – I am trying here – who came through with 52 saves in goal in a thrilling title game, won second-team State; Joe Dorsch made third-team All-State; and Nate Mensch received honorable mention.

I am sure, however, that all the players with us today will agree that water polo is first and foremost a team game, and this team was expertly coached by coach Terrence Nesensohn.

Thank you, Mr. Speaker.

And I would like to introduce coach Terrence Nesensohn and the Souderton team in the rear; and cocaptains Reid Fox, Matt Gruszecki, Matt Zrada, and Joe Dorsch, and the Souderton Polo Team in the rear.

I appreciate the courtesy of the House, and the team does also, and we are looking forward to having them come back next year.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

McKEESPORT HIGH SCHOOL FOOTBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gergely, for a citation presentation.

The gentleman may proceed when he is ready.

Mr. GERGELY. Thank you, Mr. Speaker.

Mr. Speaker, today it is a great honor to have the opportunity to introduce to you the AAAA State championship football team, the McKeesport Tigers.

Mr. Speaker, it would be interesting for you to know that not only do I really follow this team and am a season ticket holder, but the head coach, George Smith, and many of his staff 20 years ago also coached myself as an offensive left tackle. So it is a great privilege to have them here today on the floor of the House of Representatives to be recognized.

The Tigers compiled a 10-and-2 record and did very successfully in their win over Bethlehem Liberty in the State championship. As a matter of fact, it became a mercy-rule win. So congratulations to my team.

But I want to go further with this team. They are an incredible group of kids, and the McKeesport Tigers were incredibly, incredibly honored this year. As we were celebrating the Steelers, I did not get up to the microphone, knowing that I would have this opportunity to recognize that my McKeesport alumni, Mike Logan and Russell Stuvaints, were a part of the Pittsburgh Steelers Super Bowl Team, and they graduated from McKeesport High School, and these young men behind me will be following in their footsteps.

And in closing, Mr. Speaker, we paid a visit today, we paid a visit today over to Governor Rendell's house, and the Governor happened to be home. As the Governor is a great sports enthusiast – and as many of my colleagues know me, I am not the most athletically capable in the House, but I try – the Governor made me play football with the guys, and I guess you could figure out what happened; I took a header right on the grounds of the Governor's residence.

So it is a great honor to have behind me – and as I introduce them, if they could raise their hands – Robert Doiley signed with Slippery Rock University, running back, free safety; Dan Kopolovich, Dan will probably be going to Princeton University as a quarterback there; Travis McBride will be playing as – I do not know where you are going to be playing, Travis, but you are going to be playing for Penn State University, representing us very well; and Anthony Leonard, he will be going down south a little bit. He will be playing for West Virginia University. Please give them a round of applause and thank the McKeesport Tigers.

The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates the team.

NORTHAMPTON INDIANS FOOTBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Petri, for a citation presentation.

Mr. PETRI. Mr. Speaker, I am proud to be before you to present to you the Northampton Indians. As we just saw, we have a number of football athletes and student athletes in our audience. Let us not forget the younger ones.

It gives me immense pleasure to welcome to the House chamber a distinguished group of young Pennsylvanians, the Northampton Indians of the Pop Warner Jr. Pee Wee Football League. After finishing their regular season with a 14-to-0 record and capturing both the league and regional championships, this dedicated and talented group of young men was invited to participate in the Pop Warner National Championship Football Tournament in Orlando, Florida, and represented Pennsylvania in a manner deserving of recognition. This tournament is equivalent to being invited to play Little League in Williamsport. While in Florida, the Northampton Indians were able to advance to the semifinals before ultimately being beaten by the national champions, the Mardarin Tigers. They finished third in the country in the 100-pound division.

Even more spectacular are their feats in the classroom. Throughout the season these young men were required to maintain a B average, a task they did so easily.

Legendary coach Vince Lombardi once said, "The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose we have applied the best of ourselves to the task at hand." In talking to these young men and their coaches, it is obvious that they have put all of their goals in order and they were very successful.

A special thanks to the coaches for their generous commitment of hundreds of hours of time and talent in shaping these young men – coach Chris Fiegel, head coach; Dale Balasco, president of the league and assistant coach; Lou Shragher, Ed Horne, Bill Tobin, assistant coaches; and Brian Dioniso, coach trainee.

I am extremely proud to honor the Northampton Indians with a special House resolution and ask that you join me in a hearty round of applause for our 100-pound State champions, regional champions, and champions in our hearts.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

KENDALL SIMMONS INTRODUCED

The SPEAKER. It is my pleasure today to introduce a distinguished guest who is here today in the Capitol. Please join me in welcoming a member of the world champion Pittsburgh Steelers, Kendall Simmons.

Typically, Mr. Simmons manhandles defensive linemen, paving the way for the Bus and maybe a chime from Big Ben, but today he is here with a different opponent, cancer. On behalf of the University of Pittsburgh Cancer Institute and the University of Pittsburgh Medical Center, Mr. Simmons is lending his support to their cancer outreach programs that serve countless western Pennsylvania residents.

I invite my colleagues in the General Assembly to join me later on today with Mr. Simmons for the UPCI reception in the East Wing Rotunda at 5 o'clock today. It is a great privilege for me to introduce to you Kendall Simmons.

The Chair recognizes the gentleman, Mr. Mustio.

Mr. MUSTIO. On behalf of the House of Representatives, I want to thank Mr. Simmons for his support in the help to knock out cancer and again wish the Steelers luck this fall as they continue to be Pennsylvania's number one pro football team.

EMMAUS HIGH SCHOOL BOYS SWIMMING AND DIVING TEAM PRESENTED

The SPEAKER. The Chair at this time recognizes the gentlelady, Mrs. Beyer, for the purpose of a citation, and Representative Reichley.

Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

It is with great pleasure that Representative Beyer and I welcome the Emmaus Boys Swim Team. This past month this boys swim team was able to be crowned the State champions, and we are very happy to have them out here.

Emmaus High School has a long and distinguished history of winning in swimming championships. We had the girls team out just in the past year, but this year it is the boys team for the PIAA AAA State Championship. Their score, out of 244, was 84 points higher than the second-place contender, and on their way to winning, they were able to score points in all 12 events.

This team was able to set a State record in the preliminaries in the 200-yard medley relay team, and this is the same team that won the statewide gold in the finals.

Among this team we also have three individual State champions – senior George Rae-Grant, junior David Gordon, and sophomore Alex Kluge – who are behind me, along with coach O'Connor. So I would like the entire House to welcome

and congratulate these fine young men on their accomplishments and also for the team to stand in the back.

Thank you very much.

SPECIAL ORDER OF BUSINESS

SWEARING-IN OF NEW MEMBER

The SPEAKER. Without objection, the House will take up a special order of business, the swearing-in of Representative-elect John P. Sabatina, Jr.

The Chair hears no objections.

ELECTION RETURNS PRESENTED

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House of Representatives.

The SERGEANT AT ARMS. Mr. Speaker, Deputy Secretary Rapp.

The SPEAKER. The Chair recognizes Deputy Secretary Rapp.

Mr. RAPP. Thank you, Mr. Speaker.

I have the honor and privilege of presenting the returns for the special election held on March 14, 2006, in the 174th Legislative District.

The SPEAKER. The Chair thanks the Deputy Secretary.

The clerk will read the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the One hundred seventy-fourth Legislative District, as the same have been certified to and filed with my office by the Philadelphia County Board of Elections. John P. Sabatina, Jr., having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this third day of April in the year of our Lord two thousand six and of the Commonwealth the two hundred thirtieth.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

ELECTION RETURNS

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
174th Legislative District

MARCH 14, 2006

<u>DEMOCRATIC</u>	<u>VOTES</u>
John P. Sabatina, Jr.	1,891
<u>REPUBLICAN</u>	
Charles R. Ebsworth, Sr.	151
<u>GREEN</u>	
Traci Confer	79

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
March 28, 2006

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 174th District in the Special Election held March 14, 2006, John P. Sabatina, Jr., has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of the Secretary of the Commonwealth this third day of April, 2006.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

COMMITTEE APPOINTED TO ESCORT MEMBER-ELECT

The SPEAKER. The Chair appoints the majority leader, the Honorable Sam Smith, and the Democrat leader, the Honorable William DeWeese, to escort Representative-elect Sabatina to the well of the hall of the House for the purpose of taking the oath of office.

Mr. S. SMITH. Mr. Speaker, may I proceed as a committee of one?

The SPEAKER. Well, the ranking Democrat on the floor of the House is the gentleman, Mr. Cohen. You can lend a book to the affair.

The gentleman, Mr. Cohen, is filling in for the gentleman, Mr. DeWeese.

OATH OF OFFICE ADMINISTERED

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will be now administered by the Honorable Kevin Dougherty, judge of the Court of Common Pleas, Philadelphia.

REMARKS BY JUDGE DOUGHERTY

JUDGE DOUGHERTY. Thank you, Mr. Speaker.

To State Representative-elect Sabatina, Sabatina family – John, Sr.; Lisa; Mark; Blaise – I want to share with you it is an honor and a privilege to have been invited and to take part in this monumental occasion.

I am confident that the people of the 174th will receive the same arduous representation as you have given the citizens of Philadelphia during your tour of duty as a prosecutor.

John, State Representative-elect, would you please place your left hand on the Bible and raise your right hand and repeat after me.

I, John Sabatina, Jr., do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE DOUGHERTY. Congratulations.
Mr. SABATINA. Thank you.

REMARKS BY SPEAKER

The SPEAKER. Good afternoon.

Today is a historic day for Pennsylvania, for it is the day that we swore in our newest member, the Honorable John P. Sabatina, Jr., of the City of Brotherly Love, my hometown, Philadelphia.

John, for the first time as a member of this institution, welcome to the House of Representatives.

I encourage you, John, to remember this day and to savor this moment for the rest of your life, and remember, next January you only get four tickets. You are not going to be able to bring the whole family. I encourage you to savor and remember this day and this moment for the rest of your life. Again, there will never be another day quite like it.

In this magnificent place, surrounded by your family and your friends – your father, John, Sr.; his wife, Lisa; and your brothers – you have accepted the tremendous responsibility which has been given to you by the good people of your legislative district. Becoming a member of this body is a very special privilege, yet it is one that you have truly earned by the hard work that you have put forth. You worked hard as an assistant district attorney in the city of Philadelphia under Lynne Abraham, you have successfully prosecuted some of the most dangerous criminals in the city's history, then as a candidate in the special election. Yes, you have worked hard and you have achieved the respect of the voters that you represent.

The voters have concluded, you are indeed a dedicated community leader who will fight to protect Philadelphia's

families and seniors, and your constituents have sent you here because they know that you will serve in this hall with great passion, understanding, and intelligence.

Continue to be a champion of your constituents. Defend them and protect their interests to the best of your ability. Stand firm when principle demands that you stand firm, compromise when the greater good can be obtained, and negotiate and find the middle ground when necessary to do the will of the people.

Here in the House all must steer our own course and blaze our own trail, as you have done at West Chester University and Widener School of Law as a graduate and as a prosecutor and now as a State Representative, and, I might add, the newest member of the House Italian Caucus. As a legislator, you have an opportunity to make Pennsylvania a better, stronger place for all of its people.

Today, John, you embark on one of the most challenging and rewarding journeys of your life, a journey shared by 202 other members of this body. Never forget that regardless of your party or your politics, we all have the same ultimate goals. We strive to bring into existence a greater good to ensure that all the people of Pennsylvania have a better chance for better lives. By working hard to meet the needs of your constituents and by never ceasing to give careful, thoughtful consideration to the measures that find their way before you, you are doing your part.

We all look forward to working with you, Representative Sabatina. Your energy, enthusiasm, and friendly advice are always welcome. My door is always open if I can ever be of any help.

So congratulations, and once again, welcome to the Pennsylvania House of Representatives.

REMARKS BY MAJORITY LEADER

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

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

Mr. Speaker, just a couple of remarks to congratulate our newest member.

On behalf of the House Republican Caucus, John, I want to let you know that it is my distinct pleasure to welcome you as our newest member to the hall of the House, and along with your family and friends and supporters here, we hope that you have a very enjoyable day and look forward to serving with you in the future.

We are getting close to getting back to a full complement. There will be a special election next week, and at that point we will be back to 203.

Coming from northeast Philadelphia and being actively involved in politics, obviously you are no stranger to public service and to some of the things that we do. Obviously, working as an assistant D.A. and being active in local politics, you understand a lot of what you are going to do, but undoubtedly, while there are some similarities, there are a lot of differences in this building as well, and we look forward to helping you work through that process of adjustment, dealing with the similarities and the differences.

Being a House member brings a lot of challenges and a lot of opportunities. The challenges are, you know, when some of your people are for it and some of your people are against it and you are for your people, those kinds of challenges, and the

opportunities are the simple fact that you are able to help people in many, many ways – sometimes in the smallest of ways, sometimes in big ways. There are great opportunities that go along with the challenges and, of course, the responsibilities both here and at home.

As I have told other newly elected members, there are a couple basic principles around here. Obviously, number one is that if you have 102 votes in the House and 26 in the Senate and 1 in the Governor's Office, you can just about do anything you want in this building. Without that, you really maybe have nothing.

But there is a lot more to what goes on here, too, and I like to remind people of what I call the collective wisdom. It is something that I think really takes place in a representative democracy, and you are now in the middle of that as a member of the House, and that collective wisdom is something that while we all have differing views on what we believe, how we should go about it – some are more deeply embedded in our personal lives; some are maybe based on, you know, the perception of what is factual and what is not – we all have different views, and when we bring them into this room and they coalesce through the course of debate and committee hearings and committee meetings and all those various elements – they merge with the maybe slightly less collective wisdom in the Senate; nevertheless, there are some over there – when we merge those together, that is what gives this Commonwealth its direction and policy, and I look forward to sharing that with you also as we proceed to do the work of the people of Pennsylvania.

Great opportunities, great responsibilities, and this is probably one of the more exciting places to be. It is where the action is in State government. It is where the decisions are made, where the combat is daily, the issues flow freely. And we just wish you the best, and if there is anything we can do to help you in adjusting and coming to landing in this building with comfort, please let us know.

Good luck to you, John.

The SPEAKER. The Chair thanks the gentleman.

REMARKS BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the minority leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. Good afternoon, especially to the folks from Philadelphia who made the journey up the turnpike to be with John, our new Representative.

This is a day that you will have crystallized in your memory. I was privileged, along with several tens of others of us, to have been a special-election member myself.

You will advance to the head of your class because you are a class of one. When it comes time for committee chairmanships, when it comes time for other opportunities, you will be, in my view, in a favored position. Now, that has to do with serendipity, the fact that your predecessor went for another assignment and you arrived here.

There is a line from Macbeth. I think it was Jewell Williams that reminded me of this line a few days ago, something during one of the happy moments of Macbeth, and as Mr. Butkovitz will remind us all, and if he will not, Johnny Doc will, Macbeth was not a happy play, but there was one line about something being full of the milk of human kindness, full of the milk of

human kindness. When I read that many years ago, I thought about Philadelphia politics. I thought, well, there is not a lot of the milk of human kindness in Philly politics. But do you know what is in Philly politics? I think what is in Philly politics is the best of America. The rough-and-tumble, harum-scarum of Philadelphia politics reflects our dynamic democracy, and although your predecessor and I did not agree on everything, I think we agree that we have a fine young member from Philadelphia.

I am told, Mr. Speaker, that young John received 89 percent of the vote. That is unprecedented, and I certainly hope it is launching a trend for Democrats in the southeast.

Eugene V. Debs – and I say this because Mr. Dougherty is in the room – Eugene V. Debs, one of the preeminent labor leaders in the history of our nation, said that all value is born of labor. I am sure that Mr. Turzai would go along with that – all, all value is born of labor. If you work hard, you will reap rewards.

I welcome you; my colleagues welcome you. It is an exciting day for you, an exciting day for your family. This is an exciting place to be.

Godspeed.

REMARKS BY MR. SABATINA

GUESTS INTRODUCED

The SPEAKER. The Chair at this time recognizes Representative Sabatina for the purpose of introducing his family and guests. Representative.

Mr. SABATINA. Good afternoon.

I would like to recognize my family – my father, John Sabatina, Sr.; his wife, Lisa Sabatina; my brother, Mark Sabatina; and my brother, Blaise Sabatina.

It is a truly special day for me here today; it is pretty overwhelming. The room and the staff and everybody who came from Philadelphia to share in this special day with me – my predecessor, City Controller Alan Butkovitz; Local 98 business manager, John Dougherty; and Judge Kevin Dougherty, not to mention all the support staff, the fine friends and committee people that I have here – and it is because of everybody's efforts that I am where I am today.

This is a special day for me because this is the most important job that I have had yet. My job with the Philadelphia District Attorney's Office was a very important job. I represented victims of crime, and it was up to me not to mess up, because justice would not have been done if I did. But this job is more important than that job, because as the Speaker alluded to, in this job you are trying to make Pennsylvanians' lives better, and that is what I am going to try and do with all your help, is to make everybody's life in Pennsylvania better.

So I want to thank you all for this grand ceremony. I know I have a lot to learn, and I am willing to do that, and I am willing to work hard. I just ask, for all the effort that was put forth today, to continue that effort and help me do my job and make Pennsylvanians' lives better.

Thank you.

The SPEAKER. Once again, congratulations, Representative Sabatina.

This concludes the ceremony for the swearing-in.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The clerk will read the following announcement.

The following report was read:

SUPPLEMENTAL REPORT COMMITTEE ON COMMITTEES

In the House of Representatives
April 3, 2006

Resolved that:

Rep. John Sabatina, Jr., Philadelphia County, is elected a member of the Local Government Committee vice Rep. Michael Gerber resigned.

Rep. John Sabatina, Jr., Philadelphia County, is elected a member of the Intergovernmental Affairs Committee vice Rep. Rosita Youngblood resigned.

Respectfully submitted,
Rep. Robert Freeman
Democratic Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien, for the purpose of an announcement.

Mr. O'BRIEN. Thank you, Mr. Speaker.

At the call of the recess, there will be a meeting of the Judiciary Committee immediately in room 60, East Wing.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet in room 60, East Wing, at the recess.

LOCAL GOVERNMENT COMMITTEE MEETING

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

Mr. HERMAN. Thank you, Mr. Speaker.

At the call of the recess, the House Local Government Committee will meet immediately at the rear of the floor of the House for a meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Local Government Committee will meet at the rear of the House at the recess.

REPUBLICAN CAUCUS

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the Chair, there will be a meeting of the Republican Caucus in the majority caucus room. Thank you.

RULES COMMITTEE MEETING

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

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Democratic Caucus immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 58, PN 3760

By Rep. S. SMITH

An Act providing a bonus to Pennsylvanians who are United States Merchant Marine veterans who served during World War II; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

RULES.

HB 200, PN 3732

By Rep. S. SMITH

An Act establishing the Ounce of Prevention Program to provide grants to certain entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families; and providing for the powers and duties of the Department of Public Welfare.

RULES.

HB 213, PN 3115

By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for agricultural crop destruction; and adding an offense and a civil action relating to ecoterrorism.

RULES.

HB 893, PN 3815 (Amended)

By Rep. S. SMITH

An Act requiring State and local approval for terminations or transfers by municipal authorities; authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them

to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith; requiring certain procedures to be followed in residential buildings; and making a related repeal.

RULES.

HB 983, PN 3816 (Amended) By Rep. S. SMITH

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, further providing, in the Infrastructure and Facilities Improvement Program, for approvals; establishing a film production grant program; and repealing provisions of the Tax Reform Code of 1971 relating to film production tax credits.

RULES.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, at the declaration of the recess, there will be an immediate meeting of the House Appropriations Committee in the conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting in the conference room at the recess.

Are there any further announcements?

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 2157, PN 2980

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain duty for emergencies.

SB 969, PN 1554

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.

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

RECESS

The SPEAKER. Are there any further announcements?
Hearing none, this House is in recess until 4 p.m.

RECESS EXTENDED

The time of recess was extended until 5 o'clock.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Fayette, Mr. ROBERTS. Without objection, that leave will be granted.

The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Bucks, Mr. STEIL, for the remainder of the day. Without objection, that leave will be granted.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair also grants a Capitol leave for the gentleman from Montgomery, Mr. CURRY.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The gentleman, Mr. Blaum, is back on the floor of the House and will be canceled from legislative leave.

BILLS REREPORTED FROM COMMITTEE

HB 552, PN 3388 By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, defining "gift card," "gift certificate" and "qualified gift certificate"; and further providing for unclaimed property.

APPROPRIATIONS.

HB 698, PN 791 By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and proceedings, for relief and order and for sentencing procedure for murder of the first degree; and providing for mental retardation of defendant.

APPROPRIATIONS.

HB 755, PN 3514 By Rep. FEESE

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and testing; making an appropriation; and making editorial changes.

APPROPRIATIONS.

HB 2064, PN 3481 By Rep. FEESE

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

APPROPRIATIONS.

HB 2065, PN 3482

By Rep. FEESE

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

APPROPRIATIONS.

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

HB 1447, PN 1745

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for probable cause arrests in misdemeanor sexual offenses.

JUDICIARY.

HB 2425, PN 3822 (Amended)

By Rep. O'BRIEN

An Act amending the act of April 24, 1931 (P.L.48, No.40), entitled "An act requiring the recording of certain written agreements pertaining to real property, and prescribing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors of the parties thereto," providing for the requirements for valid recording of documents.

JUDICIARY.

SB 775, PN 954

By Rep. O'BRIEN

An Act amending the act of June 19, 2002 (P.L.377, No.56), known as the Interstate Compact for the Supervision of Adult Offenders Act, establishing the Interstate Compact for the Supervision of Adult Offenders Fund; imposing an application fee; providing for the collection of the application fee; imposing additional powers and duties on the State Council for Interstate Adult Offender Supervision, including the distribution of the moneys in the fund; and providing for definitions.

JUDICIARY.

REPORT SUBMITTED

The SPEAKER. The Speaker acknowledges receipt of the Joint State Government Commission's report entitled "Unsolicited Proposals Under the Commonwealth Procurement Code" submitted pursuant to HR 391 of 2005.

(Copy of report is on file with the Chief Clerk.)

**COMMUNICATION FROM
INDEPENDENT REGULATORY REVIEW
COMMISSION**

The SPEAKER. The Speaker acknowledges receipt of the Independent Regulatory Review Commission's 2005 Annual Report.

(Copy of communication is on file with the Journal clerk.)

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. HERMAN called up **HR 582, PN 3516**, entitled:

A Resolution congratulating Joe Paterno for being named the College Football 2005 National Coach of the Year and congratulating the entire Penn State Nittany Lions team and coaching staff for their outstanding 2005 football season.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Smith, S. H.
Bishop	Godshall	Micozzie	Solobay
Blackwell	Good	Millard	Sonney
Blaum	Goodman	Miller, R.	Staback
Boyd	Grell	Miller, S.	Stairs
Bunt	Grucela	Mundy	Stern
Buxton	Gruitza	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	O'Brien	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	O'Neill	Taylor, J.
Clymer	Hasay	Pallone	Thomas
Cohen	Hennessey	Parker	Tigue
Cornell	Herman	Payne	True
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
DeWeese	Kenney	Ramaley	Wilt
DiGirolamo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Leh	Roebuck	Zug
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. READSHAW called up **HR 586, PN 3538**, entitled:

A Resolution recognizing the week of April 10 through 14, 2006, as “Small Business Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Smith, S. H.
Bishop	Godshall	Micozzie	Solobay
Blackwell	Good	Millard	Sonney
Blaum	Goodman	Miller, R.	Staback
Boyd	Grell	Miller, S.	Stairs
Bunt	Grucela	Mundy	Stern
Buxton	Gruitza	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	Oliver	Tangretti
Civiera	Harris	O'Neill	Taylor, J.
Clymer	Hasay	Pallone	Thomas
Cohen	Hennessey	Parker	Tigue
Cornell	Herman	Payne	True
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
DeWeese	Kennedy	Ramaley	Wilt
DiGirolo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Leh	Roebuck	Zug
Evans, J.	Lescovitz	Rohrer	

Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

HARRISBURG LEGISLATIVE LEAVE

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

The gentleman, Representative John MAHER, requests a Capitol leave at this time.

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. MELIO called up **HR 598, PN 3591**, entitled:

A Resolution designating the week of April 16 through 22, 2006, as “Weed and Seed Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mrs. RUBLEY called up **HR 615, PN 3618**, entitled:

A Resolution designating the week of April 10 through 17, 2006, as "Voter Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Sather
Barrar	Gabig	McCall	Saylor
Bastian	Gannon	McGeehan	Scavello
Bebko-Jones	Geist	McGill	Schroder
Belardi	George	McIlhattan	Semmel
Belfanti	Gerber	McIlhinney	Shaner
Benninghoff	Gergely	McNaughton	Shapiro
Beyer	Gillespie	Melio	Siptroth
Bianucci	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Bishop	Good	Millard	Solobay
Blackwell	Goodman	Miller, R.	Sonney

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. READSHAW called up **HR 625, PN 3643**, entitled:

A Resolution designating April 6, 2006, as "Tartan Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Sather
Barrar	Gabig	McCall	Saylor
Bastian	Gannon	McGeehan	Scavello
Bebko-Jones	Geist	McGill	Schroder

Belardi	George	McIlhattan	Semmel
Belfanti	Gerber	McIlhinney	Shaner
Benninghoff	Gergely	McNaughton	Shapiro
Beyer	Gillespie	Melio	Siptroth
Biancucci	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Bishop	Good	Millard	Solobay
Blackwell	Goodman	Miller, R.	Sonney
Blaum	Grell	Miller, S.	Staback
Boyd	Grucela	Mundy	Stairs
Bunt	Gruitza	Mustio	Stern
Buxton	Haluska	Myers	Stetler
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causer	Harper	Oliver	Surra
Cawley	Harris	O'Neill	Tangretti
Civera	Hasay	Pallone	Taylor, J.
Clymer	Hennessey	Parker	Thomas
Cohen	Herman	Payne	Tigue
Cornell	Hershey	Petrarca	True
Corrigan	Hess	Petri	Turzai
Costa	Hickernell	Petrone	Veon
Crahalla	Hutchinson	Phillips	Vitali
Creighton	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGiroloamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	LaGrotta	Reed	Yewcic
Eachus	Leach	Reichley	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker
Feese			

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. ROHRER called up **HR 632, PN 3678**, entitled:

A Resolution declaring the week of April 17 through 21, 2006, as "Pennsylvania Academic Competition Week" in Pennsylvania; and urging the Department of Education, local school districts and intermediate units to participate in the 15th annual Statewide Pennsylvania Academic Competition on April 21, 2006.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Ms. PICKETT called up **HR 634, PN 3659**, entitled:

A Resolution designating April 8, 2006, as "Disability Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. HASAY called up **HR 650, PN 3736**, entitled:

A Resolution designating April 10 through 15, 2006, as "Community Banking Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—1

Flick

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. HERSHEY called up **HR 652, PN 3737**, entitled:

A Resolution designating April 4, 2006, as "Pennsylvania Farm Bureau Day."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. HERSHEY called up **HR 654, PN 3739**, entitled:

A Resolution designating the week of April 17 through 21, 2006, as "Rural Road Safety Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	LaGrotta	Reed	Yewcic
Eachus	Leach	Reichley	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. HERSHEY called up **HR 653, PN 3738**, entitled:

A Resolution designating April 2006 as “Grange Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Sather
Barrar	Gabig	McCall	Saylor
Bastian	Gannon	McGeehan	Scavello
Bebko-Jones	Geist	McGill	Schroder
Belardi	George	McIlhattan	Semmel
Belfanti	Gerber	McIlhinney	Shaner
Benninghoff	Gergely	McNaughton	Shapiro
Beyer	Gillespie	Melio	Siptroth
Biancucci	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Bishop	Good	Millard	Solobay
Blackwell	Goodman	Miller, R.	Sonney
Blaum	Grell	Miller, S.	Staback
Boyd	Grucela	Mundy	Stairs
Bunt	Gruitza	Mustio	Stern
Buxton	Haluska	Myers	Stetler
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causar	Harper	Oliver	Surra
Cawley	Harris	O'Neill	Tangretti
Civera	Hasay	Pallone	Taylor, J.
Clymer	Hennessey	Parker	Thomas
Cohen	Herman	Payne	Tigue
Cornell	Hershey	Petrarca	True
Corrigan	Hess	Petri	Turzai

Costa	Hickernell	Petrone	Veon
Crahalla	Hutchinson	Phillips	Vitali
Creighton	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	LaGrotta	Reed	Yewcic
Eachus	Leach	Reichley	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. CURRY called up **HR 664, PN 3771**, entitled:

A Resolution recognizing the week of April 2 through 8, 2006, as “National Library Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Sather
Barrar	Gabig	McCall	Saylor
Bastian	Gannon	McGeehan	Scavello
Bebko-Jones	Geist	McGill	Schroder
Belardi	George	McIlhattan	Semmel
Belfanti	Gerber	McIlhinney	Shaner
Benninghoff	Gergely	McNaughton	Shapiro
Beyer	Gillespie	Melio	Siptroth
Biancucci	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Bishop	Good	Millard	Solobay
Blackwell	Goodman	Miller, R.	Sonney
Blaum	Grell	Miller, S.	Staback
Boyd	Grucela	Mundy	Stairs
Bunt	Gruitza	Mustio	Stern

Buxton	Haluska	Myers	Stetler
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causer	Harper	Oliver	Surra
Cawley	Harris	O'Neill	Tangretti
Civera	Hasay	Pallone	Taylor, J.
Clymer	Hennessey	Parker	Thomas
Cohen	Herman	Payne	Tigue
Cornell	Hershey	Petrarca	True
Corrigan	Hess	Petri	Turzai
Costa	Hickernell	Petrone	Vitali
Crahalla	Hutchinson	Phillips	Walko
Creighton	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kenney	Ramaley	Wilt
DiGrolamo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Leh	Roebuck	Zug
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS-0

NOT VOTING-2

DeWeese Veon

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. MUSTIO called up **HR 670, PN 3776**, entitled:

A Resolution designating the month of April 2006 as "Bayer's Making Science Make Sense Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson
Baker	Frankel	Markosek	Santoni
Baldwin	Freeman	Marsico	Sather
Barrar	Gabig	McCall	Saylor
Bastian	Gannon	McGeehan	Scavello
Bebko-Jones	Geist	McGill	Schroder
Belardi	George	McIlhattan	Semmel
Belfanti	Gerber	McIlhinney	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mr. ROEBUCK called up **HR 672, PN 3778**, entitled:

A Resolution designating the month of April 2006 as "Pennsylvania Community College Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mrs. RUBLEY called up **HR 677, PN 3783**, entitled:

A Resolution recognizing April 3 through 9, 2006, as "National Public Health Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-1

Belardi

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

* * *

Mrs. RUBLEY called up **HR 678, PN 3784**, entitled:

A Resolution designating the week of April 9 through 15, 2006, as “Local Government Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 632, PN 705**, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

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

The SPEAKER. The Chair has in its receipt a late-filed amendment by the gentleman, Mr. Hershey. Does the gentleman, Mr. Hershey, wish to suspend the rules for consideration of this amendment?

Mr. HERSHEY. Yes. Thank you, Mr. Speaker.
We need to do that.

The SPEAKER. It sounds like a good idea to me.

RULES SUSPENDED

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

Mr. HERSHEY. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. A07030.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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?

Mr. **HERSHEY** offered the following amendment No. **A07030**:

Amend Sec. 1 (Sec. 5), page 2, lines 2 through 4, by striking out "\$125,000 or more, except for any charitable" in line 2, all of line 3 and "contributions less than \$300,000." in line 4 and inserting immediately thereafter

[\$125,000] \$300,000 or more

Amend Sec. 1 (Sec. 5), page 2, lines 6 and 7, by inserting a bracket before "Except" in line 6 and after "every" in line 7 and inserting immediately thereafter

Every

Amend Sec. 1 (Sec. 5), page 2, line 8, by inserting brackets before and after "\$125,000" and inserting immediately thereafter

\$300,000

Amend Sec. 1 (Sec. 5), page 2, line 9, by inserting after "a" compilation.

Amend Sec. 1 (Sec. 5), page 2, line 11, by inserting brackets before and after "An" and inserting immediately thereafter

A compilation.

Amend Sec. 1 (Sec. 5), page 2, line 13, by inserting a bracket before "or"

Amend Sec. 1 (Sec. 5), page 2, line 15, by striking out "\$125,000] \$300,000." and inserting \$125,000].

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

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

Mr. **HERSHEY**. Thank you, Mr. Speaker.

When I put this bill together several weeks ago, it was suggested that I treat all charitable organizations the same, which would make a threshold of \$300,000 before they would submit to that more expensive audit. So that is what this amendment does.

Thank you.

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

The following roll call was recorded:

YEAS-193

Adolph	Feese	Maitland	Sabatina
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	McNaughton	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	Stern
Bunt	Grucela	Mustio	Stetler
Buxton	Gruitza	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	O'Brien	Surra
Causer	Harhart	Oliver	Tangretti
Cawley	Harper	O'Neill	Taylor, J.
Civera	Harris	Pallone	Thomas
Clymer	Hasay	Parker	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Rubley	Perzel,
Fairchild	Maher	Ruffing	Speaker

NAYS-2

Levdansky	Ross
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NOT VOTING—0

EXCUSED—7

Cruz Lederer Roberts Taylor, E. Z.
Dermody Rieger Steil

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?

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to offer a couple of comments so the members understand exactly what they are voting for with this bill as it has been amended.

Under present law, Mr. Speaker, nonprofit organizations relative to our volunteer fire, rescue, ambulance, and veterans organizations, if they raise, if they raise less than \$125,000, they do not have to submit to an audit. Under present law, an audit is only required when you utilize the services of a paid professional fund raiser or you pay your own people to do fundraising for your organization. So when you hire a professional fund raiser or you pay your own people and you raise more than \$125,000, only then are you subject to an audit. This bill as amended now says that you could raise \$300,000, you could raise \$299,999, and not be subject to an audit.

Now, I have no doubt that volunteer organizations provide really good community services across Pennsylvania, but I would want to know, if I were a member of a volunteer group, I would want to know that we have raised a quarter of a million dollars and we used a professional to do it, and if we hired a professional fund raiser, we are going to pay them something to do it, because professional fund raisers do not work for nothing. They typically get a percentage or some sort of other fee for raising this amount of money. So under this bill as amended, you could raise up to \$299,999 and not be subject to an audit.

I would submit, Mr. Speaker, if you could pay for the services of a professional fund raiser or if you could afford to pay your own people to do your fundraising, then certainly the cost of an audit, an audit that will ensure that those moneys are raised and spent properly, the cost of an audit can be viewed as an insurance that those moneys are raised correctly and spent correctly. And under present law – okay? make no doubt about this – under present law and even with this bill as amended, if you are a community volunteer group – you are fire, ambulance, a veterans organization – if you raise all of your money with volunteer time, you do not pay your people and you do not hire a professional, you are not subject to any audit requirement under present law. I would argue, Mr. Speaker, that an audit requirement for those organizations that hire professionals or

pay their own people and they raise more than \$125,000, that the cost of an audit to ensure that those moneys are raised and spent properly is an insurance policy to make sure that the right thing is done with those funds.

For those reasons, Mr. Speaker, I am going to vote “no” on this piece of legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Hershey.

Mr. HERSHEY. I believe the bill or the amendment says that anything under \$300,000 is subject to review, subject to review or audit by a local C.P.A. (certified public accountant) of your choice. So we are not walking away scot-free and not letting it open to a review. So I wanted to clear that up.

Thank you.

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—178

Adolph	Fichter	Maher	Sabatina
Allen	Fleagle	Maitland	Sainato
Argall	Flick	Major	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gergely	McNaughton	Siptroth
Benninghoff	Gillespie	Melio	Smith, B.
Beyer	Gingrich	Metcalfe	Smith, S. H.
Birmelin	Godshall	Micozzie	Solobay
Bishop	Good	Millard	Sonney
Blaum	Goodman	Miller, R.	Staback
Boyd	Grell	Miller, S.	Stairs
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, J.
Clymer	Hasay	Payne	Thomas
Cornell	Hennessey	Petrarca	Tigue
Corrigan	Herman	Petri	True
Creighton	Hershey	Petrone	Turzai
Curry	Hess	Phillips	Veon
Daley	Hickernell	Pickett	Walko
Dally	Hutchinson	Preston	Wansacz
DeLuca	James	Pyle	Waters
Denlinger	Kauffman	Quigley	Watson
DeWeese	Keller, M.	Ramaley	Wheatley
DiGirolamo	Keller, W.	Rapp	Wilt
Diven	Kenney	Raymond	Wojnaroski
Donatucci	Killion	Readshaw	Wright
Eachus	Kirkland	Reed	Yewcic
Ellis	Kotik	Reichley	Youngblood
Evans, D.	LaGrotta	Roebuck	Yudichak
Evans, J.	Leach	Rohrer	Zug
Fabrizio	Leh	Rooney	
Fairchild	Lescovitz	Rubley	Perzel,
Feese	Mackereth	Ruffing	Speaker

NAYS—17

Biancucci	Gerber	Mann	Ross
Blackwell	Josephs	Mundy	Shapiro
Cohen	Levdansky	Parker	Vitali
Costa	Manderino	Pistella	Williams
Crahalla			

NOT VOTING—0

EXCUSED—7

Cruz	Lederer	Roberts	Taylor, E. Z.
Dermody	Rieger	Steil	

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.

SUPPLEMENTAL CALENDAR B

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 200, PN 3732**, entitled:

An Act establishing the Ounce of Prevention Program to provide grants to certain entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families; and providing for the powers and duties of the Department of Public Welfare.

On the question,
Will the House concur in Senate amendments?

LEAVE OF ABSENCE

The SPEAKER. The majority whip requests a leave of absence for the remainder of the day for the gentleman from Jefferson, Mr. SMITH. Without objection, that leave will be granted.

CONSIDERATION OF HB 200 CONTINUED

The SPEAKER. It is moved by the gentlelady, Ms. Mundy, that the House do concur in the amendments inserted by the Senate.

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

Ms. MUNDY. Thank you, Mr. Speaker.

I just would like to take a moment to thank Senator Pat Browne, former Senator Charlie Dent, Senator Mike O’Pake, who were my partners in this effort. This is really the culmination of about 8 years of work to try to bring a stable funding source to these nurse home-visiting programs that are so beneficial to at-risk families, and it will save so much money in the long run.

And I just want to say thank you to all of you for your long-standing support, and I am very happy that today is the day

we are going to get this done and get it to the Governor’s desk. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maher	Ruffing
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Buxton	Gruitza	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	O’Brien	Surra
Causer	Harhart	Oliver	Tangretti
Cawley	Harper	O’Neill	Taylor, J.
Civera	Harris	Pallone	Thomas
Clymer	Hasay	Parker	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—1

Metcalf

NOT VOTING—0

EXCUSED—8

Cruz	Lederer	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 213, PN 3115**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for agricultural crop destruction; and adding an offense and a civil action relating to ecoterrorism.

On the question,
Will the House concur in Senate amendments?

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I wonder if the maker of the bill would explain those amendments.

The SPEAKER. The gentleman, Mr. Godshall, indicates—

Mr. GODSHALL. Basically, Mr. Speaker, basically the amendments were technical in nature, and I will read from the analysis in the Senate: “House Bill 213 establishes the crime of ecoterrorism and applies it generally to offenses against property. The amendment provides a definition of ‘specified offense against property’ limiting the statute to the offenses most likely to be included in an act of ecoterrorism. As a result of discussion at the Senate Judiciary Committee’s public hearing on House Bill 213, the offense of criminal trespass is limited so that it will not apply to ‘inadvertent criminal trespass.’” And beyond that what they did is took out attorney fees and costs which we had in the bill, because that does not fit in the criminal complaint which we had here. It is more civil in nature, so they took that out of the bill as far as the criminal conviction is concerned.

Mr. VITALI. Thank you.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman, Mr. Maher. He will be taken off Capitol leave.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The gentleman, Mr. Harhai.

Mr. HARHAI. Mr. Speaker, I would request a Capitol leave for the gentleman from Philadelphia, Mr. MYERS.

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

CONSIDERATION OF HB 213 CONTINUED

The SPEAKER. Those voting to concur— The Chair rescinds. The gentlelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in full support of concurrence on HB 213. However, I do want to point out that while we have made major steps in including the various provisions for ecoterrorism as it applies to the agricultural industry, there is one statute that we passed several sessions ago that has been excluded, and I would like to in the future bring to the General Assembly a corrective amendment in the form of legislation to deal with the Title 18 Crimes and Offenses that would be considered for animal biological agents on animal, fowl, or in that situation, Mr. Speaker. And this is legislation, as I said, that will further protect the agricultural industry from ecoterrorism, and I think it needs to be included as a provision of this act.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—188

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

Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Mackereth	Rooney	
Fabrizio	Maher	Ross	Perzel,
Fairchild	Maitland		Speaker

NAYS—6

Cohen	Leach	Stetler	Vitali
Freeman	Levdansky		

NOT VOTING—0

EXCUSED—8

Cruz	Lederer	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 893, PN 3815**, as further amended by the House Rules Committee:

An Act requiring State and local approval for terminations or transfers by municipal authorities; authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith; requiring certain procedures to be followed in residential buildings; and making a related repeal.

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. Semmel, that the House do concur in the amendments inserted by the Senate.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman give a brief explanation of the amendments made by the Senate?

The SPEAKER. The gentleman indicates he will. Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I will defer to Representative Zug.

Mr. VITALI. Thank you.

Mr. ZUG. Thank you, Mr. Speaker.

What the bill now does is say that if a municipality takes over an authority, 75 percent of the municipalities that are served by the authority now need to approve the takeover.

Mr. VITALI. I apologize, Mr. Speaker. I did not hear a single word of that.

Mr. ZUG. Thank you, Mr. Speaker.

As I told the gentleman earlier, what the bill does now is if a municipality takes back an authority, 75 percent of municipalities that are now served by that authority need to approve the takeover.

Mr. VITALI. If I may interrogate further.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Does this bill in any way affect how easy or hard it might be to shut off residential customers from water service for nonpayment?

Mr. ZUG. Mr. Speaker, that was in the original bill when it passed the first time, and I do not believe that is subject to debate at this point.

Mr. VITALI. Okay. It is my understanding that there was also an amendment in the Rules Committee today – someone just brought that to my attention – an amendment in Rules today on this? Am I informed correctly on that?

Mr. ZUG. There is a technical change to the part that I mentioned earlier to you about the authorities.

Mr. VITALI. Okay. Thank you.

The SPEAKER. Those voting to concur will vote— Mr. Sturla.

Mr. STURLA. Mr. Speaker, a question on the bill.

The SPEAKER. Do you wish to interrogate Mr. Semmel or Mr. Zug?

Mr. STURLA. Either one; either one.

The SPEAKER. The gentleman, Mr. Zug, agrees to interrogation. The gentleman is in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understood it, at least at one point in time in this legislation this would have required approval of municipalities that were served by the water system but did not own the water system to approve the transfer of that water system. Is that correct?

Mr. ZUG. It gives a voice to municipalities that are served by an authority to make sure they have input into the future of the authority.

Mr. STURLA. I cannot hear.

The SPEAKER. There is entirely too much noise. The gentleman could not hear the answer from the gentleman, Mr. Zug. Mr. Zug, please repeat the answer.

Mr. ZUG. Thank you, Mr. Speaker.

What it does is it gives a voice to municipalities that are now served by an authority that otherwise would not have a voice in the event a take-back of the authority is done.

Mr. STURLA. When you say a voice, do you mean they would have veto power over the sale of that water?

Mr. ZUG. Well, it really runs the same parallel to if a tourism bureau in a county is changed, the county commissioners need to go out and get support from 50 percent of the municipalities in the county. It runs along that parallel that says if a municipality is going to take back an authority, they need to make sure that all the municipalities that are served are contacted and 75 percent agree to that.

Mr. STURLA. Mr. Speaker, let me play out a scenario for you, because I have a concern about that particular issue.

As it currently stands right now, the city of Lancaster owns its water company, and as a result of the city owning that water company, when there is an attempt to do a rate hike outside the city where the city serves, in all the outlying suburban areas, we have to go to the PUC (Public Utility Commission) and get approval to hike those rates. So as a result of that, the constituents outside the city that are served by that same water company actually pay lower rates than the constituents inside the city. So over the years there have been attempts to try and move that from a city-owned authority to an independent authority so that we could equalize rates among city water ratepayers and suburban water ratepayers. What you are telling me is that in this legislation, if we wanted to make that an independent authority so that we could raise rates out in the suburbs with the company that we currently own, we would have to get your approval in order to do that, if you lived outside the city.

Mr. ZUG. The answer is no.

Mr. STURLA. Mr. Speaker, I am now being told that this does not apply to most third-class cities in the State. Is that correct?

Mr. ZUG. That is correct. It does not apply to Lancaster.

Mr. STURLA. Okay. 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—180

Adolph	Fabrizio	Maher	Roebuck
Allen	Fairchild	Maitland	Rohrer
Argall	Feese	Major	Rooney
Armstrong	Fichter	Manderino	Ruffing
Baker	Fleagle	Mann	Sabatina
Baldwin	Flick	Markosek	Sainato
Barrar	Forcier	Marsico	Samuelson
Bastian	Frankel	McCall	Santoni
Bebko-Jones	Gabig	McGeehan	Sather
Belardi	Gannon	McGill	Saylor
Belfanti	Geist	McIlhattan	Scavello
Benninghoff	George	McIlhinney	Semmel
Beyer	Gergely	McNaughton	Shaner
Biancucci	Gillespie	Melio	Siptroth
Birmelin	Godshall	Metcalfe	Smith, B.
Bishop	Good	Micozzie	Sonney
Blackwell	Goodman	Millard	Staback
Blaum	Grell	Miller, R.	Stairs
Boyd	Grucela	Miller, S.	Stern
Bunt	Gruitza	Mundy	Stevenson, R.
Buxton	Haluska	Mustio	Stevenson, T.
Caltagirone	Hanna	Myers	Surra
Cappelli	Harhai	Nailor	Tangretti
Casorio	Harhart	Nickol	Taylor, J.
Causar	Harris	O'Brien	Tigue
Cawley	Hasay	Oliver	True
Civera	Hennessey	O'Neill	Turzai
Clymer	Herman	Pallone	Veon
Cornell	Hershey	Parker	Vitali
Corrigan	Hess	Payne	Walko
Costa	Hickernell	Petrarca	Wansacz
Crahalla	Hutchinson	Petri	Waters
Creighton	James	Petrone	Watson
Curry	Josephs	Phillips	Wheatley

Daley	Kauffman	Pickett	Williams
Dally	Keller, M.	Pistella	Wilt
DeLuca	Keller, W.	Preston	Wojnaroski
Denlinger	Kenney	Pyle	Wright
DeWeese	Killion	Quigley	Yewcic
DiGirolamo	Kirkland	Ramaley	Youngblood
Diven	Kotik	Rapp	Yudichak
Donatucci	LaGrotta	Raymond	Zug
Eachus	Leach	Readshaw	
Ellis	Leh	Reed	
Evans, D.	Lescovitz	Reichley	Perzel,
Evans, J.	Mackereth		Speaker

NAYS—12

Freeman	Harper	Rubley	Solobay
Gerber	Levdansky	Schroder	Stetler
Gingrich	Ross	Shapiro	Sturla

NOT VOTING—2

Cohen	Thomas
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EXCUSED—8

Cruz	Lederer	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.

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.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 200, PN 3732

An Act establishing the Ounce of Prevention Program to provide grants to certain entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families; and providing for the powers and duties of the Department of Public Welfare.

HB 213, PN 3115

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for agricultural crop destruction; and adding an offense and a civil action relating to ecoterrorism.

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

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 552, PN 3388**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, defining "gift card," "gift certificate" and "qualified gift certificate"; and further providing for unclaimed property.

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

The SPEAKER. Mr. George, which amendment are we going with first, Mr. George?
Mr. GEORGE. 5627.

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

Mr. GEORGE offered the following amendment No. A05627:

Amend Title, page 2, page 5, by striking out "AND"
Amend Title, page 2, line 6, by removing the period after "property" and inserting
; and providing for contributions to the Low Income Home Energy Assistance Program from unclaimed property.
Amend Bill, page 4, by inserting between lines 28 and 29 Section 3. The act is amended by adding a section to read:
Section 1301.19a. Contributions to LIHEAP from Unclaimed Property.—(a) The State Treasurer shall promulgate regulations allowing any person claiming an interest in any property paid or delivered to the Commonwealth under this article to donate the total cash value of such property to LIHEAP.
(b) As used in this section, the term "LIHEAP" shall mean the program established by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 42 U.S.C. § 8621 et seq.) and administered by the Department of Public Welfare.
Amend Sec. 3, page 4, line 29, by striking out "3" and inserting
4

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. George.
Mr. GEORGE. Mr. Speaker, this amendment is yet another effort to put much-needed funds into energy assistance and weatherization programs. I am asking that the State Treasury develop a simple means by which individuals who are claiming unclaimed property can automatically donate the money to the LIHEAP (Low-Income Home Energy Assistance Program) fund should they choose. I think it is a creative way to supplement energy assistance funding while making it simple for Pennsylvania residents to donate to an important cause.
I want to also thank the gentleman, our colleague, Mr. Stern, for being so cooperative, and I think it is an agreed-to amendment, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman, Mr. Stern.
Mr. STERN. Thank you, Mr. Speaker.
Representative George brings up a good point, and what this amendment does allow, it allows donation of cash value of unclaimed property to the Low-Income Home Energy Assistance Program, commonly known as LIHEAP. It makes a lot of sense, and I appreciate Representative George's offering this amendment.

Thank you, and I do support this amendment.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maher	Ruffing
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Solobay
Bishop	Godshall	Micozzie	Sonney
Blackwell	Good	Millard	Staback
Blaum	Goodman	Miller, R.	Stairs
Boyd	Grell	Miller, S.	Stern
Bunt	Grucela	Mundy	Stetler
Buxton	Gruitza	Mustio	Stevenson, R.
Caltagirone	Haluska	Myers	Stevenson, T.
Cappelli	Hanna	Nailor	Sturla
Casorio	Harhai	Nickol	Surra
Causer	Harhart	O'Brien	Tangretti
Cawley	Harper	Oliver	Taylor, J.
Civera	Harris	O'Neill	Thomas
Clymer	Hasay	Pallone	Tigue
Cohen	Hennessey	Parker	True
Cornell	Herman	Payne	Turzai
Corrigan	Hershey	Petrarca	Veon
Costa	Hess	Petri	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—0

NOT VOTING—1

Petrone

EXCUSED—8

Cruz	Lederer	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.

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?

LEAVE OF ABSENCE

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

Mr. DeWEESE. Thank you very much, Mr. Speaker.
The gentleman from Philadelphia, Mr. MYERS, would like to be put on leave for the rest of the day – on leave.
Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOHN A. MAHER) PRESIDING

CONSIDERATION OF HB 552 CONTINUED

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

Mr. LEVDANSKY offered the following amendment No. **A06398**:

Amend Sec. 1 (Sec. 1301.1), page 2, by inserting between lines 17 and 18

“General use prepaid cards” shall mean cards issued only by a bank or other similarly regulated financial institutions, or by a licensed money transmitter and shall mean plastic cards or other electronic payment devices which are:

(1) usable at multiple, unaffiliated merchants or service providers or at automated teller machines (ATMs);

(2) issued in a requested amount which amount may be, at the option of the issuer, increased in value or reloaded if requested by the holder;

(3) purchased or loaded on a prepaid basis by a consumer or by a business entity; and

(4) honored upon presentation by merchants for goods or services or at ATMs.

The term shall not include debit cards linked to a deposit account or prepaid telephone calling cards. The term also shall not include flexible spending arrangements, including health reimbursement arrangements, as defined in section 106(c)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 106(c)(2)); flexible spending accounts subject to section 125 of the Internal Revenue Code of 1986; Archer MSAs as defined in section 220(d) of the Internal Revenue Code of 1986; dependent care reimbursement accounts subject to section 129 of the Internal Revenue Code of 1986; health savings accounts subject to section 223(d) of the Internal Revenue Code of 1986; or similar accounts from which, under the Internal Revenue Code of 1986 and its implementing regulations, individuals may pay medical expenses, health care expenses, dependent care expenses or similar expenses on a pretax basis.

Amend Sec. 1 (Sec. 1301.1), page 4, by inserting between lines 14 and 15

The term does not include general use prepaid cards.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Levdansky, from Allegheny County.

Mr. LEVDANSKY. Mr. Speaker, this amendment does essentially two things. First off, it defines what bank cards are. Bank gift cards are far different products, financial instruments, are far different products than typical gift cards from retailers or restaurants or gift certificates. So this amendment essentially defines the product that banks utilize as gift cards. And secondly, it makes it clear that these bank cards are going to remain subject to the present escheats law, okay? And this amendment I have worked on and I think is supported by the representatives from the banking community in Pennsylvania.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. I would like to thank Chairman Levdansky for offering this amendment. It does make a lot of sense. It does qualify bank cards and allows them to be qualified under this gift-card bill. I appreciate his offering the amendment, and I do support the amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, from Berks County, the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I would just like to echo the comments of my counterpart. This is an agreed-to amendment.

Thank you.

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—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Myers	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.
Lederer			

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

On the question recurring,

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

The SPEAKER pro tempore. Would the gentleman, Mr. Vitali, come to the rostrum, please.

(Conference held at Speaker's podium.)

COMMITTEE MEETING CANCELED

Mr. GODSHALL. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GODSHALL. Thank you, Mr. Speaker.

For a committee announcement while we are temporarily at ease.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GODSHALL. I would like to advise the members that since we are going to be going into session early tomorrow, that the Tourism Committee meeting scheduled for 10 a.m. tomorrow is canceled. The Tourism meeting scheduled for 10 a.m. is canceled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the House guests of Representative Karen Beyer: Beth Harwick and Amanda Losch, who are located to the left of the Speaker. Welcome to the House.

CONSIDERATION OF HB 552 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Vitali, withdraws his amendment. The Chair thanks the gentleman.

On the question recurring,

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— I am sorry. The Chair rescinds.

The gentleman, Mr. DeLuca, is recognized. For what purpose do you rise, Mr. DeLuca?

Mr. DeLUCA. Thank you, Mr. Speaker. To speak on final passage. I think we are on final passage?

The SPEAKER pro tempore. The gentleman is in order. Thank you, Mr. DeLuca.

Mr. DeLUCA. Thank you.

First of all, I would like to commend the prime sponsor of the bill. We have been working on this for many years. I personally had a bill two sessions ago to try to do something like this, and I was going to introduce an amendment to this bill that I believed that we should be addressing in other sessions. I certainly do not want to delay the passage of this bill; I believe it is a good start, but I believe it is something that we can do better on. And the reason I say we can do better is the fact that as these credit cards become more prevalent – as you know, the Levdansky amendment certainly exempted the banking industry – one of the things that I think we should have done is the fact that we should have, for the people who decided to escheat the gift certificates, we certainly should have had them be able to get the name of the individual so that when it goes to the Treasury Department, the individual who had purchased that gift certificate would be able to reclaim it. Right now there is no way of anybody being able to reclaim that gift certificate if somebody purchases it. Secondly, I think we need to address the fees that a lot of these gift cards are charging after the expiration date, when they use the expiration date, when individuals do not utilize it in the time they should.

I intend to address this this session or possibly the next session, but I want to commend the prime sponsor for getting this off of dead center, and I will be voting for it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Stern, is recognized on final passage.

Mr. STERN. Thank you, Mr. Speaker.

Representative DeLuca brings up a lot of good points and things that need to be considered in future legislation, and I appreciate his withdrawing his amendment today, and I pledge to work with you, Representative DeLuca, in the future with your issues and your concerns. You bring up very good points, and that is one of the things that originated this legislation to begin with.

This bill, as you know, does deal with expiration dates and it does deal with the fees, the dormancy fees and everything attached with that. This is a beginning. This is an allowance that encourages business to do what you are wanting to do, and this is something that is supported by the Pennsylvania Restaurant Association; many small businesses support this bill. This is a good consumer bill; it is a good business bill, and I would encourage everyone's support.

I also would like to thank Chairman Leh of the Finance Committee, and I would also like to thank Chairman Levdansky on the Democrat side for your work on this bill. We had some issues that needed to be dealt with; you worked in a bipartisan fashion, and I congratulate both of you. Thank you. That is the way the committee process should work, and I just appreciate your support, both of you, for a job well done on this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is the gentleman, Mr. Levdansky, seeking recognition?

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.

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maher	Ruffing
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Solobay
Bishop	Godshall	Micozzie	Sonney
Blackwell	Good	Millard	Staback
Blaum	Goodman	Miller, R.	Stairs
Boyd	Grell	Miller, S.	Stern
Bunt	Grucela	Mundy	Stetler
Buxton	Gruitza	Mustio	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	O'Brien	Surra
Causer	Harhart	Oliver	Tangretti
Cawley	Harper	O'Neill	Taylor, J.
Civera	Harris	Pallone	Thomas
Clymer	Hasay	Parker	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon

Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Myers	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.
Lederer			

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 755, PN 3514**, entitled:

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and testing; making an appropriation; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, for the purpose of offering amendment 6178, who moves that the rules be suspended.

Those in favor of suspension will vote "aye"; those opposed, "nay"— The House will be temporarily at ease.

The gentleman, Mr. Feese, withdraws his amendment. The Chair thanks the gentleman.

On the question recurring,

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—193

Adolph	Feese	Maher	Ruffing
Allen	Fichter	Maitland	Sabatina
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather
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	McNaughton	Siptroth
Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Solobay
Bishop	Godshall	Micozzie	Sonney
Blackwell	Good	Millard	Staback
Blaum	Goodman	Miller, R.	Stairs
Boyd	Grell	Miller, S.	Stern
Bunt	Grucela	Mundy	Stetler
Buxton	Gruitza	Mustio	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	O'Brien	Surra
Causer	Harhart	Oliver	Tangretti
Cawley	Harper	O'Neill	Taylor, J.
Civera	Harris	Pallone	Thomas
Clymer	Hasay	Parker	Tigue
Cohen	Hennessey	Payne	True
Cornell	Herman	Petrarca	Turzai
Corrigan	Hershey	Petri	Veon
Costa	Hess	Petrone	Vitali
Crahalla	Hickernell	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Myers	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.
Lederer			

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Kenney, and asks the purpose for which he seeks recognition.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, would I be in order to submit written remarks in support of HB 755?

The SPEAKER pro tempore. The Chair thanks the gentleman and will accept his remarks for the record.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. KENNEY submitted the following remarks for the Legislative Journal:

I want to thank my colleagues for their support of this legislation, which provides follow-up services for 24 additional genetic disorders newborns may be diagnosed with. Too often children can get lost in a complicated medical system, and today we are working to protect newborns from such tragedy. If we are successful, each child testing positive for a genetic or metabolic disorder will be seen by a physician and properly treated, preventing any lasting effects, such as mental retardation, cardiac defects, or even death.

I ask for your help in protecting Pennsylvania's newborns. Please support HB 755.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 698, PN 791**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and proceedings, for relief and order and for sentencing procedure for murder of the first degree; and providing for mental retardation of defendant.

On the question,

Will the House agree to the bill on third consideration?

Ms. **MANDERINO** offered the following amendment No. **A05740**:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the imposition of the death sentence in cases of mental retardation.

Amend Bill, page 1, lines 8 through 17; pages 2 through 7, lines 1 through 30; page 8, lines 1 through 18, by striking out all of said lines on said pages and inserting

Section 1. Sections 9543(a)(2) and 9545(b)(1) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:
§ 9543. Eligibility for relief.

(a) General rule.—To be eligible for relief under this subchapter, the petitioner must plead and prove by a preponderance of the evidence all of the following:

* * *

(2) That the conviction or sentence resulted from one or more of the following:

(i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vii) The imposition of a sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

(ix) The existence of mental retardation as defined in section 9711(q) (relating to sentencing procedure for murder of the first degree).

§ 9545. Jurisdiction and proceedings.

(b) Time for filing petition.—

(1) Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

(i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

(ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; [or]

(iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively[.]; or

(iv) the petitioner claims he is a person with mental retardation as defined in section 9711(q) (relating to sentencing procedure for murder of the first degree) and the time for raising that claim has expired as of the effective date of this subparagraph. Any petition invoking this exception must be filed within 365 days of the effective date of this subparagraph or of the conclusion of any appeal pending on the effective date of this subparagraph from the judgment of sentence or from the denial of a previous petition under this chapter.

Section 2. Sections 9546 and 9711 of Title 42 are amended by adding subsections to read:

§ 9546. Relief and order.

(a.1) Mental retardation.—Upon a finding that evidence has been presented that is sufficient to establish, by a preponderance of the evidence, that the petitioner is a person with mental retardation as defined in section 9711(q) (relating to sentencing procedure for murder of the first degree), the court shall direct that the sentence of death be vacated and that the defendant be sentenced to life imprisonment.

§ 9711. Sentencing procedure for murder of the first degree.

(e.1) Mental retardation.—

(1) No person with mental retardation shall be eligible for the death penalty.

(2) (i) At least 90 days before the commencement of trial or later upon just cause shown to the court, counsel for the defendant may, upon written motion alleging reasonable cause to believe that the defendant is a person with mental retardation, apply for an order directing that a hearing to determine if the defendant is not eligible for the death penalty because he is a person with mental retardation be conducted prior to trial. The written motion shall set forth in particular the reasons and grounds to support the reasonable cause to believe that the defendant is a person with mental retardation.

(ii) Upon receipt of a motion for a determination that the defendant is not eligible for the death penalty because he is a person with mental retardation, the trial court shall conduct a hearing for the presentation of evidence regarding the defendant's mental retardation. Both the Commonwealth and the defendant shall have the opportunity to present evidence, including expert testimony. The court shall order an expert psychiatric or psychological examination of the defendant to be performed by a licensed psychiatrist or licensed psychologist who is an expert in the diagnosis and evaluation of mental retardation. The defendant shall prove he is a person with mental retardation by a preponderance of the evidence.

(iii) Prior to the time set for the hearing on the pretrial motion, the Commonwealth shall have the same rights of discovery as exist under the Pennsylvania Rules of Criminal Procedure, including, but not limited to, the production of reports from experts and production of any information that will further a full, fair and expeditious resolution of the determination of whether the defendant is a person with mental retardation.

(iv) At the hearing on the pretrial motion to determine whether the defendant is a person with mental retardation, the defendant shall have the burden of proving that he is a person with mental retardation by a preponderance of the evidence. The court shall consider the existence or absence of documentation, and any reasons for the existence or absence of documentation, of the manifestation of mental retardation before 18 years of age.

(v) The court shall find that the defendant is not eligible for the death penalty if it finds, by a preponderance of the evidence, that the defendant is a person with mental retardation. If the court finds that the defendant is a person with mental retardation, the trial shall proceed as a noncapital trial.

(vi) If the court enters an order under subparagraph (v) finding that the defendant is a person with mental retardation, the Commonwealth may appeal as of right from the order under Pa.R.A.P. 311 (a)(8) (relating to interlocutory appeals as of right). The taking of an appeal by the Commonwealth under this subsection stays the effectiveness of the court's order and any order fixing a date for trial for purposes of Pa.R.Crim.P. 600 (relating to prompt trial) and speedy trial rights under the Constitution of the United States and the Constitution of Pennsylvania.

(vii) If the court finds that the defendant is eligible for the death penalty, the trial may proceed as a capital case.

(viii) The pretrial determination of the court shall not preclude the defendant from raising any legal defense or factual evidence, including, but not limited to, the existence of mental retardation during the trial or the sentencing phase of a capital trial under this section.

(ix) The jury shall not be informed of the prior proceedings or the court's findings concerning the defendant's motion with respect to the issue of mental retardation.

(3) If a defendant has already been sentenced to death as of the effective date of this subsection and postsentence motions are still pending or a direct appeal is still pending, pursuant to rule of court, a defendant may file a motion raising a claim that he is ineligible for a death sentence because he is a person with mental retardation. The trial court that imposed the sentence on the defendant shall conduct an evidentiary hearing on the motion and determine whether the defendant is a person with mental retardation.

* * *

(p) Burden of proof.—

(1) A defendant who raises a defense of mental retardation must prove the elements of subsection (q) by a preponderance of the evidence.

(2) A defendant who raises a claim of mental retardation waives confidentiality and privileges. The following apply:

(i) The defendant's medical, corrections, military and scholastic records may be reviewed by the parties.

(ii) The defendant's previous physicians, teachers and mental health providers may be contacted by the parties and current mental health examiners to learn of the defendant's background relative to the claim of mental retardation.

(q) Definition.—As used in this section, the term "person with mental retardation" means a person to whom all of the following apply:

(1) The person's full-scale intelligence quotient is two standard deviations below the mean as determined by a standardized test generally accepted in the profession and individually administered by a licensed psychologist.

(2) The person has significant limitations, as determined by a standardized test generally accepted in the profession and individually administered by a licensed psychologist, in adaptive behavior as manifested by performance which is at least two standard deviations below the mean of:

(i) conceptual, social or practical adaptive behavior; or

(ii) an overall score on a standardized measure of conceptual, social and practical skills.

(3) The person's mental disability was present before 18 years of age. The requirement of this paragraph must be demonstrated by contemporaneous written records unless:

(i) the written records are lost or missing; or

(ii) the person was deprived of schooling or other social services contacts in which such contemporaneous records would be created.

Section 3. (a) This act shall apply to persons who are sentenced on or after the effective date of this act.

(b) If a defendant who has already been sentenced to death as of the effective date of this section wishes to raise the issue of mental retardation, and postsentence motions are still pending, the defendant may, pursuant to court rule, amend the postsentence motions to raise the claim that imposition of the death penalty would have been barred under 42 Pa.C.S. § 9711(e.1) if it had been in effect at the time of the sentencing hearing. The trial court that imposed the sentence on the defendant shall conduct an evidentiary hearing on the motion. Upon a finding that evidence has been presented sufficient to establish that the defendant is a person with mental retardation as provided under

42 Pa.C.S. § 9711(e.1), the court shall vacate the sentence of death and shall sentence the defendant to life imprisonment.

(c) If a defendant who has already been sentenced to death as of the effective date of this section wishes to raise the issue of mental retardation and direct appeal is still pending, the defendant may, pursuant to rule of court, after disposition of the appeal, raise the issue in a Post Conviction Relief Act petition under 42 Pa.C.S. § 9545(b) after the disposition of the appeal.

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, this bill, by way of background, deals with what procedure Pennsylvania will institute in statute to make sure that we are not executing mentally retarded people who have been convicted in a capital case.

By way of background, in 2002 the United States Supreme Court decided in the *Atkins* decision that it was a violation of the Eighth Amendment to the U.S. Constitution as cruel and unusual punishment to execute the mentally retarded, and they left it up to the States to determine what procedure the State will institute in order to make sure that we are not executing mentally retarded people in our State.

HB 698 and my amendment are identical in terms of the definition that we have chosen to determine who is mentally retarded, and it is a standard that the mental retardation and the law enforcement community all agree on. The area of disagreement is about when the determination of mental retardation should be made.

The bill in chief has the determination of mental retardation being made after the jury, which has been qualified to hear a death-sentence case, has heard all of the evidence of the case and convicted, and before the penalty is instituted, they will then determine whether that person is mentally retarded. My amendment takes a different approach. My amendment says in essence that the person's mental retardation ought to be established pretrial, before the case goes to trial, pretrial determination by a judge, not by the jury that has just heard the facts of the case. I believe that this is a fairer procedure, and I believe that we have lots of precedents for it. We have a lot of preliminary determinations that are made by arguments before the court by a preponderance of the evidence, which is what this involves, whether it is whether you are competent to stand for trial at all or whether certain evidence can or cannot be heard. These are all things that a judge decides before a case goes to trial, and I am asking, since we have an objective standard for determining whether somebody is mentally retarded, that we consider that pretrial as well, and that is what my amendment does.

I would like to put onto the record that my amendment has a broad base of support from different organizations. The Arc (Advocacy & resources for citizens) of Pennsylvania supports pretrial determination as in my amendment. So does the United Cerebral Palsy of PA, the Institute on Disabilities at Temple University, Vision for EQuality, the Pennsylvania Developmental Disabilities Council, the MH/MR Administrators Association of Pennsylvania, the Pennsylvania Community Providers Association, the Pennsylvania

Disabilities Law Project, the Pennsylvania Catholic Conference, the Pennsylvania Council of Churches, which also sent us a letter signed by 45 other members of the clergy of various religious denominations.

Mr. Speaker, this, to me, is literally a matter of life and death and it is literally a matter of fairness to our mentally retarded community. Mental retardation is not a condition that you fake because you have been accused of a crime. Mental retardation is a developmental disability. It can be assessed by objective standards. The objective standards are in this legislation, and those objective standards should be applied before we even decide whether or not we are going to pick a capital-death-qualified jury for the case.

Everyone knows that capital-death-qualified cases are a lot more expensive cases to try. There is no reason for us to put mentally retarded citizens at risk or to put the Commonwealth's pocketbook at risk for a death-qualified, a death-jury case if the death penalty is not an option, and the death penalty is not an option for mentally retarded people.

So please join me in supporting this amendment to make determination of mental retardation a pretrial decision. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Philadelphia, Mr. Kenney. Mr. O'Brien; I am so sorry.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I know my hair is white, but it is not that white.

Mr. Speaker, we had this debate before in the form of SB 97, and this House overwhelmingly passed SB 97 and rejected the Manderino amendment. Historically, let me just take you back to see how this argument was framed.

There were two bills that dealt with a response to the *Atkins v. Virginia* case. One was Representative Gannon's bill in the House, and the other was SB 26, the Helfrick bill in the Senate.

SB 26 is basically the Manderino amendment, and it provided for two things. It provided for a process of pretrial determination of the death penalty of mental retardation, and it also provided for a definition. As the gentlelady from Philadelphia articulated, we now have taken the second part of SB 26, and I think by all accounts we have improved the definition significantly across the board. The definition included in this bill as it exists represents the DSM-IV definition, which is a comprehensive inclusive definition.

Having said that, the difference between the Gannon bill and the Helfrick bill came down to this: pretrial determination. In the Gannon bill we started out with you would have had to convince all 12 jurors of an individual's mental retardation. We changed that. In this bill you only have to convince one juror of the individual's mental retardation. And you had to do that under the Gannon bill by a clear and convincing standard of evidence. We have changed that to a preponderance of the evidence standard.

When this bill came before the Judiciary Committee, I said we would try to do something about the process and we would do something about the definition, and I have said we have done something about the definition and we also have significantly addressed the process issue. But, Mr. Speaker, what would be the effect of pretrial determination? Let me talk to you about three issues: stigma, cost, and delay.

Mental retardation individuals are overwhelmingly nonviolent. They commit very little crime, and they certainly

do not commit murder 1. I have one dog in this fight, Mr. Speaker, and that is to protect the individuals with mental retardation. As many of you know of my advocacy for individuals with disabilities, I have stood here time and time again, and that is who I am standing for today, in front of you.

The stigma that I am talking about is very simple. *Atkins* would not have happened in Pennsylvania because we are not executing the mentally retarded in Pennsylvania. The Supreme Court has said that we have to respond to the hole that the *Atkins* decision has made in our death penalty statute in Pennsylvania, and I suggest we do that in the framework of the existing death penalty statute. And let me emphasize, to do otherwise would be to put the constitutionality of our present death penalty statute in jeopardy.

To have every death penalty case play out in front of the media and in the courts, understand, these are the most heinous crimes known to man. But what this amendment does by having the pretrial disposition is create a nexus in the consciousness of the people of Pennsylvania that every time there is a heinous crime, we are going to debate for 3 years the issue of mental retardation.

I see the possibility that parents walk in with their children and see a mentally retarded child, and they will say very quickly, let us get out of here. Or they may not want to have their child go to school with a mentally retarded individual because of what they have seen in the media, as this debate rages on. And more importantly, our policymakers will not view it as very important to fund the programs that are very important to the mentally retarded population in Pennsylvania.

Let me talk about the cost. With each pretrial notice from the Commonwealth of intent to seek the death penalty, there will be a defense motion filed alleging the defendant is mentally retarded and the court appointment of a psychiatrist is at the court's expense. The expense will be incurred, even though in most cases the notice of intent to seek the death penalty is withdrawn prior to the start of trial as the Commonwealth learns of additional facts related to the case. A postconviction determination will save money and time, and experts will be brought into a case where the death penalty is actually pursued.

Additionally, the percentage of first-degree murderers who are truly retarded and will be properly granted relief under this statute are infinitesimal, and the savings from capital proceedings stopped pretrial will be insignificant. But the percentage of undeserving capital defendants who will nonetheless take their shot in the hopes of getting a favorable decision from a staunchly anti-death-penalty judge will be substantial under the ACLU's (American Civil Liberties Union's) amendment. Moreover, the Commonwealth appeals from adverse pretrial decisions would add 3 years' additional delay, the average time for resolving interlocutory appeals, before the case could be tried. Thus, the pretrial determination proposal clearly encourages undeserving, nonretarded defendants to engage in meritless, delaying pretrial litigation.

Mr. Speaker, county costs will go through the roof if the Manderino amendment passes. The counties may have to pay psychiatrists and other witnesses – for example, school psychologists, et cetera – twice. In rebuttal to the defense motion for a pretrial asserting mental retardation, the Commonwealth will have to prove that the individual's adaptive skills are not impaired by demonstrating the defendant could put together the scheme step by step that resulted in the underlying crime, that he or she disposed of the weapon, that he or she

cleaned up the crime scene or created alibis. All these issues, you are having a full-blown trial – a full-blown trial – before the actual trial begins. By front-ending the determination of mental retardation, you are guaranteeing that the individual, if he or she is mentally retarded, will remain in jail for years before the trial that determines guilt or innocence even begins because of the inevitable appeals.

The issue before us is not whether a person with mental retardation who has been found guilty of first-degree murder is eligible for the imposition of the death penalty. This is a question of law, and the United States Supreme Court answer is no. Our answer is also no. The issue before us is to implement the constitutional prohibition against executing a person with mental retardation. The two issues left before us to decide in the wake of the *Atkins* case are, how will we define mental retardation and when will this determination be made? All sides agree that we have come up with the best definition of mental retardation possible. The bill and this amendment keep the most recent definition of mental retardation used by the American Association on Mental Retardation. The definition is as good as it gets, Mr. Speaker. That was not included in SB 26. It is not included in the present Senate version that is over in the Senate. They still use the old definition.

The bill and the amendment differ, however, with regard to when this determination will be made. The bill in compliance with the *Atkins* case and the United States and State Constitutions says that the determination should be made by a jury after a finding of guilt as part of the sentencing process. The amendment in compliance with *Atkins* says the determination should be made before the start of a trial by a judge. The only issues decided pretrial are competency, whether a trial can go forward at all because the defendant is unable to participate in his defense, and suppression motions. What evidence will be permitted to be introduced at trial? Both of these questions must be decided before the trial starts. On the other hand, insanity, self-defense, entrapment, duress – all are decided by the jury. A convicted first-degree murderer's defense to the sentence of death should be treated like all other defenses by the jury. All sentencing issues in death penalty cases are decided by a jury after conviction.

Further, unlike the question of law decided by the U.S. Supreme Court in the *Atkins* case, the question of whether a given set of facts satisfies the statutory or legal definition is a factual question to be determined by a jury. If both the defendant's psychologist and the Commonwealth psychologist agree as to whether a defendant is a person with mental retardation, there is no dispute, and the fact is that the defendant upon conviction for first-degree murder is not eligible for the death penalty. But if the experts disagree, there is a factual dispute, and the dispute must be resolved. The fact-finder must decide what weight to be given to the testimony and opinion of the disagreeing experts as to whether the defendant is mentally retarded. This is a question of fact.

Despite the fact that the *Atkins* case did not require a particular procedure for determining mental retardation, the U.S. Supreme Court has said that a jury, not a judge, must determine all facts that are a precondition to a particular defendant's eligibility for a death sentence. The United States Supreme Court held 7 to 2 in *Ring v. Arizona* that the Constitution requires that a jury, not a judge, determine all facts that are preconditions to a defendant's eligibility for a death sentence. In so holding, the court said that where a jury has not

determined all such facts, a death sentence violates a defendant's Sixth Amendment right to a trial by jury. Article I, section 6, of the Pennsylvania Constitution also guarantees the defendant's right to a jury trial.

Previously this House had determined that the amendment that Representative Manderino offered, which is almost identical to the amendment offered today, was unconstitutional by an overwhelming vote.

CONSTITUTIONAL POINT OF ORDER

Mr. O'BRIEN. I move that the amendment is unconstitutional, the Manderino amendment is unconstitutional, and that it violates a defendant's Sixth Amendment right to a jury trial under the Constitution of the United States and a defendant's Article I, section 6, right to a jury trial under the Constitution of the Commonwealth of Pennsylvania.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. O'Brien, raises the point of order that amendment No. 5740 to HB 698 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Before I speak to the motion, would you tell me how you plan to phrase the question when it is put to a vote so that I know whether I am urging a "yes" or a "no" response?

The SPEAKER pro tempore. Those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I urge the members of the House to vote "yes" that this amendment is constitutional. The maker of the motion raises the constitutionality question on the basis of the right to a jury trial. We are doing absolutely nothing in this amendment to affect the right to a jury trial, to affect the Commonwealth's right to go for a jury trial.

There are motions that are determined today under our law that are constitutional that could stop you from getting to trial and to a jury, such as a decision which is made pretrial by a judge as to whether you are competent to stand trial. If a judge determines you are not competent to stand trial, no trial goes forward. That is not what we are doing here. No matter what is decided pretrial, the trial goes forward.

Today it is constitutional for a judge to decide what evidence gets heard, and if a judge decides pretrial that certain evidence cannot be heard, the jury does not get to hear that evidence. That is not what we are deciding here. Absolutely nothing that is presented in my amendment stops a jury from hearing all of the evidence, all of the facts of the case. Nothing stops that under this amendment.

Since the *Atkins* decision, I think it is approximately 15 States that have gone back and reviewed their statutes

because they did not have anything on the books to deal with these situations. The vast majority of those States instituted a pretrial determination of mental retardation. Further, there were many States that already had standards on the books even before *Atkins* was decided, and the vast majority of those States have pretrial determination.

The attorney who argued the *Atkins* case before the United States Supreme Court is a professor of law at the University of New Mexico where he teaches mental disability law, constitutional law, and criminal law for over 30 years. He previously served as the president of the American Association on Mental Retardation, the nation's oldest and largest professional organization in the field of mental retardation, and he has represented the AAMR, the Arc, and other disability organizations numerous times in the United States Supreme Court, Congress, and State legislatures.

He looked at my amendment; he looked at the bill in chief because I asked him about this issue. What he said was that the "...majority of the states that have passed statutes have chosen to address the issue...pretrial..." which is what my amendment does. Further, experience in States that have enacted pretrial procedures, particularly States that passed their statutes years ago before *Atkins* and thus have a longer track record of implementation, found that many of these cases were resolved by guilty pleas, actually making the trial unnecessary because the defendant's mental disability was often the only contested issue in the case.

Judges make decisions about constitutionality. Having judges make a decision about eligibility is constitutional, he wrote me. "In every state that has faced a challenge to such a provision, the challenge has been rejected." Let me read that again. "In every state that has faced a challenge..." – meaning a challenge of the constitutionality of a pretrial provision – "the challenge has been rejected."

I ask you today to reject that challenge. The Pennsylvania Senate has firmly stood on the side of pretrial determination. I think the Pennsylvania House should, too.

Please vote "yes" on constitutionality.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentlelady stand for brief interrogation?

The SPEAKER pro tempore. She indicates that she will receive your questions. You may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment be able to point to any passage within the *Atkins* decision that the U.S. Supreme Court identified the means by which a State must set up safeguards that mentally retarded people are not executed?

Ms. MANDERINO. Thank you, Mr. Speaker.

I did read the *Atkins* decision a number of years ago when this issue first came on the forefront in Pennsylvania. I have not read it recently. I do not have a copy in front of me, so I apologize, but I cannot further answer your question. But I do feel comfortable given the fact that Mr. Ellis is the one who argued that case and he feels very firmly that all of the decisions, or all of the States that have instituted pretrial determination of the mentally retarded have stood the test of constitutional challenge that this is constitutional.

Mr. REICHLEY. Well, Mr. Speaker, then, the gentlelady might benefit if I quote to her from page 10 of the 32-page opinion, and maybe she is familiar with this: "To the extent there is serious disagreement about the execution of mentally retarded offenders, it is in determining which offenders are in fact retarded. In this case, for instance, the Commonwealth of Virginia disputes that *Atkins* suffers from mental retardation." Now, quote, "Not all people who claim to be mentally retarded will be so impaired as to fall within the range of mentally retarded offenders about whom there is a national consensus. As was our approach in *Ford v. Wainwright*, with regard to insanity, 'we leave to the State[s] the task of developing appropriate ways to enforce the constitutional restriction....'"

Now, would the lady further be familiar from the next page of the opinion, which it says, "Mentally retarded persons frequently know the difference between right and wrong and are competent to stand trial."

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, what you just read is consistent with what I have been saying. The first part of what you read, the *Atkins* decision said, States have to determine what their standard of mental retardation is. What standard are they going to apply to decide whether somebody is mentally retarded? The maker of the bill and I agree on that definition. Pennsylvania will be instituting its definition of mental retardation, which may or may not be similar, and I suspect it is not similar, to whatever the definition in Virginia was pre-*Atkins*.

On the second point, I would say to you that nothing in what I am proposing says that a person who is mentally retarded does not know right from wrong and nothing that the Supreme Court in the *Atkins* decision said that a mentally retarded person does not know the difference between right and wrong. The question is not whether you know right or wrong, because a mentally retarded person can and will be found guilty under any of these standards. The question is not whether you are guilty or not; the question is whether you can be executed under the death penalty. That is the only question that goes to right or wrong, and the courts have said, the court has said in *Atkins* – not, States, you cannot find mentally retarded people guilty because they do not know right from wrong; they did not say that – they said, States, if you find the mentally retarded person did wrong, knew that he or she did wrong, and have committed a capital offense in your State, you can punish them, but you can only punish them to a life sentence, which in Pennsylvania is a life sentence without parole; you cannot execute them. That is the difference.

Mr. REICHLEY. Mr. Speaker, I take it then the gentlelady would concede that *Atkins* did not require a pretrial determination. Is that correct?

Ms. MANDERINO. *Atkins* left the decisions to the State, and that is what Pennsylvania is deciding; that is correct, and that is the reason that I read into the record what the majority of States have done post-*Atkins*. And I acknowledged that there were one or two States that post-*Atkins* had decided to make a posttrial determination. I did not name them by name, and I am not sure that I have those names with me, but there were one or two States that decided to go posttrial and there were about a dozen that decided to go pretrial. And further, one of the States that went posttrial, I am pretty sure it is New Mexico or Nevada – I could clear that up – is now revisiting that issue and reconsidering whether to go pretrial.

The SPEAKER pro tempore. The Chair would like to remind the members that at the moment we are on the narrow question of constitutionality and not on the merits or demerits of the amendment itself.

The gentleman, Mr. Reichley, may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker. I will try to plow through this at a quicker pace then.

I take it, Mr. Speaker, does the lady know how many States have given the prosecution the right to a jury trial among all those States that she has mentioned evaluated a pretrial determination?

Ms. MANDERINO. I did not survey what these States' procedures are with regard to the prosecutor's right, but I did address that in my comments in chief, in that nothing in my amendment takes away the prosecutor's right to a jury trial. Regardless of the pretrial determination, a jury trial will still be held.

The SPEAKER pro tempore. Would the gentleman suspend.

The gentleman, Mr. Thomas, for what purpose do you rise?

Mr. THOMAS. Mr. Speaker, I rise for some guidance in your instructions. Your instructions were, the question before this House is whether or not the Sixth Amendment, whether or not the Manderino amendment is constitutional or unconstitutional based on the basic tenets of the Sixth Amendment. Now, that has nothing to do with whether or not a mentally retarded person should be executed. It has nothing to do with what goes to the jury, what goes to a trial. All it has to do with is, the architect of the bill has said that the Manderino amendment is violative of the Sixth Amendment, and that Sixth Amendment is whether or not a defendant has a right to a jury trial.

The SPEAKER pro tempore. Would the gentleman suspend.

Mr. THOMAS. I only ask that you enforce your instructions. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and I will reiterate and expand on what the gentleman just observed. The objections as to constitutionality, as I understood it, were with respect to the Sixth Amendment of the United States Constitution and Article I, section 6, of the Pennsylvania Constitution, and I would encourage that questions, discussion, and debate be on those topics.

Thank you.

Mr. REICHLEY. Thank you, Mr. Speaker.

I have no further questions for the gentlelady. Let me proceed directly on the amendment, if I may, Mr. Speaker.

On the amendment, Mr. Speaker. I think it is precisely a point you just raised in reference to Article—

The SPEAKER pro tempore. On the question of constitutionality, Mr. Reichley?

Mr. REICHLEY. Yes; yes.

The SPEAKER pro tempore. Thank you.

Mr. REICHLEY. In Article I, section 6, the Commonwealth has provided a fair right to a jury trial, and by the Manderino amendment, you are usurping the Commonwealth's right to seek a jury trial on the death penalty for a particular criminal defendant. The amendment, although well-intentioned, I am sure, and based upon wonderful, emotional motives to spare, quote, unquote, "mentally retarded people" from the issue of going to trial on a death penalty case, disregards the right that was approved by the Commonwealth voters of Pennsylvania some 6 years ago, I believe, maybe 8 years ago, to provide the Commonwealth's right to pursue a jury trial in death penalty

cases. It is not just the matter of the defendant's right to obtain a fair trial but also the Commonwealth's right as provided by the constituents and the voters of this Commonwealth, and I would hasten the members to remember that when you are considering this amendment.

This is not just a situation of somehow feeling that a defendant is getting forced into trial. There are sufficient constitutional safeguards in place regarding competency, an evaluation must be considered, and any defense for mental retardation could be raised to a certain diminished mental capacity to avoid a first-degree conviction, may be raised as a mitigating circumstance to avoid the death penalty, but in no situation is it available to deny the Commonwealth's right to pursue the jury trial for the full extent of the penalty, and the penalty is part of the right to trial. It is not just a matter of determining guilt or innocence, but the entire nature, especially in a first-degree murder case, takes in the issue of what the particular sentence shall be. The Commonwealth has been provided the right to pursue a jury that can fairly evaluate the question of imposition of the death penalty as well as life imprisonment, and to deny that by way of a circuitous pretrial motion is constitutionally infirm.

I think furthermore it should be raised that under the Manderino amendment you could have the incongruous effect that a judge can make the pretrial determination that the defendant is not mentally retarded, that same defendant gets convicted of murder in the first degree, and the jury then says, no, the defendant is mentally retarded, and therefore, you are denying the death penalty as the sentence to be imposed there. I think just based on this simple example, one finds that the right to the Commonwealth to have a fair opportunity to talk to these jurors, to present them the case, and to have the fact-finder as the jurors make the ultimate decision is the proper method, not to allow some method for preventing this case to go to trial in its full nature and circumstance.

So I would urge the members to vote "no" on the Manderino amendment. I think it is also worth noting that I think that many of the members have received a letter from the Attorney General – on the motion; excuse me; on the motion – but Attorney General Corbett has distributed a memo in which he is urging defeat of this amendment on the grounds that it is not constitutional, that it violates the Commonwealth's right to a fair jury trial.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a couple of broad points about the motion on constitutionality. However, before I do that, while the argument from the gentleman from Lehigh is still fresh in our minds and still ringing in our ears, I would just like to comment on it.

The gentleman from Lehigh is incorrect for this reason: The Commonwealth is only entitled to a jury trial in a death penalty case in a case where the defendant is eligible for the death penalty. So for example, the United States Supreme Court has ruled that you cannot execute someone under the age of 18. So if we had a 17-year-old defendant who said, I was 17 years old, there would have to be a pretrial determination on whether that person was even eligible for the death penalty. The Commonwealth could not come in and say, I demand a jury trial

to determine whether this 17-year-old is eligible for the death penalty or even whether the 17-year-old is really 17 or whether he is 18. That is always, always a pretrial determination, and it is conceptually exactly the same. A retarded person does not become ineligible for the death penalty because of things like, you know, prosecutorial misconduct or a lack of evidence. A retarded person is ineligible for the death penalty on the day he or she is born, and so that person not being eligible for the death penalty, the right of the Commonwealth to a trial by jury on the issue of the death penalty does not attach.

Now, Mr. Speaker, first a broad point on the constitutionality motion. I have routinely voted against constitutional attacks on proposed legislation, even legislation with which I disagreed. Legislators whom I sometimes occasionally disagree with, such as Representatives Metcalfe and Rohrer and others, have introduced bills and there have been motions that they were unconstitutional, and I voted “no.” Even though I voted against the bill on final passage, I voted against the motion saying it was unconstitutional, and why? The reason is because the constitutionality amendment has become a substitute for whether we are for or against a bill.

No one here— You know, I tried a lot of cases. I did a lot of appellate work. Before a judge would decide on constitutionality, they would want to read the record; they would want to read extensive briefs; they would want to hear oral argument; then they would want to deliberate with their colleagues, write an opinion, maybe change it a few times. The idea that we sort of sit here on the seat of our pants, hear an argument on constitutionality, and then miraculously everyone who is for the bill votes that it is not unconstitutional, everyone who is against it votes it is unconstitutional, is a joke, Mr. Speaker. It demeans what we do here, and I think it is time that we start taking what we do here seriously so other people will take it seriously as well.

Now, I would also make another broad point on this motion, Mr. Speaker. The maker of the motion on constitutionality made his motion after a lengthy speech in favor of the merits of the bill, and I just think that it is wrong for someone to say everything they want to say about the merits of a bill and then make a motion to cut off debate.

The SPEAKER pro tempore. Would the gentleman suspend, please.

The question before the House is the question of constitutionality with respect to the Sixth Amendment of the United States Constitution or Article I, section 6, of the Pennsylvania Constitution, and we have afforded you some latitude, but I would ask that you reel your comments in on those points.

Mr. LEACH. Okay.

The SPEAKER pro tempore. Thank you.

Mr. LEACH. But I believe I am allowed – and you can correct me if I am wrong, Mr. Speaker – I am allowed to comment on the merits of the specific motion made generally. I have heard that happen on hundreds of occasions in this House. Whether we should be voting on constitutional issues at all, for example, would be something I could legitimately argue on a motion for constitutionality, and if not, when would that be appropriate to argue that?

The SPEAKER pro tempore. Would the gentleman suspend.

You have been given the leeway to offer somewhat broad comments, and you really were into procedural questions and

matters of process that you find appealing or unappealing as opposed to the question of constitutionality, and I would ask that you return to the question of constitutionality.

PARLIAMENTARY INQUIRY

Mr. LEACH. Mr. Speaker, I will. I am just wondering – parliamentary inquiry – when is it appropriate to raise issues on the appropriateness of motions on constitutionality generally?

The SPEAKER pro tempore. If you have a question about the procedure, you could object to the motion, I suppose, Mr. Leach, but it seems to me that I have not heard any parliamentary basis for an objection. If you wish to offer one, the Chair is all ears. Otherwise, I would ask you again to confine your remarks to the question of constitutionality.

Thank you.

Mr. LEACH. Okay. Mr. Speaker, I will raise my point, and if I am raising it in an inappropriate way, you can let me know, but my point is that using a motion for constitutionality to cut off debate when one has had their say is inappropriate, and that is all I have to say on that subject, Mr. Speaker.

On the issue of the jury trial, I believe I said that point in my response to Mr. Reichley. I would urge the members to not vote on an extremely complicated constitutional question, which is still percolating through the courts of this nation as we sit here, based on a 30-second motion but, rather, allow debate on the merits of this bill to continue, knowing that the Senate is going in a different direction, and maybe we can learn something from this debate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas, on the question of constitutionality, as you so well reminded us earlier.

Thank you.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am not a constitutional scholar, and I am not a practitioner of constitutional law. However, however, I have taught constitutional law to some people who are now administrative law judges within the Commonwealth of Pennsylvania. I have done extensive research. I briefly interned with the Justice Department, long-term internship with the United States Department of Health, Education, and Welfare, Office of General Counsel, Civil Rights Division, so I have done a lot of work around constitutional law. And I have a lot of respect for the maker of this bill, and I have a lot of respect for the fact of how passionate he is about outcome, but, Mr. Speaker, it is clear, in fact and law, that the Manderino amendment does not violate the Sixth Amendment to the United States Constitution, nor does it violate any basic tenets to the Pennsylvania Constitution.

Mr. Speaker, in effect, if we decide that the Manderino amendment is unconstitutional, then we will in effect, we will in effect create an assault on the Sixth Amendment. The Sixth Amendment allows a defendant to decide whether he or she wants a jury trial or a trial by a judge. The basic prescription in the Manderino amendment is one of timing. At what point do you make the determination of mental retardation? Whether you make that determination pretrial or posttrial is not violative of the Sixth Amendment, because regardless of when the

determination is made, the trial goes forward. It is only on the issue of whether or not the defendant is mentally retarded. And so, Mr. Speaker, let us not cloud the issue. Let us not do a disservice to a document and to instructions that we are guided by.

Mr. Speaker, there is nothing in the Manderino amendment, and I am confident that if I could take my friend, the author of the bill – and I am calling him my friend; he might call me something else – but I am confident that if I could take him in a room, he would acknowledge that the Sixth Amendment challenge was the only place I could go, but it is not on all fours with being violative of the Manderino amendment. There is nothing in the Manderino amendment that violates a defendant's right to either a trial by his or her peers or before a judge.

And so, Mr. Speaker, let us not be confused. Let us not complicate it. This is not a complicated issue, and I urge my colleagues from both sides, whether you understand the basic tenets of the Sixth Amendment, whether you understand the philosophical prescriptions behind the Sixth Amendment, or whether you are aware of even the existence of the Sixth Amendment, no matter what position you take, you must conclude that there is nothing in the Manderino amendment that would interfere with the philosophy, the prescription, or the basic tenets of the Sixth Amendment to the United States Constitution.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote “yes” on the constitutionality of the Manderino amendment, and let us get on with whether or not we support the prescription of the Manderino amendment, because that is really the question. There is no question of constitutionality.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and applauds his attention to the subject matter at hand and recognizes the gentleman from Luzerne, Mr. Blaum, on the question of constitutionality.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members for a negative vote on constitutionality. What we have before us here, I believe, is a very, very serious issue. The Supreme Court says that you cannot execute anyone convicted of murder who is found to be mentally retarded.

This legislation, HB 698, does exactly that, prohibits the execution of anyone found to be retarded after they are convicted. Under this legislation, the bill goes forward, the trial goes forward, and upon conviction then, the person convicted would be analyzed as to mental retardation. If in fact retardation has occurred, then the execution could not take place.

The amendment before us—

The SPEAKER pro tempore. Would the gentleman suspend.

Mr. THOMAS. Mr. Speaker?

The SPEAKER pro tempore. I am sorry. The gentleman, Mr. Thomas, for what purpose do you rise?

Mr. THOMAS. I have the utmost respect for the speaker, but caution him. The issue before us is whether or not the Manderino amendment violates the Sixth Amendment, not the Fourth, Fifth, Eighth, Ninth, the Sixth Amendment to the United States Constitution.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and will remind that it is also dealing with the question of Article I, section 6, of the Pennsylvania Constitution. Thank you.

The gentleman may proceed. I apologize.

Mr. BLAUM. Thank you, Mr. Speaker.

The amendment before us, if enacted and became law, would require that determination of retardation to be made before the trial, and obviously any attorney would be derelict if they did not fight that issue of fact before ever getting to the actual trial. I side and I believe it is well articulated in the letter sent to our e-mail by the Attorney General, where Tom Corbett outlines in his next to the last paragraph, that Article I, section 6, is violated by this amendment.

I think it is best that we find this amendment to be unconstitutional. I urge a negative vote, a “no” vote, on constitutionality so that we can get to adopting this very important piece of legislation, which prohibits the execution of those found to be retarded.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Union County, Mr. Fairchild, on the question of constitutionality.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to oppose the motion to strike the Manderino language. I think this amendment is constitutional. I am not sure, but I might be the first nonattorney to stand up here tonight, at least on this issue, but I find it ironic by looking at what other States have done.

Recently we have had decisions in Louisiana, Oklahoma, and Florida that upheld, upheld the pretrial determination. Now, like I said, I am not an attorney, but it seems to me that if we violated the Constitution as alleged by those who want to strike the Manderino amendment, that certainly Florida, Oklahoma, Louisiana, and the vast majority of States that have opted for pretrial must have already, already and a long time ago violated the Constitution. Mr. Speaker, it is simply not so.

You had the, what I would call the legal experts testify what this is about. This is about predetermination. It is not about a judge running the trial. The jury is still going to get their shot, as they should. However, what we want to be able to do is to give those people a fair shot, and if you think it is a fair shot to drag them through what I would call two trials and in the order they are doing, that is what is wrong with this. That is why all these organizations that work with these people all the time are saying, this does not make any sense; it does not make any sense to do it this way.

May I have a little latitude? No, that is fine.

I urge—

The SPEAKER pro tempore. The gentleman is correct. The gentleman is entitled to be heard.

Mr. FAIRCHILD. I urge all the members on both sides of the aisle to do the right thing, take a look at what the other 50 States have done, and support a “yes” vote that this is a constitutional amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. McGeehan, on the question of constitutionality.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I am proud to join my friend in Union County as the second nonlawyer to address the issue of constitutionality on HB 698.

Mr. Speaker, 2 years ago we had a debate here on the floor over the issue of pretrial versus posttrial determination, and 2 years ago I voted that the pretrial determination procedure was

unconstitutional, but today, Mr. Speaker, I intend to vote that the Manderino amendment is constitutional, and I intend to vote with those who support pretrial determination.

Mr. Speaker, some may remember that more than 10 years ago I was the sponsor of a bill to require our Governor to sign death warrants, accelerate the signing of death warrants within a specific number of days following the Supreme Court's affirmation of the death sentence. I thought there was just too much delay in carrying out executions. I have a strong history of support for the death penalty.

I reread our debate on constitutionality from 2 years ago. I will say that like my friend I am not a lawyer, but as a layperson, I must admit now that I think we got it completely wrong. Many other States use the pretrial process to determine whether a defendant in a capital case is a person with mental retardation. That procedure has not been found to be unconstitutional in any of those other States. It begs the question, why would it be so in Pennsylvania?

It is my understanding that legal experts all around the country have not found a constitutional problem with a pretrial procedure. In fact, in some other States, like States that we would not think of as progressive in the criminal justice system, like Oklahoma, like Louisiana, and like Florida, their courts have determined that a pretrial procedure is more consistent with the *Atkins* decision and more constitutionally sound than a posttrial procedure.

As a nonlawyer, Mr. Speaker, the argument that a pretrial procedure violates the defendant's or the Commonwealth's right to a jury trial makes absolutely no sense. There will still be a jury trial as to whether the defendant is guilty. The Manderino amendment merely allows a judge to make a decision about whether the defendant should be subjected to a death penalty trial.

Again as a nonlawyer, I think I understand why a court would not find a constitutional problem with a pretrial determination. I guess at its core, Mr. Speaker, we want to avoid the risk, and I think you all agree with me, we want to avoid the risk of executing a person with mental retardation, and the best way, the best way to avoid the risk is to not put a person with mental retardation through a death penalty trial in the first place.

Mr. Speaker, we know our criminal justice system is not perfect and that mistakes indeed are made. The Constitution demands that we do our best, and it is our sworn duty as members of this House to avoid making mistakes in death penalty cases where the defendant is a person with mental retardation. Mr. Speaker, we can do that tonight. We can accomplish that by voting the Manderino amendment is constitutional.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

The previous speakers are talking about—

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

Mr. PALLONE. Recognition, Mr. Speaker. I believe Mr. O'Brien probably wants to be the final speaker?

Mr. O'BRIEN. I will go last.

The SPEAKER pro tempore. Is the gentleman, Mr. Pallone, seeking recognition?

Mr. PALLONE. I had sought recognition quite some time ago.

The SPEAKER pro tempore. I thought back then you were seeking recognition on the amendment.

Mr. PALLONE. Both.

The SPEAKER pro tempore. Are you seeking recognition on constitutionality?

Mr. PALLONE. On the constitutionality, yes.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, will suspend and yield, and the gentleman, Mr. Pallone, may proceed.

Is there anyone else who intends to seek recognition on constitutionality? Thank you.

The gentlemen, Mr. Pallone, proceed.

Mr. PALLONE. Thank you, Mr. Speaker.

I rise to ask the members to support constitutionality of this particular amendment as proposed, not on the basis of the Sixth Amendment, but based on the basis of the equal protection, a right to a speedy trial, and a due process, constitutionality grounds.

This amendment does nothing more than protect a mentally retarded individual. It has nothing to do with eliminating the trial-by-jury option. It has nothing to do with eliminating the death penalty or any other options that may be available to the prosecutor. This amendment is nothing more than providing for the equal protection and the due process of the most needy people that reside in our society. We are talking about the mentally infirm, those who do not have the ability, in many cases, to know the difference between right and wrong, good and evil.

This amendment that is being proposed is clearly constitutional. It enforces the right to due process. It enforces the equal protection for all people, including those with mental retardation, and it does nothing to violate the speedy trial or the right to a jury trial or the right to a bench trial.

We have heard a number of different conversations and debate and even quotes from the case law that exists in our jurisprudence today, and each and every one of us have our particular reason for supporting this particular initiative. It is clearly constitutional and clearly does not violate the Sixth Amendment or Article I of the Pennsylvania Constitution.

We are in a situation here where we have the opportunity, again, to provide equal protection, the right to due process, for the most needy people in our society, and I implore the members to vote in favor, "yes," for constitutionality.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Veon, rise?

Mr. VEON. For recognition on constitutionality.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just want to take one very quick moment and encourage a "yes" vote on constitutionality. I do understand that everybody here recognizes the importance of this debate, the importance of this issue, the emotion involved in this very important legal issue. I disagree with the gentleman from Philadelphia, but I do understand that point of view. And I would hope and encourage members, at the very least, to take a position that this amendment is constitutional. Let us have this very good debate that has been started here today on a very, very important issue, literally, of life and death.

I would ask for a “yes” vote on the issue of constitutionality. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and again asks, is there anyone else seeking recognition?

The gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have heard the remarks of those who would advocate that this is constitutional, and there is a lot of blending of the arguments here and confusion about exactly what is taking place. This question does not have to do with guilt or innocence of the crime. This goes to the assessment of the penalty, and in many instances in fact where it is a capital case, the crime is going to be rather heinous. It is not a case of grabbing a pocketbook in a shopping mall, it is not punching somebody in the mouth, and it may not even be where someone dies, but these crimes are rather heinous, involve deliberate acts, involve a very, very painful event for a victim and the victim’s family.

The SPEAKER pro tempore. Would the gentleman suspend.

For what purpose does the gentleman, Mr. Leach, rise?

Mr. LEACH. Mr. Speaker, as the Chair admonished me, this is not the closing argument on the merits of the case. This is a narrow question of constitutionality, and the issue of how bad crimes are does not enter into it.

The SPEAKER pro tempore. The Chair thanks the gentleman and encourages the gentleman, Mr. Gannon, to focus on the question of constitutionality.

Mr. GANNON. Thank you, Mr. Speaker; just a little latitude to lay the groundwork for my argument that in fact this is unconstitutional and should get a “no” vote.

Because the Commonwealth when it charges a crime and pursues a criminal, particularly one that has done a heinous crime and seeks the ultimate penalty, it is acting on behalf of not only the citizens of the Commonwealth but also the victims, and this is an attempt to take the right of the Commonwealth to make a factual determination through the jury as to whether or not the perpetrator of this heinous crime is in fact mentally retarded to the point that the death penalty is not warranted.

Now, we hear about this pretrial. A lot of things are done at pretrial: questions of competence. So if a person is truly mentally retarded or incompetent to the point that they cannot even really partake in the defense, in their own defense or participate in the trial, you may even have a situation where a judge in the pretrial determining competence could even say there is not even going to be a trial; this person is incapable of understanding the acts that they did and the consequence of those acts. That can be made at a pretrial.

What we are talking about here is a case where the jury has heard the facts. They have looked at that defendant. They have made an assessment as to whether or not a crime has been committed, the extent and nature of that crime, and now the jury should be entitled to make a factual determination, because that is a defense that is being raised at the end of the trial. This is the punishment phase; this is the punishment phase. And that has been all over the papers recently about the punishment phase, about the fellow who was going to fly the fifth plane into one of our buildings. They were in the punishment phase as to whether or not he was going to get the death penalty.

The question here is the assessment of the punishment, and to take that away from the jury who can make a factual determination based upon a defense that is put up by the

defendant as to what punishment should be assessed, that takes away that constitutional right from the citizens of the Commonwealth and from the families of the victim and perhaps the victim herself or himself.

That is why this is unconstitutional, and I urge a “no” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members seeking recognition on the question of constitutionality?

Then the maker of the motion, Mr. O’Brien, is recognized.

Mr. O’BRIEN. Thank you, Mr. Speaker. I am not going to belabor the point.

To clarify or respond to the remarks of Representative Fairchild, Representatives McGeehan, Manderino, and others, the difference in Pennsylvania is very simple. Two parties have the constitutional right to a jury trial. One is the defendant, and the other is the Commonwealth of Pennsylvania. The voters of Pennsylvania decided that in 1998 when they voted to amend the Pennsylvania Constitution to allow the Commonwealth to demand a jury trial. What does not exist and should not exist in the Commonwealth of Pennsylvania is the inverse of that important principle. It does not provide for the right of the defendant to demand a trial by a judge.

Mr. Speaker, I will ask the Chair once again to clarify what a “yes” vote and a “no” vote would be.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Once again, a “no” vote would be a determination that the amendment is not constitutional; an “aye” vote would be a determination that the underlying amendment is constitutional.

Mr. O’BRIEN. Thank you, Mr. Speaker.

And again, I will quote, paraphrase from the number one law enforcement officer in the Commonwealth of Pennsylvania, Tom Corbett, where he said in an e-mail to all of us, that it is appropriate, and consistent, to place the significant determination of mental retardation in the capable hands of the jury. “Doing so would also be consistent with the change to Article I, Section 6 of the Pennsylvania Constitution that voters approved in 1998, which allows the Commonwealth to demand a jury trial. To remove the determination from the jury’s hands would effectively deprive the Commonwealth of this important Constitutional right.”

I ask for a “no” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those voting “aye” will vote to declare the amendment to be constitutional; those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—106

Adolph	George	McGeehan	Ruffing
Bebko-Jones	Gerber	McGill	Sabatina
Belardi	Gergely	McIlhinney	Sainato
Belfanti	Godshall	Melio	Samuelson
Biancucci	Good	Miller, R.	Santoni
Bishop	Goodman	Mundy	Schroder

Blackwell	Grucela	Mustio	Shaner
Buxton	Gruitza	Nailor	Shapiro
Caltagirone	Haluska	Nickol	Siproth
Casorio	Hanna	Oliver	Staback
Cawley	Harhai	Pallone	Stetler
Civera	James	Parker	Sturla
Cohen	Josephs	Petrarca	Surra
Corrigan	Keller, W.	Petri	Tangretti
Costa	Kenney	Petrone	Thomas
Curry	Killion	Phillips	Tigue
Daley	Kirkland	Pistella	Veon
DeLuca	Kotik	Preston	Vitali
DeWeese	LaGrotta	Ramaley	Walko
Donatucci	Leach	Rapp	Wansacz
Eachus	Lescovitz	Raymond	Waters
Evans, D.	Levdansky	Readshaw	Wheatley
Fabrizio	Mackereth	Reed	Williams
Fairchild	Manderino	Roebuck	Wojnaroski
Frankel	Mann	Rooney	Youngblood
Freeman	Markosek	Ross	Yudichak
Geist	McCall		

NAYS—87

Allen	Ellis	Kauffman	Sather
Argall	Evans, J.	Keller, M.	Saylor
Armstrong	Feese	Leh	Scavello
Baker	Fichter	Maher	Semmel
Baldwin	Fleagle	Maitland	Smith, B.
Barrar	Flick	Major	Solobay
Bastian	Forcier	Marsico	Sonney
Benninghoff	Gabig	McIlhattan	Stairs
Beyer	Gannon	McNaughton	Stern
Birmelin	Gillespie	Metcalfe	Stevenson, R.
Blaum	Gingrich	Micozzie	Stevenson, T.
Boyd	Grell	Millard	Taylor, J.
Bunt	Harhart	Miller, S.	True
Cappelli	Harper	O'Brien	Turzai
Causar	Harris	O'Neill	Watson
Clymer	Hasay	Payne	Wilt
Cornell	Hennessey	Pickett	Wright
Crahalla	Herman	Pyle	Yewcic
Creighton	Hershey	Quigley	Zug
Dally	Hess	Reichley	
Denlinger	Hickernell	Rohrer	Perzel,
DiGirolamo	Hutchinson	Rubley	Speaker
Diven			

NOT VOTING—0

EXCUSED—9

Cruz	Myers	Roberts	Steil
Dermody	Rieger	Smith, S. H.	Taylor, E. Z.
Lederer			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

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

COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fairchild, for the purpose of an announcement.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Due to the schedule tomorrow, the Intergovernmental Affairs Committee meeting scheduled for 10 o'clock is canceled, and we will reschedule and notify the members.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. For the purpose of an announcement, the Chair recognizes the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

There is a Finance Committee meeting tomorrow morning at 9:30. It is my understanding we are supposed to be on the floor at 10, but neither of our caucuses have caucuses tomorrow. So I would expect the Finance Committee members to be at the meeting on time. We have a full agenda, but hopefully we will be able to get it done and arrive on the floor at 10 a.m.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Tomorrow morning at 9:30 there is a Finance Committee meeting.

COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, for the purpose of an announcement.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, as has been shared by other chairmen, the State Government Committee had a 10 o'clock meeting for tomorrow. That will be canceled, and I will try to work it in before we recess for the week. So our meeting has also been canceled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

COMMITTEE MEETING POSTPONED

The SPEAKER pro tempore. For the purpose of an announcement, the Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the meeting tomorrow of the House Professional Licensure Committee, because of the early session, will be postponed, and the meeting will be called off the floor during a break.

Thank you, Mr. Speaker.

CONSIDERATION OF HB 698 CONTINUED**BILL AND AMENDMENT PASSED OVER**

The SPEAKER pro tempore. HB 698, along with amendment A05740, is over for the day.

There will be no further votes.
 Are there any further announcements?
 And to remind the members, 10 a.m. tomorrow the House will be in session.
 Any further announcements?

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen.
 Mr. COHEN. Thank you, Mr. Speaker.
 Mr. Speaker, there will be informal discussions in the House Democratic Caucus room.
 The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who reports that the Republicans will be meeting for informal discussions in the majority caucus room.
 The Chair thanks the gentleman.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 689 By Representatives BAKER, FAIRCHILD, PHILLIPS, DeWEESE, BALDWIN, BEYER, CALTAGIRONE, CLYMER, GEIST, GINGRICH, LEH, MARKOSEK, R. MILLER, PALLONE, READSHAW, REICHLEY, SAYLOR, SURRA, TIGUE, WOJNAROSKI, B. SMITH, ARMSTRONG and YUDICHAK

A Resolution urging the President and the Congress of the United States to take appropriate action to prohibit the United States Department of the Treasury's Internal Revenue Service from promulgating new rules permitting tax preparers to share any or all of the contents of a consumer's entire tax return with an unaffiliated business.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 3, 2006.

The SPEAKER pro tempore. Are there any further announcements? Any members seeking recognition?

RECESS

The SPEAKER pro tempore. The House will be in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

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 Philadelphia, Mr. Sabatina.

Mr. SABATINA. Mr. Speaker, I move that this House do now recess until Tuesday, April 4, 2006, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
 Will the House agree to the motion?
 Motion was agreed to, and at 9:59 a.m., e.d.t., Tuesday, April 4, 2006, the House recessed.