

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 24, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 25

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

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

Shall we pray:

Our gracious and loving Heavenly Father, we pause at this time to come into Your presence to recognize that You are here with us and to seek Your wisdom and Your guidance for this day and this session.

We thank You today for Your many blessings. As we think of the beautiful sunshine that we have experienced and the rain to help the plants and everything grow, we give thanks to You. You are a wonderful creator.

We thank You for this day that You have given us. We ask that You will guide and direct each activity that goes on here in this chamber, that it might be in accordance with Your will; that Your Holy Spirit will bless each of us with Your attributes of love and joy and peace today, both in our hearts and in our homes and in our relationships.

We thank You for each of our members of our legislature. We pray for them individually, asking You to meet their individual needs, whether it be health or financial or relationships. Whatever it may be, we commit it to You today and we ask Your blessing.

Now we commit this time to You and we give You thanks, for all good things come from You, and we pray 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, April 10, 2006, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER pro tempore. However, the Journal for Monday, December 5, 2005, is in print and, without objection, will be approved.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2067**, **PN 2917**, entitled:

A Joint Resolution proposing integrated and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for legislative power, for appropriations and for surpluses.

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 2067 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 2067 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 **SB 607**, **PN 766**, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006.

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 SB 607 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 SB 607 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 611, PN 684**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for vacancies in office.

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 611 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 611 be taken off the table.

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

BILLS REMOVED FROM TABLE

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

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

HB 311;
HB 382;
HB 1503;
HB 1895;
HB 2169;
HB 2248;
HB 2249;
HB 2295;
HB 2328;
HB 2349;
HB 2425;
HB 2437;
HB 2458;
HB 2467;
HB 2468;
SB 723;
SB 997;
SB 1081;
HB 93;
HB 1903; and
HB 2053.

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 311, PN 3580; HB 382, PN 3527; HB 1503, PN 3733; HB 1895, PN 2596; HB 2169, PN 3008; HB 2248, PN 3136; HB 2249, PN 3847; HB 2295, PN 3734; HB 2328, PN 3624; HB 2349, PN 3721; HB 2425, PN 3822; HB 2437, PN 3506; HB 2458, PN 3570; HB 2467, PN 3716; HB 2468, PN 3600; SB 723, PN 1547; SB 997, PN 1629; SB 1081, PN 1512; HB 93, PN 87; HB 1903, PN 2604; and HB 2053, PN 2830.

BILLS RECOMMITTED

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

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

HB 311;
HB 382;
HB 1503;
HB 1895;
HB 2169;
HB 2248;
HB 2249;

HB 2295;
 HB 2328;
 HB 2349;
 HB 2425;
 HB 2437;
 HB 2458;
 HB 2467;
 HB 2468;
 SB 723;
 SB 997;
 SB 1081;
 HB 93;
 HB 1903; and
 HB 2053.

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

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader calls for an immediate meeting of the Rules Committee.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 983, PN 3880 (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.

HB 1591, PN 3761 By Rep. S. SMITH

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, extending patient safety standards to certain abortion facilities.

RULES.

HB 1618, PN 3724 By Rep. S. SMITH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for participation by students with disabilities in high school graduation ceremonies.

RULES.

HB 2054, PN 3848 By Rep. S. SMITH

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

RULES.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table: HB 1287 and SB 999.

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

BILLS TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be placed on the table: HB 1287 and SB 999.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2586 By Representatives DENLINGER, ARMSTRONG, BAKER, BARRAR, BEBKO-JONES, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, FEESE, GEORGE, GINGRICH, GOODMAN, HARRIS, HENNESSEY, HERSHEY, JAMES, LEACH, LEDERER, LEH, MUSTIO, PICKETT, PYLE, RAYMOND, REICHLEY, SCAVELLO, SCHRODER, SHAPIRO, SIPTROTH, SONNEY, SURRA, J. TAYLOR, THOMAS, TRUE, WANSACZ, YOUNGBLOOD, PETRARCA and PALLONE

An Act amending the act of May 21, 1992 (P.L.239, No.35), known as the Childhood Immunization Insurance Act, further providing for definitions; and providing for mercury-free vaccines.

Referred to Committee on INSURANCE, April 24, 2006.

No. 2587 By Representatives DENLINGER, ARMSTRONG, BARRAR, BENNINGHOFF, BOYD, CRAHALLA, CREIGHTON, GEIST, GINGRICH, GOODMAN, GRELL, HARPER, HERSHEY, KILLION, LEH, MUNDY, NAILOR, NICKOL, O'NEILL, ROHRER, SAYLOR, SCHRODER, THOMAS, WILT and YOUNGBLOOD

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for removal of directors and for control persons.

Referred to Committee on COMMERCE, April 24, 2006.

No. 2588 By Representatives REICHLEY, CALTAGIRONE, CRAHALLA, GOODMAN, GRUCELA, HICKERNELL, JAMES, M. KELLER, SONNEY, STABACK, E. Z. TAYLOR, YOUNGBLOOD, DeLUCA and BEYER

An Act requiring a circulating nurse in certain operating rooms.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2589 By Representatives PETRI, BAKER, BASTIAN, BEYER, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, CORNELL, CORRIGAN, CRAHALLA, DIGIROLAMO, FAIRCHILD, FLEAGLE, GINGRICH, GODSHALL, GRELL, HARPER, HARRIS, HERSHEY, HESS, M. KELLER, KILLION, LEH, MACKERETH, MAITLAND, MILLARD, R. MILLER, NAILOR, NICKOL, O'NEILL, PYLE, REED, REICHLEY, SCAVELLO, SCHRODER, SEMMEL, SIPTROTH, STEIL, E. Z. TAYLOR, J. TAYLOR, WATSON, WRIGHT and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the allocation of Federal and State funds to area agencies.

Referred to Committee on AGING AND OLDER ADULT SERVICES, April 24, 2006.

No. 2590 By Representatives R. STEVENSON, BOYD, CALTAGIRONE, DENLINGER, FAIRCHILD, GINGRICH, HARHART, M. KELLER, KILLION, LEH, MAJOR, MILLARD, PAYNE, PICKETT, PYLE, SIPTROTH, THOMAS, WANSACZ and WILT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks.

Referred to Committee on JUDICIARY, April 24, 2006.

No. 2591 By Representatives ARMSTRONG, BALDWIN, BEYER, BOYD, BUNT, COHEN, CRAHALLA, CREIGHTON, DENLINGER, DeWEESE, J. EVANS, FABRIZIO, FAIRCHILD, FREEMAN, GEORGE, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARPER, HASAY, HERMAN, HERSHEY, HICKERNELL, JAMES, KAUFFMAN, LEDERER, MAITLAND, McILHATTAN, McILHINNEY, S. MILLER, PAYNE, PETRARCA, PYLE, RAPP, REICHLEY, SAYLOR, SCHRODER, SIPTROTH, SOLOBAY, THOMAS, TIGUE, TRUE and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special farmland preservation registration plates and for the use of a portion of the fee for the plate.

Referred to Committee on TRANSPORTATION, April 24, 2006.

No. 2592 By Representatives ARMSTRONG, BALDWIN, BEYER, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, FAIRCHILD, GOODMAN, HARHAI, HASAY, JAMES, KAUFFMAN, KILLION, MANN, MARKOSEK, McILHATTAN, MUSTIO, RAPP, ROHRER, SAINATO, SAYLOR, SEMMEL, SOLOBAY, TURZAI, WANSACZ and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding contributions to a 401(K) or deferred compensation plan from compensation.

Referred to Committee on FINANCE, April 24, 2006.

No. 2593 By Representatives ROEBUCK, BELARDI, BELFANTI, BLACKWELL, CALTAGIRONE, DALEY, DeWEESE, FREEMAN, GEORGE, GRUCELA, JAMES, JOSEPHS, KOTIK, LEACH, LEVDANSKY, MANDERINO, MARKOSEK, MICOZZIE, PARKER, PISTELLA, READSHAW, SIPTROTH, SOLOBAY, STURLA, SURRA, TANGRETTI, THOMAS, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the definition of "adjusted current expenditure per average daily membership"; further providing for small district assistance; providing for basic education funding for 2005-2006 school year; and further providing for payments on account of limited English proficiency programs.

Referred to Committee on EDUCATION, April 24, 2006.

No. 2594 By Representatives SHAPIRO, GEORGE, PETRONE, CALTAGIRONE, READSHAW, WRIGHT, WOJNAROSKI, MARKOSEK, MACKERETH, BEBKO-JONES, KILLION, MICOZZIE, BELFANTI, SHANER, KOTIK, PETRARCA, STURLA, STABACK, VEON, JOSEPHS, RUBLEY, YUDICHAK, REED, DeWEESE, PISTELLA, BELARDI, SAINATO, GRUCELA, LEACH, TIGUE, DALLY, GOODMAN, HARHAI, WALKO, KENNEY, THOMAS, SIPTROTH, CRAHALLA, BUNT, TANGRETTI, YOUNGBLOOD, JAMES, MANDERINO, DeLUCA, SURRA, SOLOBAY, HANNA, MUNDY, PARKER, FRANKEL, FABRIZIO, BOYD, LEDERER, GERBER, MELIO and PALLONE

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 and for funds for payment of claims; and repealing the Homeowner Tax Relief Act.

Referred to Committee on FINANCE, April 24, 2006.

No. 2595 By Representatives DALLY, BENNINGHOFF, BOYD, CALTAGIRONE, CLYMER, CRAHALLA, DeLUCA, FREEMAN, GOODMAN, GRUCELA, HARPER, HERSHEY, KENNEY, KOTIK, MILLARD, R. MILLER, MUSTIO, MYERS, PALLONE, PARKER, PYLE, SCAVELLO, SHAPIRO, SIPTROTH, SOLOBAY, SONNEY, STABACK, E. Z. TAYLOR, TIGUE, YOUNGBLOOD and BEYER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for information relating to prospective host families.

Referred to Committee on JUDICIARY, April 24, 2006.

No. 2596 By Representatives BLAUM, O'BRIEN, BELARDI, E. Z. TAYLOR, BELFANTI, CALTAGIRONE, CAPPELLI, CRAHALLA, DeWEESE, FREEMAN, GRUCELA, GRUITZA, HESS, JAMES, MANN, McGEEHAN, MUNDY, SIPTROTH, STABACK, THOMAS, TIGUE, WALKO, YOUNGBLOOD, YUDICHAK, HARPER and FABRIZIO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, enacting provisions to comply with Federal law relating to child abuse by further providing for grounds for involuntary termination, for definitions relating to child protective services and for release of information in confidential reports; providing for citizen review panels; further providing for annual reports to Governor and General Assembly; and providing for mandatory reporting of infants born and identified as being affected by illegal substance abuse.

Referred to Committee on JUDICIARY, April 24, 2006.

No. 2597 By Representatives KENNEY, SABATINA, J. TAYLOR and W. KELLER

An Act amending the act of April 13, 1988 (P.L.349, No.51), entitled, "An act designating a section of Traffic Route 63 in Philadelphia County, Pennsylvania, as the Veterans Memorial Road," further providing for designation; and providing for signs.

Referred to Committee on TRANSPORTATION, April 24, 2006.

No. 2598 By Representatives GANNON, KILLION, ADOLPH, MICOZZIE, RAYMOND, CIVERA, BARRAR, O'BRIEN, DONATUCCI and KIRKLAND

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, making an editorial change; further providing for loss of property rights to Commonwealth; providing for vehicle forfeiture when driving under the influence; and further providing for procedure with respect to seized property subject to liens and rights of lienholders, for grading and for penalties.

Referred to Committee on JUDICIARY, April 24, 2006.

No. 2599 By Representatives J. TAYLOR, KENNEY, O'BRIEN, W. KELLER and WATERS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for special provisions for authorities in cities of the first class.

Referred to Committee on URBAN AFFAIRS, April 24, 2006.

No. 2603 By Representatives WALKO, DeWEESE, DeLUCA, ALLEN, BEBKO-JONES, BELARDI, BLAUM, BOYD, CALTAGIRONE, CAPPELLI, COHEN, DALEY, DERMODY, FRANKEL, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, JAMES, JOSEPHS, KENNEY, KOTIK, LEDERER, McILHATTAN, PALLONE, PARKER, PISTELLA, READSHAW, SCHRODER, SHANER, SIPTROTH, SOLOBAY, STABACK, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WANSACZ, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, BELFANTI, GERGELY, BEYER, EACHUS and FABRIZIO

An Act providing for health insurance coverage for certain dependents and for regulation by the Insurance Department.

Referred to Committee on INSURANCE, April 24, 2006.

No. 2604 By Representatives PALLONE, BEBKO-JONES, CALTAGIRONE, CASORIO, DeLUCA, GEORGE, GERGELY, GOODMAN, HARHAI, KOTIK, LEVDANSKY, PARKER, PETRONE, PISTELLA, SIPTROTH, STABACK, TIGUE, WALKO, WANSACZ, WOJNAROSKI, YOUNGBLOOD, VEON, MELIO and FABRIZIO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for courses of study in high school.

Referred to Committee on EDUCATION, April 24, 2006.

No. 2605 By Representatives BUNT, HERSHEY, DALEY, S. MILLER, CALTAGIRONE, CAPPELLI, CRAHALLA, FABRIZIO, FICHTER, GEIST, GODSHALL, HARPER, HERMAN, M. KELLER, KOTIK, LaGROTTA, LEACH, MCGILL, R. MILLER, NAILOR, SCAVELLO, SEMMEL, STERN, E. Z. TAYLOR, THOMAS, WATSON and CASORIO

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for harboring unlicensed dogs and for damages by coyotes.

Referred to Committee on GAME AND FISHERIES, April 24, 2006.

No. 2606 By Representatives BUNT, DeWEESE, PRESTON, BARRAR, BOYD, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, FABRIZIO, GILLESPIE, GINGRICH, HARPER, HARRIS, HERSHEY, HUTCHINSON, JAMES, M. KELLER, MILLARD, PAYNE, PHILLIPS, PYLE, QUIGLEY, REICHLEY, SAYLOR, J. TAYLOR, THOMAS, WILT, BEYER and PALLONE

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, further providing for whitewater recreation.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, April 24, 2006.

No. 2607 By Representatives BUNT, S. MILLER, HERSHEY, ARGALL, BAKER, BUXTON, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DENLINGER, FABRIZIO, GEIST, GOOD, GRUCELA, HESS, KOTIK, LEACH, McILHATTAN, MUNDY, PETRI, PHILLIPS, PISTELLA, PYLE, RAYMOND, READSHAW, RUBLEY, SAINATO, SCHRODER, SEMMEL, B. SMITH, R. STEVENSON, WATSON, YUDICHAK, E. Z. TAYLOR, BEYER, MARSICO, HUTCHINSON, PAYNE, McILHINNEY and PALLONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for tax incentives for historic preservation.

Referred to Committee on FINANCE, April 24, 2006.

No. 2608 By Representatives REICHLEY, DALLY, MANN, ELLIS, THOMAS, BEYER, BOYD, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DENLINGER, DeWEESE, FREEMAN, GEIST, GEORGE,

GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARHART, KOTIK, MYERS, NAILOR, PHILLIPS, REED, ROONEY, SAINATO, SAMUELSON, SAYLOR, SCAVELLO, SIPTROTH, E. Z. TAYLOR, J. TAYLOR, YOUNGBLOOD, YUDICHAK, GRELL, KAUFFMAN, McNAUGHTON, GERGELY, ZUG, B. SMITH and PALLONE

An Act establishing the School-Based Mentoring Grant Program; imposing additional powers and duties on the Department of Education and making an appropriation.

Referred to Committee on EDUCATION, April 24, 2006.

No. 2609 By Representatives McILHINNEY, BEYER, HARPER, KILLION, MUSTIO, E. Z. TAYLOR, THOMAS and PALLONE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for special needs trusts.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2610 By Representatives REED, TIGUE, R. STEVENSON, DALEY, FLICK, B. SMITH, STABACK, BUNT, BLAUM, PHILLIPS, BELARDI, ROSS, ROONEY, GERGELY, ALLEN, ARMSTRONG, BALDWIN, BARRAR, BASTIAN, BELFANTI, BENNINGHOFF, BEYER, BIANCUCCI, BIRMELIN, BOYD, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CIVERA, CLYMER, CORNELL, CREIGHTON, DALLY, DENLINGER, EACHUS, ELLIS, J. EVANS, FICHTER, FLEAGLE, FORCIER, GABIG, GEIST, GINGRICH, GODSHALL, GOOD, GRELL, GRUITZA, HALUSKA, HANNA, HARHART, HARRIS, HASAY, HENNESSEY, HERMAN, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KOTIK, LaGROTTA, LEH, MAHER, MAITLAND, MANN, MARSICO, McGILL, McILHATTAN, McNAUGHTON, METCALFE, MICOZZIE, MILLARD, R. MILLER, MUSTIO, NAILOR, NICKOL, PAYNE, PETRONE, PICKETT, PYLE, QUIGLEY, RAPP, RAYMOND, REICHLEY, ROHRER, SATHER, SAYLOR, SEMMEL, S. H. SMITH, SOLOBAY, STAIRS, STERN, T. STEVENSON, STURLA, J. TAYLOR, TRUE, TURZAI, WILT, WOJNAROSKI, WRIGHT, YEWIC, ZUG, CRAHALLA, SONNEY and CORRIGAN

An Act coordinating plans to reduce mercury emissions from new and existing stationary sources in this Commonwealth; imposing duties on the Department of Environmental Protection; and limiting certain powers of the Environmental Quality Board.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2006.

No. 2611 By Representatives GRUCELA, BOYD, CALTAGIRONE, COHEN, GEORGE, HARHART, HENNESSEY, MANN, MELIO, PETRARCA, PISTELLA, READSHAW, REICHLEY, ROONEY, RUBLEY, SCAVELLO, WOJNAROSKI, YUDICHAK, McILHATTAN,

SOLOBAY, WALKO, STABACK, BEYER, PICKETT, SHANER, PALLONE and JOSEPHS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for taxation exemptions and special provisions.

Referred to Committee on FINANCE, April 24, 2006.

No. 2612 By Representatives GEORGE, DeWEESE, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BLACKWELL, CALTAGIRONE, COHEN, COSTA, CURRY, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GEIST, GOODMAN, GRUCELA, HALUSKA, JAMES, JOSEPHS, LaGROTTA, LEACH, MANDERINO, MARKOSEK, McGEEHAN, MUNDY, MYERS, PALLONE, PARKER, PETRARCA, PISTELLA, SHANER, SIPTROTH, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, TIGUE, WALKO, WANSACZ, WHEATLEY and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for termination of utility service.

Referred to Committee on CONSUMER AFFAIRS, April 24, 2006.

No. 2613 By Representatives GEORGE, DeWEESE, ALLEN, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BLACKWELL, CALTAGIRONE, CAWLEY, COHEN, COSTA, CURRY, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GEIST, GOODMAN, GRUCELA, HANNA, JAMES, JOSEPHS, LaGROTTA, LEACH, MANDERINO, MARKOSEK, McGEEHAN, MYERS, PALLONE, PARKER, PETRARCA, PISTELLA, SHANER, SIPTROTH, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, WALKO, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for an appropriation to the Emergency Energy Assistance Fund.

Referred to Committee on FINANCE, April 24, 2006.

No. 2614 By Representatives PISTELLA, DeWEESE, BELARDI, BELFANTI, BISHOP, CALTAGIRONE, CAWLEY, DeLUCA, DIVEN, FABRIZIO, FREEMAN, GINGRICH, GRUCELA, JAMES, KOTIK, MARKOSEK, PALLONE, PARKER, PETRONE, READSHAW, SATHER, SEMMEL, SIPTROTH, B. SMITH, SOLOBAY, THOMAS, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act establishing the Geriatrician Loan Forgiveness Program in the Department of Health; and providing for powers and duties of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2615 By Representatives GODSHALL, ARGALL, BUNT, BALDWIN, BARRAR, BELFANTI, BOYD, CALTAGIRONE, CAWLEY, CLYMER, COSTA, CRAHALLA, DALLY, DeLUCA, DENLINGER, FICHTER,

FRANKEL, FREEMAN, GEIST, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, HERSHEY, HESS, HUTCHINSON, JAMES, KILLION, LEH, MANDERINO, MARKOSEK, MARSICO, MICOZZIE, MUNDY, MUSTIO, O'NEILL, QUIGLEY, READSHAW, REICHLEY, RUBLEY, SAINATO, SCAVELLO and SCHRODER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method.

Referred to Committee on STATE GOVERNMENT, April 24, 2006.

No. 2616 By Representatives BEYER, CALTAGIRONE, CAPPELLI, CORNELL, LEVDANSKY, MANN, McILHATTAN, MUNDY, O'NEILL, PETRONE, THOMAS and TIGUE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amending, adding and deleting provisions relating to cyber charter schools.

Referred to Committee on EDUCATION, April 24, 2006.

No. 2617 By Representatives BEYER, DALLY, CALTAGIRONE, DeLUCA, DeWEESE, GEORGE, GINGRICH, GOOD, HARHART, HERSHEY, LEACH, MANDERINO, MUNDY, RUBLEY, SIPTROTH, STURLA, THOMAS and TIGUE

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the Homeowner's Emergency Assistance Program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2006.

No. 2618 By Representatives MUNDY, BEBKO-JONES, BELFANTI, BISHOP, BUXTON, CALTAGIRONE, CAPPELLI, DeLUCA, DENLINGER, DeWEESE, FREEMAN, GOOD, GOODMAN, GRUCELA, HESS, JAMES, JOSEPHS, LaGROTTA, MANDERINO, MANN, McGEEHAN, S.MILLER, MYERS, SATHER, SCAVELLO, SHANER, STETLER, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, YOUNGBLOOD and EACHUS

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions, for powers and duties of Department of Health, for State health services plan, for regulations and for certificates of need; and prohibiting certain referrals and claims of payment.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2619 By Representatives BASTIAN, BAKER, BALDWIN, BELARDI, BELFANTI, BEYER, BOYD, BUNT, CALTAGIRONE, CAPPELLI, COHEN, CREIGHTON, DALEY, DALLY, DENLINGER, DeWEESE, FABRIZIO, FAIRCHILD, GABIG, GEIST, GEORGE, GILLESPIE, GOODMAN, GRUCELA, HALUSKA, HARPER, HERSHEY, HESS, JAMES, JOSEPHS, M. KELLER, KENNEY, KOTIK,

MANN, McILHATTAN, PETRARCA, PHILLIPS, PICKETT, PISTELLA, REED, REICHLEY, SATHER, SAYLOR, SCHRODER, SEMMEL, SHANER, SIPTROTH, B. SMITH, S. H. SMITH, SOLOBAY, STABACK, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRUE, WALKO, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and PALLONE

An Act establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or waiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 24, 2006.

No. 2620 By Representatives GABIG, MARKOSEK, NAILOR, ROHRER, CALTAGIRONE, DENLINGER, HERSHEY, WILT, CAPPELLI, WALKO, GRELL, CRAHALLA, REICHLEY, CLYMER, HARPER, MYERS, GEORGE, ARMSTRONG, BOYD, THOMAS, HARRIS, BARRAR and PALLONE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing, in personal income tax, for a tax credit for diesel retrofitting; and providing, in corporate net income tax, for a tax credit for diesel retrofitting.

Referred to Committee on FINANCE, April 24, 2006.

No. 2621 By Representatives WATERS, JAMES, YOUNGBLOOD, THOMAS, BELFANTI, BEYER, BLACKWELL, CALTAGIRONE, COHEN, DeWEESE, GEORGE, KOTIK, NICKOL, PALLONE, SAINATO, SIPTROTH, SOLOBAY, J. TAYLOR and TIGUE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for treatment of life estates, annuities and other contracts in determining eligibility for medical assistance.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2622 By Representatives COSTA, BEBKO-JONES, BELARDI, BELFANTI, BLACKWELL, CALTAGIRONE, COHEN, DeLUCA, DERMODY, FRANKEL, GEORGE, GOODMAN, GRUCELA, JAMES, JOSEPHS, KOTIK, MANN, MARKOSEK, MELIO, MUNDY, PALLONE, PETRARCA, PISTELLA, SAINATO, SIPTROTH, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, VEON, WALKO, YOUNGBLOOD, YUDICHAK and BIANCUCCI

An Act requiring long-term care nursing homes to maintain certain staffing levels in order to protect the health and safety of residents and employees; providing for enforcement by the Department of Health; and imposing civil penalties.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 2623 By Representatives GEORGE, THOMAS, ALLEN, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BLACKWELL, CALTAGIRONE, CAWLEY, COHEN, CURRY, DeWEESE, DONATUCCI, FABRIZIO, FREEMAN, GOODMAN, GRUCELA, HERSHEY, JAMES, JOSEPHS, LaGROTTA, LEACH, MARKOSEK, McGEEHAN, MUNDY, MYERS, PALLONE, PETRARCA, PISTELLA, ROSS, SHANER, SIPTROTH, SOLOBAY, STABACK, SURRA, TANGRETTI, WALKO, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a weatherization tax credit.

Referred to Committee on FINANCE, April 24, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 697 By Representatives VEON, BIANCUCCI, BISHOP, CALTAGIRONE, COSTA, DONATUCCI, EACHUS, GEORGE, GERGELY, GRUCELA, JAMES, LaGROTTA, LEDERER, MARKOSEK, MELIO, PARKER, PISTELLA, ROONEY, SAINATO, SANTONI, SHANER, SIPTROTH, SOLOBAY, STABACK, TANGRETTI, WALKO, WANSACZ, WATERS, YUDICHAK, MILLARD, BELFANTI, FRANKEL, BEYER, SABATINA, MCGILL, J. TAYLOR, DeLUCA, JOSEPHS, CRAHALLA, YOUNGBLOOD, BEBKO-JONES, HESS, PHILLIPS and GOODMAN

A Resolution designating April 5, 2006, as "Patient Assistance Day" in Pennsylvania.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 24, 2006.

No. 698 By Representatives PETRARCA, COHEN, TANGRETTI, BELARDI, BEBKO-JONES, BENNINGHOFF, BIANCUCCI, BLAUM, BUXTON, CALTAGIRONE, COSTA, DeLUCA, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GABIG, GEORGE, GERBER, GERGELY, GRUCELA, HALUSKA, HANNA, HARRIS, HUTCHINSON, W. KELLER, LaGROTTA, LEACH, LEVDANSKY, MANN, MARKOSEK, McCALL, McNAUGHTON, MELIO, S. MILLER, MUNDY, PALLONE, PAYNE, PISTELLA, PRESTON, RAMALEY, READSHAW, SAINATO, SAMUELSON, SANTONI, SATHER, SAYLOR, SHAPIRO, SIPTROTH, SOLOBAY, STABACK, STETLER, STURLA, SURRA, TIGUE, VITALI, WALKO, WANSACZ, YEWIC and YUDICHAK

A Resolution directing the Legislative Budget and Finance Committee to conduct a performance evaluation of the Commonwealth's organ and tissue donor awareness program established under Act 102 of 1994.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 10, 2006.

No. 701 By Representatives JOSEPHS, SHAPIRO, FRANKEL, FREEMAN, LEACH, BALDWIN, BELFANTI, BEYER, BISHOP, BOYD, CALTAGIRONE, CASORIO, CLYMER, CREIGHTON, DeWEESE, EACHUS, FABRIZIO, FAIRCHILD, GEIST, JAMES, KIRKLAND, LEDERER, LEH, LEVDANSKY, MANN, MUNDY, PALLONE, PISTELLA, RAPP, READSHAW, REICHLEY, SANTONI, SAYLOR, SCHRODER, B. SMITH, STERN, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WALKO and YOUNGBLOOD

A Resolution memorializing the Pennsylvania Congressional Delegation to condemn recent pronouncements by Mahmoud Ahmadinejad, President of Iran, which set forth goals including the destruction of the State of Israel.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 24, 2006.

No. 702 By Representatives JOSEPHS, COHEN, DeWEESE, FRANKEL, FREEMAN, ARGALL, BALDWIN, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BUNT, CALTAGIRONE, CORRIGAN, COSTA, CRAHALLA, CRUZ, DeLUCA, DERMODY, DONATUCCI, FABRIZIO, FORCIER, GABIG, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN, GRUCELA, HARHAI, HARHART, HARPER, HERSHEY, JAMES, LEACH, LEDERER, MAJOR, MANDERINO, MCGILL, MILLARD, MUNDY, MUSTIO, PALLONE, PISTELLA, PYLE, RAPP, READSHAW, ROBERTS, ROEBUCK, ROSS, RUBLEY, SANTONI, SAYLOR, SCHRODER, SIPTROTH, STABACK, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, WALKO, WATSON, YOUNGBLOOD, YUDICHAK and REICHLEY

A Resolution designating May 27, 2006, as "Rachel Carson Day" in Pennsylvania.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2006.

No. 719 By Representatives MARKOSEK, ADOLPH, CALTAGIRONE, GEIST, GEORGE, HERSHEY, JAMES, MANN, McCALL, PALLONE, PARKER, PETRARCA, PISTELLA, READSHAW, ROSS, SHANER, THOMAS, TIGUE, WALKO, WOJNAROSKI and YOUNGBLOOD

A Resolution urging the Congress of the United States to reauthorize the collection of fees for the Abandoned Mine Reclamation Fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 513, PN 1717

Referred to Committee on LOCAL GOVERNMENT, April 24, 2006.

SB 514, PN 1718

Referred to Committee on LOCAL GOVERNMENT, April 24, 2006.

SB 703, PN 847

Referred to Committee on TRANSPORTATION, April 24, 2006.

SB 707, PN 1721

Referred to Committee on PROFESSIONAL LICENSURE, April 24, 2006.

SB 935, PN 1719

Referred to Committee on JUDICIARY, April 24, 2006.

SB 957, PN 1720

Referred to Committee on JUDICIARY, April 24, 2006.

SB 1150, PN 1679

Referred to Committee on JUDICIARY, April 24, 2006.

SB 1159, PN 1608

Referred to Committee on APPROPRIATIONS, April 24, 2006.

SB 1161, PN 1600

Referred to Committee on APPROPRIATIONS, April 24, 2006.

SB 1162, PN 1601

Referred to Committee on APPROPRIATIONS, April 24, 2006.

REPORT SUBMITTED

The SPEAKER pro tempore. The Speaker acknowledges receipt of a report from the Pennsylvania Public Utility Commission entitled "Rate Comparison Report," April 15, 2006, submitted pursuant to Act 201 of 2004.

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

ACTUARIAL NOTES

The SPEAKER pro tempore. The Speaker is in receipt of an actuarial report: amendment No. 05771 to SB 384, PN 1412.

The Speaker is in receipt of actuarial reports: HB 2339, PN 3345; HB 2562, PN 3805; HB 2464, PN 3597.

(Copies of actuarial notes are on file with the Journal clerk.)

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1618, PN 3724**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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 day for the gentleman from Montgomery County, Mr. QUIGLEY, and the gentleman from Luzerne County, Mr. HASAY. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who requests a leave of absence for today for the gentleman from Montgomery County, Mr. SHAPIRO; the gentleman from Philadelphia County, Mr. CRUZ; the gentleman from Philadelphia County, Mr. KELLER; the gentleman from Allegheny County, Mr. WALKO; and the gentleman from Westmoreland County, Mr. PALLONE. 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.

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and places the gentleman, Mr. RIEGER, on leave for the day. Without objection, it is so granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—194

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

LEAVES ADDED—3

| | | |
|-------|-----|-------|
| Daley | Leh | Maier |
|-------|-----|-------|

LEAVES CANCELED—4

| | | | |
|-------|-----|---------|---------|
| Hasay | Leh | Pallone | Shapiro |
|-------|-----|---------|---------|

HARRISBURG LEGISLATIVE LEAVE

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

Mr. FEESE. Request a leave.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to request Capitol leave for the gentleman from Schuylkill County, Mr. ALLEN.

The SPEAKER pro tempore. Without objection, the request for Capitol leave is granted.

RESOLUTION PURSUANT TO RULE 35

Mr. KILLION called up **HR 671, PN 3777**, entitled:

A Resolution designating April 19, 2006, as "Whole Foods Market Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

GUESTS INTRODUCED

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

Before we vote HR 671, I would like to introduce some guests that we have with us today: Charlene Nolan, Brett Mapp, Ruth Harp, Beth Mohan, Danielle Smith, Dana Sommers, Casey Dill, Cherri Dashields, Larry Myers, and Amy Cunningham. They are with the Whole Foods Market. They are to the Speaker's right. I would like to give them a big, warm Harrisburg welcome.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

| | | | |
|------------|------------|----------|------------|
| Dally | Kauffman | Pyle | Wheatley |
| DeLuca | Keller, M. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DeWeese | Kirkland | Readshaw | Wright |
| DiGirolamo | Kotik | Reed | Yewcic |
| Diven | LaGrotta | Reichley | Youngblood |
| Donatucci | Leach | Roberts | Yudichak |
| Eachus | Lederer | Roebuck | Zug |
| Ellis | Leh | Rohrer | |
| Evans, D. | Lescovitz | Rooney | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

ANGELA YEN INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Benninghoff, for a citation presentation. Mr. Benninghoff, whenever you are ready.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Good morning, fellow members, on this busy Monday.

It is always a pleasure to recognize one of our constituents. Today I have the luxury of recognizing one of our younger constituents in our area, Angela Yen. She has been honored by Pennsylvania's Outstanding Young Woman Scholarship Program as Pennsylvania's Outstanding Young Woman of 2006.

If you will bear with me, I just want to share a short description of some of her accomplishments. Angela is currently attending State College Area High School, my alma mater. She is the daughter of John and Michelle Yen. She is a superb student. She is the copresident of her high school Key Club, secretary of student government, senior section editor for the Little Lion Yearbook, and the event leader for Science Olympiad. Also an active member of the Tri-M Honor Society and Math Club, Angela is concertmistress of her school's three orchestras and Central Pennsylvania Youth Orchestra, and she has served as concertmistress of the 2003 Pennsylvania All-State Orchestra. Above that, she has just been a great community leader. She is out looking at a lot of colleges, so those of you representing different colleges, I would encourage you to be aggressive as we are, trying to keep her local, but I think we are going to lose her to another college.

I believe Angela is an outstanding example of our young people today, and I just ask that you would join us in congratulating her. She is joined by some family and friends to our left. Angela Yen, congratulations on your achievements.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RESOLUTION PURSUANT TO RULE 35

Mrs. FORCIER called up **HR 674, PN 3780**, entitled:

A Resolution designating May 2006 as "Motorcycle Safety and Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

PENNSYLVANIA EMS PROVIDERS INTRODUCED

The SPEAKER pro tempore. Ladies and gentlemen, we are in for a special treat to honor some guests that are in the rear of the House. If we could have your attention for a moment.

With us today as special guests of Representative Semmel, Representative Tigie, and the entire House Veterans Affairs and Emergency Preparedness Committee is a group of very distinguished guests who are being led by Secretary of Health Calvin Johnson and State EMS (emergency medical services) director Joseph Schmeeder.

We have in our presence in the back of the floor more than 150 emergency medical technicians and paramedics who so bravely answered the call in the aftermath of Hurricanes Katrina and Rita, which savagely devastated the Gulf Coast this past summer. The Pennsylvania contingency of EMS personnel that responded to these disaster locations was the largest contingency of any State. These courageous men and women put their lives on hold to provide the much-needed medical assistance to the multiple thousands of our Gulf Coast citizens who had their lives turned upside down from this horrendous natural disaster.

Today the entire membership of the Pennsylvania House of Representatives says thank you for a job well done and thanks each and every one of you for your personal commitment to your EMS field and for representing the Commonwealth in a very professional and proud manner in Pennsylvania's emergency management assistance response to our brethren along the Gulf Coast States. We the citizens of this Commonwealth and country truly are the benefactors of your great sacrifices and would now ask the members to please stand and applaud our honored guests.

Congratulations and thank you, ladies and gentlemen.

The Chair recognizes the veterans affairs and emergency services chairman, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

I just want to further applaud our honored guests for their efforts this past summer and welcome them to the hall of the House.

As well, I want to remind the members that at 2:30 today in the Main Capitol Rotunda we will be conducting a recognition event with the Senate and the Governor for our honored guests. I would encourage my colleagues to attend.

As well, there are several pieces of EMS apparatus and equipment on display in Soldiers' Grove throughout the course of the day, with EMS personnel present to present information. I would encourage my colleagues to partake in these displays when we are on break.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority chairman, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I would like to commend the House for taking up HR 673, which designates Emergency Medical Services Week as well as a number of days, including EMS Personnel Day.

Today we are honored to have here in the House these men and women who oftentimes we take for granted. When we talk about the devastation of the hurricane or we remember what occurred on 9/11 of 2001, it brings to the forefront the job that these personnel do. In this highly complex day of medical technology, they are the first ones; they are our first defense. You have to remember, and I tell people this all the time, whether you are a professional or a volunteer in EMS, they are the first responders, whether it was in the field where Flight 93 landed and the first responders were volunteers or it was in New York City at Ground Zero where so many men and women who served in the New York fire service as well as the police were on hand and, without regard to their safety, provided whatever they could to the victims of that tragedy. So I think we should remember daily these men and women for what they do for us and our families and not only in a time of disaster or tragedy when we hear more about them.

So on behalf of all the members here in the House and all the legislators, even in the other chamber, we would like to say once again, thank you for all you do. It is time that we show our appreciation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At this time the House will now consider HR 673 for adoption by the members.

RESOLUTION PURSUANT TO RULE 35

Mrs. FORCIER called up **HR 673, PN 3779**, entitled:

A Resolution designating the week of May 14 through 20, 2006, as "Emergency Medical Services Week" in Pennsylvania; designating May 14, 2006, as "Military EMS Personnel Day" in Pennsylvania; designating May 15, 2006, as "Citizen Recognition and Appreciation Day" in Pennsylvania; designating May 16, 2006, as "EMS for Children Day" in Pennsylvania; designating May 18, 2006, as "EMS Services Day" in Pennsylvania; designating May 19, 2006, as "Moment of Silence Day" in Pennsylvania; and designating May 20, 2006, as "EMS Personnel Day" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

| | | | |
|-------------|-----------|------------|-----------|
| Adolph | Fairchild | Maher | Ruffing |
| Allen | Feese | Maitland | Sabatina |
| Argall | Fichter | Major | Sainato |
| Armstrong | Fleagle | Manderino | Samuelson |
| Baker | Flick | Mann | Santoni |
| Baldwin | Forcier | Markosek | Sather |
| Barrar | Frankel | Marsico | Saylor |
| Bastian | Freeman | McCall | Scavello |
| Bebko-Jones | Gabig | McGeehan | Schroder |
| Belardi | Gannon | McGill | Semmel |
| Belfanti | Geist | McIlhattan | Shaner |
| Benninghoff | George | McIlhinney | Sipproth |
| Beyer | Gerber | McNaughton | Smith, B. |

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

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

GUESTS INTRODUCED

The SPEAKER pro tempore. We are honored to have in our midst also the Deputy Secretary of Health, Michelle Davis; Pennsylvania Emergency Health Services Council executive director Janette Kearney; Hurricane Strike Team incident commanders Everitt Binns, Amos Cameron, Ralph Halper; and representing the Medical Service Corps, Michael Huff, bureau director of Community Health Systems, Pennsylvania Department of Health.

One last time, let us give them a nice round of applause. Thank you very much, ladies and gentlemen.

RESOLUTIONS PURSUANT TO RULE 35

Mr. SAINATO called up **HR 684, PN 3829**, entitled:

A Resolution designating the month of May 2006 as "Macular Degeneration Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. HESS called up **HR 687, PN 3832**, entitled:

A Resolution designating the month of May 2006 as "Cystic Fibrosis Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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. WHEATLEY called up **HR 699, PN 3881**, entitled:

A Resolution recognizing the month of April 2006 as "National Minority Health Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

| | | | |
|------------|-----------|----------|------------|
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Roebuck | Yudichak |
| Ellis | Leh | Rohrer | Zug |
| Evans, D. | Lescovitz | Rooney | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. WILLIAMS called up **HR 703, PN 3884**, entitled:

A Resolution recognizing April 5, 2006, as the 150th birthday of Booker T. Washington.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

| | | | |
|------------|------------|----------|------------|
| Curry | James | Pistella | Wansacz |
| Daley | Josephs | Preston | Waters |
| Dally | Kauffman | Pyle | Watson |
| DeLuca | Keller, M. | Ramaley | Wheatley |
| Denlinger | Kenney | Rapp | Williams |
| Dermody | Killion | Raymond | Wilt |
| DeWeese | Kirkland | Readshaw | Wojnaroski |
| DiGirolamo | Kotik | Reed | Wright |
| Diven | LaGrotta | Reichley | Yewcic |
| Donatucci | Leach | Roberts | Youngblood |
| Eachus | Lederer | Roebuck | Yudichak |
| Ellis | Leh | Rohrer | Zug |
| Evans, D. | Lescovitz | Rooney | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

* * *

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

Ms. JOSEPHS called up **HR 705, PN 3886**, entitled:

A Resolution designating May 3, 2006, as "Israel Independence Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. BELFANTI called up **HR 709, PN 3890**, entitled:

A Resolution designating April 25, 2006, as “Vietnam Veteran Remembrance Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. BLAUM called up **HR 715, PN 3896**, entitled:

A Resolution recognizing the month of April 2006 as “Autism Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

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

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. CAUSER called up **HR 717, PN 3898**, entitled:

A Resolution recognizing the week of April 23 through 29, 2006, as "Vietnam War Era Week" in Pennsylvania and commending VFW Post 6221 and American Legion Post 194 in Cameron County and all Vietnam veterans for their defense of freedom.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

* * *

Mr. FLEAGLE called up **HR 718, PN 3899**, entitled:

A Resolution recognizing the week of April 24 through 30, 2006, as “National Medical Laboratory Professionals Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—8

| | | | |
|-------|------------|---------|---------|
| Cruz | Keller, W. | Quigley | Shapiro |
| Hasay | Pallone | Rieger | Walko |

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the chairman of the Appropriations Committee, Mr. Feese, for a committee announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, upon the declaration of recess, the House Appropriations Committee will meet in the Appropriations conference room.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet at the recess in the Appropriations conference room.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority caucus chairwoman, Mrs. Taylor, for an announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of recess, there will be a Republican caucus – immediately.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, for an announcement.

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 pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. Are there any other announcements?

Seeing none, the House now stands in recess until 3:30 p.m.

AFTER RECESS

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

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Pallone, and the gentleman, Mr. Shapiro, are on the floor of the House. Their names will be added to the master roll.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Allegheny, Mr. MAHER, and the gentleman from Berks, Mr. LEH. Without objection, those leaves will be granted.

CALENDAR CONTINUED

RULES SUSPENDED

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

Mr. BAKER. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HR 689, PN 3823.

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

(Members proceeded to vote.)

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Hasay. His name will be added to the master roll.

The Chair notes the presence of the gentleman, Mr. Leh.

RULES SUSPENSION CONTINUED

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|------------|---------|--------|-------|
| Cruz | Maher | Rieger | Walko |
| Keller, W. | Quigley | | |

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

RESOLUTION

Mr. BAKER called up **HR 689, PN 3823**, entitled:

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.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS-0

NOT VOTING-1

McIlhinney

EXCUSED-6

| | | | |
|------------|---------|--------|-------|
| Cruz | Maher | Rieger | Walko |
| Keller, W. | Quigley | | |

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Stevie Mick. He is a veteran of Operation Iraqi Freedom. He is here today as the guest of Representative Metcalfe and is a constituent of Representative Dick Stevenson. The gentleman is to the left of the Speaker. Would he rise and please be recognized.

BILLS REREPORTED FROM COMMITTEE

HB 492, PN 3526 By Rep. FEESE

An Act establishing the Direct Care Advanced Training Program; providing for tuition reimbursement and financial payments for direct care employees upon program completion; and conferring powers and duties on the Department of Education.

APPROPRIATIONS.

HB 567, PN 3658 By Rep. FEESE

An Act providing for administration of employee records; imposing powers and duties on the Department of Labor and Industry; imposing penalties; and making a related repeal.

APPROPRIATIONS.

HB 1215, PN 3322 By Rep. FEESE

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, defining "independent contractor"; further providing for liability to independent contractors, for subcontracting with independent contractors and for proof of insurance; providing for registration of independent contractors and for presumptions relating to independent contractors; imposing duties upon the Department of Labor and Industry; and further providing for offenses.

APPROPRIATIONS.

HB 1561, PN 1936 By Rep. FEESE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training.

APPROPRIATIONS.

HB 2066, PN 3483 By Rep. FEESE

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

APPROPRIATIONS.

HB 2185, PN 3041 By Rep. FEESE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for required financial reporting.

APPROPRIATIONS.

HB 2186, PN 3042 By Rep. FEESE

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for required financial reporting; and making editorial changes.

APPROPRIATIONS.

HB 2248, PN 3136

By Rep. FEESE

An Act amending the act of March 28, 2000 (P.L.23, No.7), known as the Fair Credit Extension Uniformity Act, further providing for the definition of "debt."

APPROPRIATIONS.

HB 2350, PN 3452

By Rep. FEESE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, prohibiting the use of alcohol vaporizing devices.

APPROPRIATIONS.

HB 2368, PN 3453

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for driving under influence of alcohol or controlled substance with a certain occupant; and further providing for prior offenses and for accelerated rehabilitative disposition.

APPROPRIATIONS.

HB 2375, PN 3391

By Rep. FEESE

An Act requiring institutions of higher education to implement alcohol policies; providing for enforcement by the Pennsylvania Liquor Control Board; and prescribing a penalty.

APPROPRIATIONS.

HB 2381, PN 3754

By Rep. FEESE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for marriage between one man and one woman.

APPROPRIATIONS.

HB 2391, PN 3415

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

APPROPRIATIONS.

HB 2408, PN 3442

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for inducement of minors to buy liquor or malt or brewed beverages.

APPROPRIATIONS.

HB 2425, PN 3822

By Rep. FEESE

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.

APPROPRIATIONS.

HB 2447, PN 3523

By Rep. FEESE

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

APPROPRIATIONS.

HB 2458, PN 3570

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for corruption of minors.

APPROPRIATIONS.

SB 711, PN 1524

By Rep. FEESE

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

APPROPRIATIONS.

SB 713, PN 1525

By Rep. FEESE

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

APPROPRIATIONS.

SB 723, PN 1547

By Rep. FEESE

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for statement of legislative findings, for definitions, for limitation on certain governmental actions, for purchase of agricultural conservation easements, for the Agricultural Conservation Easement Purchase Fund, for legislative report and for the Land Trust Reimbursement Program; providing for acquisitions by donation; and abrogating a regulation.

APPROPRIATIONS.

SB 925, PN 1216

By Rep. FEESE

An Act amending the act of December 18, 1980 (P.L.1241, No.224), known as the Pennsylvania Cancer Control, Prevention and Research Act, further providing for sunset provisions.

APPROPRIATIONS.

SB 997, PN 1629

By Rep. FEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR B

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1591, PN 3761**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, extending patient safety standards to certain abortion facilities.

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

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

On that question, the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to remind the members that this bill has some controversy to it. This deals with clinics that provide family planning services and imposes requirements with regard to the reporting of incidents. There were some negative votes to this when it left the House, and I believe the reasons for those negative votes were that because of the nature of the surgical procedure of abortion, it has a much lower incident of mistake rate than surgical procedures at large. Another reason was that safeguards with regard to reporting are already provided for in the Abortion Control Act, and it was felt that this legislation, for those reasons, was unnecessary. So I would be urging a nonconcurrence vote.

The SPEAKER. Does the gentleman, Mr. Tangretti, seek recognition?

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, once again, I stand to argue that this is not a controversial issue in and of itself. It is a means by which women who present themselves at abortion clinics for their services ought to have the same protections and the same review by the Patient Safety Authority that hospitals, ambulatory surgical centers, and birthing centers have. I believe it was an oversight when we did the Mcare (Medical Care Availability and Reduction of Error) Act and created the Patient Safety Authority. I think this corrects the problem. The Senate made some minor modifications in terms of the dollars and how they are collected and how they are spent, and I think it improved the bill, and I would urge the members to concur in the Senate amendments and let us send this to the Governor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would concur with the former speaker that this is a good piece of legislation and it does address a need, an oversight that we had, unfortunately, when the Mcare provisions and patient safety committees were set up, and we think that this is a good thing to do for the safety and the health of the women who are involved in some of these abortion clinics.

So we would ask for your support of this legislation. Thank you.

The SPEAKER. On concurrence, the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I think that the two speakers before made it perfectly clear, but I will try again in case there are a few folks here who may not be focused possibly on the business before us.

HB 1591 represents another attempt to harass women who are getting and the providers of a perfectly legal medical procedure in this State, in this country, which is pregnancy termination. The Abortion Control Act already provides for reporting if there are any unfortunate mishaps in procedures that do early pregnancy termination and do early abortions.

Abortion, by the way, done under the required medical kinds of circumstances is one of the safest, if not one of the safest procedures known to humankind, known to womenkind; much, much safer than actually going to term and delivering a baby. So there are reasons why birth centers should be reporting under patient safety kinds of legislation but no reason whatsoever to be reporting this for the very safe procedure of ending pregnancies.

So I would suggest a “no” vote on this, and I would suggest that we work on a gubernatorial veto because this is not necessary, not medically necessary, not good public policy.

Thank you, Mr. Speaker.

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—155

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fairchild | Lescovitz | Rubley |
| Allen | Feese | Levdansky | Ruffing |
| Argall | Fichter | Mackereth | Sainato |
| Armstrong | Fleagle | Maitland | Samuelson |
| Baker | Flick | Major | Santoni |
| Baldwin | Forcier | Markosek | Sather |
| Barrar | Gabig | Marsico | Saylor |
| Bastian | Gannon | McCall | Scavello |
| Belardi | Geist | McGeehan | Schroder |
| Belfanti | George | McGill | Semmel |
| Benninghoff | Gergely | McIlhattan | Shaner |
| Beyer | Gillespie | McIlhinney | Smith, S. H. |
| Biancucci | Gingrich | McNaughton | Solobay |
| Birmelin | Godshall | Melio | Sonney |
| Blaum | Good | Metcalfe | Staback |
| Boyd | Goodman | Micozzie | Stairs |
| Bunt | Grell | Millard | Steil |
| Caltagirone | Grucela | Miller, R. | Stern |
| Cappelli | Gruitza | Miller, S. | Stevenson, R. |
| Casorio | Haluska | Mustio | Stevenson, T. |
| Causar | Hanna | Nailor | Surra |
| Cawley | Harhai | O'Brien | Tangretti |
| Civera | Harhart | O'Neill | Taylor, E. Z. |
| Clymer | Harper | Pallone | Taylor, J. |
| Corrigan | Harris | Payne | Tigue |
| Costa | Hasay | Petrarca | True |
| Crahalla | Hennessey | Petri | Turzai |
| Creighton | Herman | Petrone | Wansacz |
| Daley | Hershey | Phillips | Watson |
| Dally | Hess | Pickett | Wheatley |
| DeLuca | Hickernell | Pyle | Wilt |
| Denlinger | Hutchinson | Ramaley | Wojnaroski |
| Dermody | Kauffman | Rapp | Wright |
| DiGirolamo | Keller, M. | Raymond | Yewcic |
| Diven | Kenney | Readshaw | Yudichak |

| | | | |
|-----------|----------|----------|---------|
| Donatucci | Killion | Reed | Zug |
| Eachus | Kotik | Reichley | |
| Ellis | LaGrotta | Roberts | Perzel, |
| Evans, J. | Leh | Rohrer | Speaker |
| Fabrizio | | | |

NAYS-40

| | | | |
|-------------|-----------|----------|------------|
| Bebko-Jones | Freeman | Myers | Siptroth |
| Bishop | Gerber | Nickol | Smith, B. |
| Blackwell | James | Oliver | Stetler |
| Buxton | Josephs | Parker | Sturla |
| Cohen | Kirkland | Pistella | Thomas |
| Cornell | Leach | Preston | Veon |
| Curry | Lederer | Roebuck | Vitali |
| DeWeese | Manderino | Rooney | Waters |
| Evans, D. | Mann | Ross | Williams |
| Frankel | Mundy | Shapiro | Youngblood |

NOT VOTING-1

Sabatina

EXCUSED-6

| | | | |
|------------|---------|--------|-------|
| Cruz | Maher | Rieger | Walko |
| Keller, W. | Quigley | | |

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 1618, PN 3724**, 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 participation by students with disabilities in high school graduation ceremonies.

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentleman, Mr. DALEY, for the remainder of the day. Without objection, that leave will be granted.

CONSIDERATION OF HB 1618 CONTINUED

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-195

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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 2054, PN 3848**, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

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

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

On that question— The Chair apologizes.

MOTION TO SUSPEND RULES

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

Mr. GRELL. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. A7416.

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

(Members proceeded to vote.)

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Allen.

CONSIDERATION OF HB 2054 CONTINUED

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the board.

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

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

Mr. Speaker, I apologize. I was a little delayed in getting to the microphone.

While I appreciate that the gentleman who is asking for the suspension has been deeply involved in bringing this issue to fruition, there have been a lot of negotiations and a pretty delicate balance is attached to the bill, and I think the gentleman knows that quite well, and with due respect, Mr. Speaker, I would have to ask the members to oppose the motion to suspend the rules.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—76

| | | | |
|-------------|-----------|-----------|------------|
| Bebko-Jones | Fabrizio | Levdansky | Sainato |
| Belardi | Freeman | Manderino | Samuelson |
| Belfanti | George | Mann | Santoni |
| Biancucci | Gerber | Markosek | Shaner |
| Bishop | Gergely | McCall | Siptroth |
| Blackwell | Goodman | McGeehan | Solobay |
| Blaum | Grucela | Mundy | Staback |
| Buxton | Gruitza | Myers | Sturla |
| Caltagirone | Haluska | Oliver | Tangretti |
| Cawley | Hanna | Parker | Thomas |
| Cohen | Harhai | Petrarca | Tigue |
| Corrigan | James | Petrone | Veon |
| Costa | Josephs | Pistella | Vitali |
| Curry | Kirkland | Ramaley | Wansacz |
| DeLuca | Kotik | Readshaw | Waters |
| DeWeese | LaGrotta | Roberts | Wojnaroski |
| Donatucci | Leach | Roebuck | Yewcic |
| Eachus | Lederer | Ruffing | Youngblood |
| Evans, D. | Lescovitz | Sabatina | Yudichak |

NAYS—119

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fleagle | Marsico | Rublej |
| Allen | Flick | McGill | Sather |
| Argall | Forcier | McIlhattan | Saylor |
| Armstrong | Frankel | McIlhinney | Scavello |
| Baker | Gabig | McNaughton | Schroder |
| Baldwin | Gannon | Melio | Semmel |
| Barrar | Geist | Metcalfe | Shapiro |
| Bastian | Gillespie | Micozzie | Smith, B. |
| Benninghoff | Gingrich | Millard | Smith, S. H. |
| Beyer | Godshall | Miller, R. | Sonney |
| Birmelin | Good | Miller, S. | Stairs |
| Boyd | Grell | Mustio | Steil |
| Bunt | Harhart | Nailor | Stern |
| Cappelli | Harper | Nickol | Stetler |
| Casorio | Harris | O'Brien | Stevenson, R. |
| Causer | Hasay | O'Neill | Stevenson, T. |
| Civera | Hennessey | Pallone | Surra |
| Clymer | Herman | Payne | Taylor, E. Z. |
| Cornell | Hershey | Petri | Taylor, J. |
| Crahalla | Hess | Phillips | True |
| Creighton | Hickernell | Pickett | Turzai |
| Dally | Hutchinson | Preston | Watson |
| Denlinger | Kauffman | Pyle | Wheatley |
| Dermody | Keller, M. | Rapp | Williams |
| DiGirolamo | Kenney | Raymond | Wilt |
| Diven | Killion | Reed | Wright |
| Ellis | Leh | Reichley | Zug |
| Evans, J. | Mackereth | Rohrer | |
| Fairchild | Maitland | Rooney | Perzel, |
| Feese | Major | Ross | Speaker |
| Fichter | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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

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

The SPEAKER. In concurrence in Senate amendments, Mr. Grell? Does the gentleman wish to be recognized? Does the gentleman wish to be recognized?

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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.

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 713, PN 1525**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A07311**:

Amend Sec. 6, page 3, line 22, by removing the period after "debts" and inserting

owed by the customer to the commercial mobile service provider.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment specifies that the exemption granted in 6(1) shall only apply to a collection agency working on behalf of a commercial mobile service provider of the telephone number in question, and this is an agreed-to amendment, I believe, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|-----------|------------|--------------|
| Adolph | Fichter | Major | Sabatina |
| 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. |
| Biancucci | Gingrich | Micozzie | Smith, S. H. |
| Birmelin | Godshall | Millard | Solobay |
| Bishop | Good | Miller, R. | Sonney |
| Blackwell | Goodman | Miller, S. | Staback |
| Blaum | Grell | Mundy | Stairs |
| Boyd | Grucela | Mustio | Steil |

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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

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

The SPEAKER. The gentleman, Mr. George, offers the following amendment, which the clerk will read. The gentleman withdrew the second amendment.

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

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 567, PN 3658**, entitled:

An Act providing for administration of employee records; imposing powers and duties on the Department of Labor and Industry; imposing penalties; and making a related repeal.

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

RULES SUSPENDED

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

Mr. GERGELY. Mr. Speaker, I move for an immediate suspension of the rules for consideration of amendment 7427.

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

The SPEAKER. On that question, those in favor of the suspension will vote “aye”— The Chair rescinds.

The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would just like to encourage the members to approve the motion to suspend the rules. For the members’ information, this will resolve a problem that Representative Gergely and I had and would allow us to offer an agreed-to amendment that will be agreeable we hope to the entire body here.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Fichter | Major | Sabatina |
| 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 |
| Causser | Harper | O’Neill | Surra |
| Cawley | Harris | Pallone | Tangretti |
| Civera | Hasay | Parker | Taylor, E. Z. |
| Clymer | Hennessey | Payne | Taylor, J. |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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. GERGELY offered the following amendment No. **A07427**:

Amend Sec. 2, page 2, by inserting between lines 11 and 12 “Former employee.” An individual who was an employee of an employer and who is authorized to take action under this act.

Amend Sec. 2, page 2, line 15, by removing the period after “employee” and inserting or former employee used to determine qualifications for employment, promotion, additional compensation, termination or disciplinary action including wage or salary information, attendance records, performance evaluations, commendations and discipline.

Amend Sec. 3, page 3, by inserting between lines 19 and 20

(d) Former employee.—A former employee may seek inspection of personnel files under this act if the employee provides written notification requesting inspection to the department no more than 14 days after the employee’s last day of employment with the employer.

Amend Sec. 7, page 6, line 16, by inserting after “6(E).” The department may not impose this penalty for violations of section 3.

(c) Civil actions.—An employee or former employee may initiate a civil action in a court of competent jurisdiction of this Commonwealth to obtain judgment from an employer of up to \$1,000 for each violation by the employer of section 3.

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

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

Mr. GERGELY. Thank you, Mr. Speaker, and I would also like to thank the gentleman from Wayne.

This technical amendment basically simply gives an employee who was fired from a company no more than 14 days to obtain their personal records. The department requested this technical language. We are all agreed to on this, so I want to thank everybody for their cooperation.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

As the gentleman said, I do agree to this. I think it is a reasonable compromise to give people, who especially in terms of sudden unemployment that they did not expect, the opportunity to get their personnel records corrected, and I think it is a good amendment. I would ask the members to support it.

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

The following roll call was recorded:

YEAS—195

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

| | | | |
|-----------|-----------|---------|---------|
| Evans, J. | Levdansky | Ross | |
| Fabrizio | Mackereth | Rubley | Perzel, |
| Fairchild | Maitland | Ruffing | Speaker |
| Feese | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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?

Mr. GEORGE offered the following amendment No. **A07284**:

Amend Sec. 9, page 6, line 24, by inserting after "employee" or an employee's personal representative

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

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair the gentleman, Mr. George, has withdrawn the amendment.

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

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

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

Just quickly, this is an attempt to modernize Pennsylvania's law as it refers to personnel records. One of the significant things it does is it makes the employer isolate the medical records from the other personnel records and protects both from the viewing by anyone who does not really have a legitimate purpose to do that. I think it is a good issue for confidentiality of our employees, particularly the medical records, and I would ask for the members' support on this particular bill.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 881, PN 1414**, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

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

Mr. GRELL. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of amendment No. 7411.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fichter | Major | Sabatina |
| 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. |
| Biancucci | Gingrich | Micozzie | Smith, S. H. |
| Birmelin | Godshall | Millard | Solobay |
| Bishop | Good | Miller, R. | Sonney |
| Blackwell | Goodman | Miller, S. | Staback |
| Blaum | Grell | Mundy | Stairs |
| Boyd | Grucela | Mustio | Steil |
| Bunt | Gruitza | Myers | Stern |
| Buxton | Haluska | Nailor | Stetler |
| Caltagirone | Hanna | Nickol | Stevenson, R. |
| Cappelli | Harhai | O'Brien | Stevenson, T. |
| Casorio | Harhart | Oliver | Sturla |
| Causer | Harper | O'Neill | Surra |
| Cawley | Harris | Pallone | Tangretti |
| Civera | Hasay | Parker | Taylor, E. Z. |
| Clymer | Hennessey | Payne | Taylor, J. |
| Cohen | Herman | Petrarca | Thomas |
| Cornell | Hershey | Petri | Tigue |
| Corrigan | Hess | Petrone | True |
| Costa | Hickernell | Phillips | Turzai |
| Crahalla | Hutchinson | Pickett | Veon |
| Creighton | James | Pistella | Vitali |
| Curry | Josephs | Preston | Wansacz |
| Dally | Kauffman | Pyle | Waters |
| DeLuca | Keller, M. | Ramaley | Watson |

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| Denlinger | Kenney | Rapp | Wheatley |
| Dermody | Killion | Raymond | Williams |
| DeWeese | Kirkland | Readshaw | Wilt |
| DiGirolamo | Kotik | Reed | Wojnarowski |
| Diven | LaGrotta | Reichley | Wright |
| Donatucci | Leach | Roberts | Yewcic |
| Eachus | Lederer | Roebuck | Youngblood |
| Ellis | Leh | Rohrer | Yudichak |
| Evans, D. | Lescovitz | Rooney | Zug |
| Evans, J. | Levdansky | Ross | |
| Fabrizio | Mackereth | Rubley | Perzel, |
| Fairchild | Maitland | Ruffing | Speaker |
| Feese | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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. GRELL offered the following amendment No. A07411:

Amend Sec. 1 (Sec. 202), page 2, line 13, by striking out "\$2,000" and inserting \$10,000

Amend Sec. 1 (Sec. 202), page 2, by inserting between lines 18 and 19

"Common carrier." Any and all persons or corporations holding out, offering, or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or property, or both, or any class of passengers or property, by, through, over, above or under land, water or air, and shall include forwarders, but shall not include contract carriers by motor vehicles, or brokers, or any bona fide cooperative association transporting property exclusively for the members of such association on a nonprofit basis.

Amend Sec. 1 (Sec. 203), page 4, by inserting between lines 17 and 18

(6) The exercise of eminent domain within a home rule municipality by a county of the second class A in areas that were certified, on or before the effective date of this chapter, as blighted under section 2 of the Urban Redevelopment Law. This paragraph shall expire December 31, 2012.

Amend Sec. 1 (Sec. 204), page 5, line 6, by striking out "common carrier,"

Amend Sec. 1 (Sec. 204), page 5, line 8, by striking out "(ii) A private entity" and inserting

- (ii) A common carrier.
- (iii) A private enterprise

Amend Sec. 1 (Sec. 204), page 5, line 11, by striking out "private entity" and inserting incidental area

Amend Sec. 1 (Sec. 204), page 5, by inserting between lines 18 and 19

This paragraph does not include activities and structures for which nuisance actions are prohibited under section 4 of the act of June 10, 1982 (P.L.454, No.133), referred to as the Right-to-Farm Law.

Amend Sec. 1 (Sec. 204), page 6, line 15, by inserting after "Program"

and the PennHOMES Program

Amend Sec. 1 (Sec. 206), page 11, line 10, by striking out "No" and inserting

(a) General rule.—Except as set forth in subsection (b), no

Amend Sec. 1 (Sec. 206), page 11, by inserting between lines 13 and 14

(b) Exceptions.—This section shall not apply to any of the following:

(1) A school district which exercises eminent domain authority against property located within its geographic boundaries.

(2) An authority formed under 53 Pa.C.S. Ch. 56 (relating to municipal authorities) which exercises eminent domain authority against property located within its geographic boundaries.

(3) The exercise of eminent domain authority under 74 Pa.C.S. § 5920 (relating to acquisition of air rights).

Amend Sec. 1 (Sec. 207), page 11, lines 15 through 30; page 12, lines 1 through 7, by striking out all of said lines on said pages and inserting

(Reserved).

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

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

On the amendment, the gentleman, Mr. Vitali?

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

Could we have a brief explanation of this amendment?

Mr. GRELL. Mr. Speaker, this is an omnibus amendment that takes into consideration several of the other amendments that had been offered, and the ones that have been agreed to among the working group that has been working on this bill have been consolidated into this omnibus amendment.

Mr. VITALI. Okay. And could you— Frankly, I am not familiar with the working group and I am not familiar with what has been agreed to and what has not been agreed to. So could you outline the contents of this amendment?

Mr. GRELL. Yes, Mr. Speaker.

This amendment amends the definition – and they are all fairly technical amendments – it amends the definition of an agricultural operation to increase the threshold of annual income that a property needs in order to be treated as such from \$2,000 to \$10,000 to make this bill consistent with the right-to-farm legislation. This was requested by the Department of Agriculture.

There is a grandfathering provision in the bill itself that pertains to certain cities, first class and second class, and allows properties that have currently been certified as blighted to continue a redevelopment plan. The amendment changes that to add second class county A, home rule second class county A. It also makes other amendments to make this law, again, consistent with the Right-to-Farm Law.

Another provision of the amendment preserves the ability of the PHFA (Pennsylvania Housing Finance Agency) PennHOMES Program to proceed and not be affected adversely

by this bill. It also includes an amendment offered by Representative Harper that clarifies extraterritorial takings where a school district needs to take property within its school district boundary that may overlap with underlying municipal boundaries, and it clarifies the definition of a common carrier, and this was an amendment that was requested by the Department of Transportation and the Governor's Office.

Mr. VITALI. With regard to the Right-to-Farm Law, could you just sort of explain that just in a little greater detail, how does this affect the Right-to-Farm Law?

Mr. GRELL. Well, under the Right-to-Farm Law, there is a definition of an agricultural operation, and in order for a property to qualify as an agricultural operation, the annual income from farming operations has to be at least \$10,000. Under the prior version of SB 881, it set that requirement at \$2,000. The amendment simply takes the \$2,000 and raises it to \$10,000 to make it consistent with the Right-to-Farm Law. It does not change the application of the Right-to-Farm Law.

Mr. VITALI. Thank you.

**THE SPEAKER PRO TEMPORE
(JERRY BIRMELIN) PRESIDING**

The SPEAKER pro tempore. Are there any other members seeking to be recognized on this amendment? Seeing none then—

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

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fichter | Major | Sabatina |
| 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 |
| Causar | Harper | O'Neill | Surra |
| Cawley | Harris | Pallone | Tangretti |
| Civera | Hasay | Parker | Taylor, E. Z. |
| Clymer | Hennessey | Payne | Taylor, J. |
| Cohen | Herman | Petrarca | Thomas |
| Cornell | Hershey | Petri | Tigue |
| Corrigan | Hess | Petrone | True |
| Costa | Hickernell | Phillips | Turzai |
| Crahalla | Hutchinson | Pickett | Veon |
| Creighton | James | Pistella | Vitali |

| | | | |
|------------|------------|----------|------------|
| Curry | Josephs | Preston | Wansacz |
| Dally | Kauffman | Pyle | Waters |
| DeLuca | Keller, M. | Ramaley | Watson |
| Denlinger | Kenney | Rapp | Wheatley |
| Dermody | Killion | Raymond | Williams |
| DeWeese | Kirkland | Readshaw | Wilt |
| DiGirolamo | Kotik | Reed | Wojnaroski |
| Diven | LaGrotta | Reichley | Wright |
| Donatucci | Leach | Roberts | Yewcic |
| Eachus | Lederer | Roebuck | Youngblood |
| Ellis | Leh | Rohrer | Yudichak |
| Evans, D. | Lescovitz | Rooney | Zug |
| Evans, J. | Levdansky | Ross | |
| Fabrizio | Mackereth | Rublely | Perzel, |
| Fairchild | Maitland | Ruffing | Speaker |
| Feese | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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?

Mr. McNAUGHTON offered the following amendment No. **A07152:**

Amend Title, page 1, line 2, by inserting after "for" lands or buildings to be used for recreational purposes and for
Amend Sec. 1, page 1, line 7, by striking out "a chapter" and inserting chapters

Amend Sec. 1, page 1, by inserting between lines 7 and 8
CHAPTER 1

GENERAL PROVISIONS

§ 104. Lands or buildings to be used for recreational purposes.

(a) Prohibition.—Notwithstanding any other provision of this title, no municipality shall have the power to acquire lands or buildings to be used for recreational purposes through eminent domain, unless the lands or buildings are identified in a municipal comprehensive plan which is all of the following:

(1) Adopted pursuant to Article III of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

(2) Generally consistent with the county comprehensive plan.

(b) Definition.—For the purpose of this section, the term "lands or buildings to be used for recreational purposes" shall include lands or buildings to be owned, leased or controlled by the municipality for use as parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, public parks and other similar areas and facilities.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. McNaughton. Will the gentleman suspend for a moment.

Members, please take your seats. It is getting a little too loud here. Break up your conferences, please. Take your seats. Members, please take your seats. Members, please, you are still too loud. Members, take your seats. There are several of you still in the aisles, still standing about. Members, please, we are into substantive debate. It is difficult to hear the members speaking at the microphones when the rest of us are.

Mr. McNaughton, you may proceed.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

This amendment simply provides that a municipality must identify those lands on its comprehensive plan which it will or could be taking for recreational purposes by eminent domain.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition?

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, if I understand this correctly, Mr. Speaker, I think what this does is require that before— In other words, for a municipality to take a parcel of land and condemn it and use it for recreational purposes—

The SPEAKER pro tempore. Mr. Vitali, I am sensing that what you are doing is interrogating Mr. McNaughton. Is that what you wish to do?

Mr. VITALI. No; no.

The SPEAKER pro tempore. You are asking this Speaker then what the legislation does?

Mr. VITALI. What I am doing is speaking on the amendment.

The SPEAKER pro tempore. Okay. Well, you had framed it in the form of a question. I wondered whom you were asking that question of, but if it is just debate, then you may proceed.

Mr. VITALI. This is my understanding of the amendment: If there is a piece of ground in a municipality and a municipality wants to condemn it for recreational purposes, let us say to put a park or a sports field or a swimming pool or just have it as a nature area, and that at the time it wishes to do that has not been designated in its comprehensive plan as a recreational area, then the municipality is prohibited from doing that. That is what I believe this amendment does, and I oppose that for these reasons: I can envision a scenario where there is a large swath of open space in the middle of a municipality and the municipality, for whatever reason, simply does not have a comprehensive plan, and then this large swath of land, this perhaps piece of rural land or a nice piece of open space in the middle of a municipality, suddenly the municipality discovers this piece of open space they have been enjoying all these years; Toll Brothers or some other builder is considering developing and putting 400 homes. Because that municipality does not have this identified in its comprehensive plan as recreational area, the municipality would be precluded at that point from taking this piece of open land in that municipality and condemning it to use for municipal purposes. I think we are putting our municipalities at a disadvantage. We are deterring them from preserving potentially the last remaining bits of open space in their municipality by putting this unnecessary requirement in.

Another example I can cite, in my municipality, which is almost a fully developed municipality, there is a golf course in the middle of it, Llanerch Country Club. We do not even think about putting that in our comprehensive plan as recreational space because it is owned as a golf course, a private golf course.

It is my understanding that under this amendment should that property all of a sudden become available, and again, you have a Toll Brothers or someone else who wants to put 400 homes there, our municipality, because it has not identified Llanerch Country Club as recreational, would be precluded by the McNaughton amendment.

My fear is that the McNaughton amendment is going to be putting a trap for the unwary. It is going to be putting a barrier to our municipalities if they, for the benefit of their citizens, want to preserve an open space where everyone in that community has come to know and enjoy and does not want developed, but if we put the McNaughton amendment in there, our municipalities may be prevented from condemning it and putting it to public use, and I think that is problematic.

I do not see what policy reasons are served by putting this additional requirement on municipalities for taking steps to condemn and using open space for public use. I do not think this is needed. I think if this situation arises in your community and your community is impeded from protecting valuable land, you will be sorry that you ever supported the McNaughton amendment.

So I would ask for a “no” vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the McNaughton amendment. This is one of those amendments which on its face seems to read well, it seems to be a good amendment, but in reality, it is an unnecessary amendment and one which could impose somewhat of a financial hardship, particularly on our smaller municipalities here in the Commonwealth of Pennsylvania.

Many municipalities do not have comprehensive plans. In fact, in our more rural parts of the State, they do not at all. A comprehensive plan is a good planning tool. It is a good thing to have and one that I would encourage most municipalities to have. However, here in Pennsylvania the true power of planning really resides in the zoning ordinance, not in the comprehensive plan. The comprehensive plan oftentimes ends up being a wish list or sort of a recommended guide but not really the power it should be. As a result of the fact of many municipalities not having comprehensive plans, we really are going to be imposing a cost on those smaller municipalities in particular to do so before they can do something that they have been empowered to do for many, many years, and that is the ability to use eminent domain for the good public purpose of creating a park or recreation building or other open space facility.

There are few mandates within a municipality’s planning code to have a comprehensive plan. Counties are required to have them. A municipality is required to have them if they get into using transportation impact fees, which is a very involved and time-consuming process, but there really is no good reason why we should be requiring, why we should be mandating a comprehensive plan to municipalities simply to be able to exercise their time-honored right to acquire recreation and open space.

Keep in mind that the way this amendment is drafted, it would require even those municipalities with a comprehensive plan to have to rewrite or at least amend their existing comprehensive plan before they could take the step of acquiring open space, parkland, or a recreation building. That is an absurd hurdle. It is really imposing a tremendous burden on municipalities that is not necessary and really is just a way of

trying to block their ability to hold on to some very precious open space and to provide for the recreational needs of their community. I would urge the members to vote “no.”

Oftentimes when a piece of land becomes available, when it looks likely that it should be taken quickly for recreational purposes before it becomes another amount of land that is built over for housing or some other purpose, a municipality has to move quickly, and if we require them to go to the step of either enacting a comprehensive plan, which can take up to a year if you are going to do it right, or to go through a laborious process of amending their comprehensive plan before they can acquire that open space, then we are really undercutting their ability to provide for their communities a very essential aspect of quality of life, and that is recreation and open space opportunities.

So I would urge the House to please vote “no” and to protect the local units of government in their ability to acquire open space and to provide for recreational purposes.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I, too, rise to join with Representative Freeman in asking for a “no” vote on this piece of legislation. I come from a county that is one of the fastest growing counties in Pennsylvania, and the process that it takes to take and change your comprehensive plan is a lengthy one and one that those of us who—Particularly in my home township, we currently have approximately 3,600 homes being approved to be built in the next 2 years. Those are plans that have already been approved.

Townships need more flexibilities in handling recreation programs for their citizens than what this amendment offers, and I ask for a “no” vote on the McNaughton amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If the maker of this amendment would rise, I would like to ask him a question for clarification.

The SPEAKER pro tempore. The gentleman, Mr. McNaughton, agrees to interrogation. You may begin.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

There seems to be some confusion, maybe it is by me or previous speakers, but this amendment, to me, seems to be about open, honest dialogue by municipalities and elected officials as they govern and write rules and regulations to govern private property. This speaks to me, unless I am incorrect, Mr. Speaker, about private property rights and us as the public having knowledge of the potential for this land to be taken either currently by eminent domain or in the future. Is that correct?

Mr. McNAUGHTON. That is correct, Mr. Speaker. That is exactly what I am trying to attempt to do, to allow private property owners to have the information necessary to understand that their property that they may think has a higher value actually does not and has been identified for recreational purposes.

Mr. BENNINGHOFF. The last question I would have is, do you know if there is any real extensive cost to make a simple amendment to a current comprehensive plan?

Mr. McNAUGHTON. I do not know the process municipalities go through in detail for amending a comprehensive plan. Most municipalities that are under a lot of development pressure update their comprehensive plans

regularly and are reviewing them every few years to make sure that they stay current with the current development desires of their municipality.

Mr. BENNINGHOFF. Thank you.

Mr. Speaker, if I might, one moment on the amendment?

The SPEAKER pro tempore. The gentleman is in order and may begin.

Mr. BENNINGHOFF. I want to thank him for clarifying that, and I would caution the members to think about this. I think many of our constituents have been most concerned about the Federal legislation that passed that could allow an eminent domain to be taking private property, and those of us in this chamber who support private property rights need to think about the significance, that we are not taking it; we are just saying that the public should have the right to know this. This is about decreasing the value of a property, possibly, should you want to resell it and not be acknowledging to future buyers that that land could be taken from them by some eminent domain. I would think in some realty transfer disclosure you may have to relinquish that information and therefore decrease the value of your own property.

And last but not least, from my own personal perspective, this is an issue about personal property rights and how much we continue to empower government to be able to take the right of landownership away and even if it is for some public works or public park. That all sounds nice, and I like public parks as much as someone else, but I think we need to be very careful as we continue to empower government to be able to take people’s land away from them, and I would ask you to sincerely think about that as you go to vote.

Thank you.

The SPEAKER pro tempore. Members, please tone down. This is the last bill and the last two amendments on the last bill. So we can be finished here in a short time, as long as we have some decorum.

Sergeants at Arms, there are a lot of people in the aisles having conversations. Please clear the aisles. Members, please take your seats. If you want to continue your conversations, take them outside the hall of the House. Members need to take their seats.

As I stated just a moment ago, this is the last bill and the last two amendments on the last bill. Let us not drag this out any further than we have to. If we will cooperate, we will have this finished in a short period of time, but if we have to keep stopping and asking you to tone down your conversations, it will take a lot longer.

The Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I agree with my colleague, Representative Benninghoff, that the bill has everything to do with private property rights and an appropriate use of the government’s power of eminent domain, but I would respectfully disagree that the McNaughton amendment has anything to do with that. Instead, the McNaughton amendment sets up hurdles and obstacles to communities acquiring parks. One could use eminent domain for a sewer plant but not for a park if the McNaughton amendment passes.

The McNaughton amendment requires municipalities and counties to spend money and time vetting a decision that they have to make in open session anyway. All it does is say to the world that Pennsylvania thinks that a municipality that has a

sewer plant is fine but one that has a park is not. It makes no sense to distinguish between parks and sewer plants by making it easier to have a sewer plant than to have a park. Any good, well-run community has parks and roads and firehouses. The McNaughton amendment will make it so difficult for the people we represent to have nice communities where kids have a place to play and grown-ups have a place to walk. The McNaughton amendment upsets the fragile compromise that has been reached among all of the various competing interests on this bill.

I would urge you all to vote “no” if you think that a good community has parks and green spaces. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Mercer County, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a “yes” vote on this amendment. Several years ago I introduced legislation that basically would have done the same thing, and this really has come about because there have been some real abuses by some local governments in taking property that otherwise was appropriately zoned and ready for the landowner to develop according to the rules and regulations and laws, local laws and State laws, in their traditions of private property ownership that we have always respected in this State and in this nation.

I am not going to belabor the point. I think that the gentleman, Mr. Benninghoff, articulated the issue very well. I think that it strikes a fair balance to at least place property that may be subject to recreational easement or recreational use, to incorporate that in part of their comprehensive plan for that municipality.

So I urge an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh County, Mr. Reichley. The gentleman waives off.

The Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

And I must rise unfortunately also to oppose this amendment. I want to clarify one point that was made by some of the earlier speakers. They indicate that if we do not pass this, that there will be some reduction in the protections that are required when eminent domain is being used. That is really not the case. All of the rights that a private landowner has will survive regardless of whether this amendment is passed or not.

The right to make sure that they have due process, the right that they have to be properly compensated does not get enhanced or reduced regardless of how this amendment goes. What this amendment does do is it creates an additional bureaucratic hurdle and a time delay, and that is really all that it actually does, and really, quite frankly, the difficulties of keeping the comprehensive plan updated are something that those of us who have been in municipal government are very familiar with, but realistically when an opportunity arises for an appropriate securing of open space, the municipality should be responsible for that, they should be responsive to their citizens afterwards through the ballot box, and the process should be allowed to continue as it currently is.

This would make this more difficult, and it would not provide any additional private property rights to the citizens of that municipality, so therefore, I respectfully urge a “no” vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I also rise to oppose the McNaughton amendment because I think it creates a very impractical impediment for local governments.

Comprehensive plans take time and money to implement in the first place, and they take time and money to revise and amend once they are in place. Townships sometimes have to react to a rather fast-paced path of development. Oftentimes they do not see where development is coming, and when they cannot see where a development is coming, they really cannot make a determination rationally as to where parks and recreational areas need to be. The amendment would simply make it very, very impractical for them, unless they guessed right, to adequately provide for parks and recreational uses in their township.

We have just gone through a series of amendments and votes dealing with new protections against the abuse of eminent domain. It would seem to me that those changes that we have made and voted for were adequate. This particular amendment creates an almost impossible burden for local governments, and I would ask the body to oppose the amendment and let the local governments control their destiny.

Thanks.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Herman.

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

And I think the issue of personal property rights is certainly one that everyone should be very, very concerned about, either as a personal property owner or when it is affecting their municipality. I think the previous speakers, Representative Gruitza and Representative McNaughton, really spoke about this very eloquently, and I do not need to belabor the point, but I certainly fall down on their side of this issue, because I do not think there is anything wrong, in fact there is everything right, about people being fully informed and also the people, not only about their own property, but also be fully informed about what is going on within their own municipality.

I do not see anything encumbering on this amendment that is going to disrupt comprehensive planning. I think that this amendment will make SB 881 a better bill than it is now, and I encourage its support.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia County, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the McNaughton amendment. Mr. Speaker, in urban areas across the Commonwealth, particularly those that are already dealing with areas that are highly dense, in dealing with a lack of recreational facilities and/or open space in neighborhoods, the McNaughton amendment would simply add another level of bureaucracy to the already intense process of getting an area declared, or declare eminent domain, taking the property through the Eminent Domain Law.

Mr. Speaker, I am really thinking about a property located in my district in which it is right next to open space, an area that we are trying to build a new recreation center at, but, Mr. Speaker, there is a property located next door in which the

owner lives in California, Mr. Speaker. We have already called the Health Department. The property owner has been issued several violations. If it were not for the use of eminent domain, we would not have been able to acquire this land and to expand the much-needed space for the use of recreation.

So I again, Mr. Speaker, ask my colleagues to vote “no” on the McNaughton amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Dally. Mr. Dally?

Mr. DALLY. Thank you, Mr. Speaker.

I rise to support the McNaughton amendment. I had a situation where this amendment would fit to a T, where there was an individual who purchased a parcel of property intending to develop it for single family homes, and the township interjected itself into the process and took the property by eminent domain before the prospective purchaser could buy it. So I do not think it is too much to ask for an orderly planning process where a comprehensive plan has to reflect what the ideals and foresight of municipalities are by adopting a plan for the recreational needs of a community. I think that would certainly go a long way to curb the abuse that occurred in the township in my area where, like I said, what this amendment is trying to prevent is exactly what occurred, and I think it is a good amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith. The gentleman, Mr. Smith, did you wish to make a comment?

The Chair at this time recognizes the gentleman, Mr. Veon. Mr. Veon?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the McNaughton amendment. I have listened with great interest from my colleagues on both the Democrat and the Republican side as we have debated this issue, and I recognize at times we need to make strong rhetorical points as we debate issues on the floor of the House here. In listening to my colleagues, who certainly know a lot more about this issue than I do, both those for and against it, I have heard that it would be the end of development in Pennsylvania. I have also heard that without this amendment all development would be stopped in Pennsylvania.

As I look at the amendment and have followed the entire issue of eminent domain, coming from southwestern Pennsylvania, I have been trying to err with caution on the side of not putting prohibitions, not putting barriers, not putting detrimental statutes in front of development. In southwestern Pennsylvania we need development. Any barriers, any threat of barriers, any threat of eminent domain, without a question, is an impediment to development in southwestern Pennsylvania. So as I have dealt with this issue personally and certainly as I have looked at all these amendments, I have tried to do it with that point in mind.

I had a situation that did not go as far as the previous speaker mentioned, but I had a municipality that at least threatened, at least threatened the idea of eminent domain for a recreational piece of property that would have been an impediment to development in my county. We were successful in talking those local municipal officials off the ledge. That ledge would have prohibited that development from taking place in Beaver County.

So I think the gentleman’s amendment strikes a fair balance. I think he strikes a fine line. I think he strikes the right tone and the right balance in his amendment. I am going to support the amendment, and I encourage other members to do the same.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Are there any other members seeking recognition?

Mr. Yewcic, are you seeking recognition? The gentleman is in order and may proceed.

Mr. YEWVIC. Thank you, Mr. Speaker.

Over the past years we have been looking at the eminent domain question. I support this amendment, because as you listened to the debate, there was a lot of concern about people worrying about the power of the local government, whether it is the county, the township, or the borough, to exercise eminent domain. What we have to remember, though, is that the issue of eminent domain really pits the citizens, the people we represent, against the government, because it is the government that exercises eminent domain.

Therefore, I would err on the side of the people we represent and support this amendment to give more weight or more power to the citizens and make it tougher for the municipalities to exercise eminent domain against our property rights. So I would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to speak again, but I do want to respond to the comments of the previous two speakers.

Mr. Speaker, I think this is about keeping the power in the hands of the people. Mr. Speaker, our township commissioners, our county commissioners, our township supervisors, they are the ones who express the will of the people. Mr. Speaker, what we are doing if we pass McNaughton is impeding our local officials from doing the will of the people.

Mr. Speaker, what we are dealing with is a situation where there is a piece of public space open and those municipal officials are trying to preserve that for the people – for parkland, for recreation – for something good for the people. They have made a decision as representatives of the people that this is what they want to do. That decision necessarily involves paying fair value, fair compensation.

Mr. Speaker, if we pass the McNaughton amendment, we are placing a barrier. We are saying, unless you have had a comprehensive plan IDing that property, you cannot do the will of the people.

Mr. Speaker, I have heard no policy reasons in support of the McNaughton amendment. Mr. Speaker, I think that if we are concerned about open space, if we are concerned about local control, we want to vote “no” on the McNaughton 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—72

| | | | |
|-------------|------------|------------|---------------|
| Argall | Fairchild | Major | Sainato |
| Armstrong | Feese | Markosek | Sather |
| Baker | Flick | McIlhattan | Shaner |
| Baldwin | Forcier | McNaughton | Smith, S. H. |
| Benninghoff | Gabig | Metcalfe | Solobay |
| Biancucci | Godshall | Millard | Sonney |
| Blaum | Gruitza | Mustio | Stern |
| Cappelli | Harhart | Petrarca | Stevenson, R. |
| Causar | Harris | Phillips | Stevenson, T. |
| Costa | Herman | Pickett | True |
| Creighton | Hess | Pyle | Turzai |
| Dally | Hickernell | Ramaley | Veon |
| DeLuca | Hutchinson | Rapp | Wansacz |
| Denlinger | Kauffman | Raymond | Wilt |
| Dermody | Keller, M. | Reed | Yewcic |
| DeWeese | Kenney | Rohrer | |
| Eachus | Killion | Rooney | |
| Ellis | LaGrotta | Ruffing | Perzel, |
| Evans, J. | Lescovitz | | Speaker |

NAYS—123

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Frankel | Mann | Samuelson |
| Allen | Freeman | Marsico | Santoni |
| Barrar | Gannon | McCall | Saylor |
| Bastian | Geist | McGeehan | Scavello |
| Bebko-Jones | George | McGill | Schroder |
| Belardi | Gerber | McIlhinney | Semmel |
| Belfanti | Gergely | Melio | Shapiro |
| Beyer | Gillespie | Micozzie | Siptroth |
| Birmelin | Gingrich | Miller, R. | Smith, B. |
| Bishop | Good | Miller, S. | Staback |
| Blackwell | Goodman | Mundy | Stairs |
| Boyd | Grell | Myers | Steil |
| Bunt | Grucela | Nailor | Stetler |
| Buxton | Haluska | Nickol | Sturla |
| Caltagirone | Hanna | O'Brien | Surra |
| Casorio | Harhai | Oliver | Tangretti |
| Cawley | Harper | O'Neill | Taylor, E. Z. |
| Civera | Hasay | Pallone | Taylor, J. |
| Clymer | Hennessey | Parker | Thomas |
| Cohen | Hershey | Payne | Tigue |
| Cornell | James | Petri | Vitali |
| Corrigan | Josephs | Petrone | Waters |
| Crahalla | Kirkland | Pistella | Watson |
| Curry | Kotik | Preston | Wheatley |
| DiGirolamo | Leach | Readshaw | Williams |
| Diven | Lederer | Reichley | Wojnaroski |
| Donatucci | Leh | Roberts | Wright |
| Evans, D. | Levdansky | Roebuck | Youngblood |
| Fabrizio | Mackereth | Ross | Yudichak |
| Fichter | Maitland | Rubley | Zug |
| Fleagle | Manderino | Sabatina | |

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Mr. McNAUGHTON offered the following amendment No. A07161:

Amend Title, page 1, line 3, by inserting after “domain”
and for preliminary objections

Amend Sec. 1, page 1, line 7, by striking out “a chapter” and inserting

chapters

Amend Sec. 1, page 12, by inserting between lines 7 and 8

CHAPTER 3

PROCEDURE TO CONDEMN

Sec.

306. Preliminary objections.

§ 306. Preliminary objections.

(a) Filing and exclusive method of challenging certain matters.—

(1) Within 30 days after being served with notice of condemnation, the condemnee may file preliminary objections to the declaration of taking.

(2) The court upon cause shown may extend the time for filing preliminary objections.

(3) Preliminary objections shall be limited to and shall be the exclusive method of challenging:

(i) The power or right of the condemnor to appropriate the condemned property unless it has been previously adjudicated.

(ii) The sufficiency of the security.

(iii) The declaration of taking.

(iv) Any other procedure followed by the condemnor.

(b) Waiver.—Failure to raise by preliminary objections the issues listed in subsection (a) shall constitute a waiver. Issues of compensation may not be raised by preliminary objections.

(c) Grounds to be stated.—Preliminary objections shall state specifically the grounds relied on.

(d) When raised.—All preliminary objections shall be raised at one time and in one pleading. They may be inconsistent.

(e) Service.—The condemnee shall serve a copy of the preliminary objections on the condemnor within 72 hours after filing them.

(f) Disposition.—

(1) The court shall determine promptly all preliminary objections and make preliminary and final orders and decrees as justice shall require, including the revesting of title.

(2) If an issue of fact is raised, the court shall take evidence by depositions or otherwise.

(3) The court may allow amendment or direct the filing of a more specific declaration of taking.

(4) In the review of any preliminary objection to a declaration of taking, the court's scope of review shall be plenary and the standard of review shall be that of intermediate scrutiny.

(g) Costs and expenses.—

(1) If preliminary objections which have the effect of terminating the condemnation are sustained, the condemnor shall reimburse the condemnee for reasonable appraisal, attorney and engineering fees and other costs and expenses actually incurred because of the condemnation proceedings.

(2) The court shall assess costs and expenses under this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Are there any members seeking recognition on this amendment?

The gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Would the gentleman stand for brief interrogation, the maker of the amendment?

The SPEAKER pro tempore. The gentleman, Mr. McNaughton, indicates he is willing to do so. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I truly am not clear about what this amendment does after having listened to the debate in caucus and read a summary. Could you just outline what this amendment does; in particular, how it changes current law?

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is raises the level of scrutiny required by the court reviewing the action from rational basis to intermediate.

Mr. VITALI. Mr. Speaker, is this amendment similar or identical to the Grell bill we previously passed immediately prior to this bill?

Mr. McNAUGHTON. Mr. Speaker, I do not know the answer to that question.

Mr. VITALI. I am sorry. Did you not hear it? I was distracted.

Mr. McNAUGHTON. I think I answered the question.

Mr. VITALI. That very well may be true, but I did not hear your answer. Would you give me the courtesy of repeating it.

Mr. McNAUGHTON. I do not know the answer to that question.

Mr. VITALI. I am still not clear about how this changes civil procedure with regard to eminent domain proceedings. I apologize. Sometimes it takes it to be said in a different way for it to sink in. How does this change the civil procedure of a condemnation proceeding?

Mr. McNAUGHTON. Mr. Speaker, I believe that is the same question asked in a different manner. I will give you the same answer. It requires a higher level of scrutiny rather than rational basis. It now is an intermediate scrutiny requirement by the court.

Mr. VITALI. A higher level of scrutiny for what?

Mr. McNAUGHTON. For an eminent domain taking.

Mr. VITALI. Could you give me a fact scenario where this amendment would come into play, this change would come into play, perhaps a set of facts, a sort of hypothetical that would help me understand current law versus proposed law.

Mr. McNAUGHTON. No, sir.

Mr. VITALI. No because you are unable to or no because you are unwilling to or—

Mr. McNAUGHTON. No because, Mr. Speaker, do your homework and then you will understand it. If I am not here to educate you.

The SPEAKER pro tempore. Will the gentleman suspend; will the gentleman suspend.

Mr. Vitali, Mr. McNaughton answered the question with the answer no. I understand that you are not happy with that answer, but that was his answer.

Mr. McNaughton, I would suggest that you would just answer the questions and not insert any personal implications into your answers.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. VITALI. Mr. Speaker, I am wondering if the gentleman, Mr. Grell, would stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Grell, indicates he is willing to stand for interrogation. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I am not trying to be difficult; truly I am not. I just do not quite— My mind is not quite around how we are changing law here, and I thought I would take a shot with you. Could you help me out here and help me understand how we are changing current law with this amendment?

Mr. GRELL. On the amendment?

Mr. VITALI. Yes.

Mr. GRELL. My understanding, Mr. Speaker, is that under current law if a municipality makes a determination that a property is to be taken for a certain purpose, let us say recreational purposes, and that gets appealed to a court, the court would simply accept that legislative determination and could not look beyond that. By adopting an intermediate scrutiny standard, the court could look beyond the language of the resolution of the municipality and could make its own determination of whether there was a public purpose behind the proposed taking.

Mr. VITALI. In other words, if I am understanding correctly, then it would make it more difficult then, if the McNaughton amendment passes, it would make it more difficult for the municipality to condemn property for public purposes?

Mr. GRELL. Mr. Speaker, I do not think that necessarily is the case. All the amendment would do, as I understand the amendment, is it would give the court greater latitude in making its own findings on the reasons stated by the municipality.

Mr. VITALI. But this would be in a situation where the municipality has already decided to condemn property.

Mr. GRELL. Correct.

Mr. VITALI. So it could, in a sense, set aside— This would allow, this would give the courts an opportunity to set aside the municipality's decision to condemn property?

Mr. GRELL. Well, Mr. Speaker, the courts already have the power to set aside that determination if it does not pass their level of scrutiny. This would raise that level of scrutiny and arguably give the court greater ability to set aside the finding of the municipality.

Mr. VITALI. Right. So if I am understanding you correctly, it makes it easier for the court to set aside the condemnation proceedings of a municipality?

Mr. GRELL. I cannot agree with that characterization, but it does change the standard that the court would use. Whether that is easier or harder would depend on the facts of the case.

Mr. VITALI. It changes it from what to what?

Mr. GRELL. It changes it from an ordinary scrutiny to an intermediate level of scrutiny, the third highest level being strict scrutiny.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. It appears that Mr. McNaughton is willing to stand for interrogation. You may proceed.

Ms. HARPER. Thank you.

I would just like to ask the maker of the amendment if he would explain why his amendment makes this bill better for

Pennsylvania than passing this bill without the amendment; that is all.

Thank you.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

From a practical perspective, the rational basis standard is a very simple standard. It applies to municipalities. It would go this way: If a municipality says they want a piece of property, the court goes to review it. The court says, okay; that is rational enough. Intermediate scrutiny requires a municipality to justify it a little bit stronger and argue more stringently the reasons behind wanting the property from an eminent domain perspective rather than just saying, we want to take it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, J. | Leh | Rooney |
| Allen | Fairchild | Lescovitz | Ruffing |
| Argall | Feese | Levdansky | Sainato |
| Armstrong | Flick | Markosek | Sather |
| Baker | Forcier | Marsico | Semmel |
| Baldwin | Gabig | McGill | Shaner |
| Barrar | Gannon | McIlhattan | Smith, S. H. |
| Bastian | Geist | McNaughton | Solobay |
| Bebko-Jones | Gingrich | Metcalfe | Sonney |
| Benninghoff | Godshall | Micozzie | Stairs |
| Bianucci | Gruitza | Millard | Stern |
| Boyd | Harhart | Mundy | Stevenson, R. |
| Cappelli | Harris | Mustio | Stevenson, T. |
| Causar | Hasay | Payne | True |
| Civera | Herman | Petrarca | Turzai |
| Costa | Hess | Phillips | Veon |
| Creighton | Hickernell | Pickett | Wansacz |
| Dally | Hutchinson | Pyle | Wilt |
| DeLuca | Kauffman | Rapp | Wright |
| Denlinger | Keller, M. | Raymond | Yewcic |
| Dermody | Kenney | Reed | Zug |
| DeWeese | Killion | Reichley | |
| Diven | Kotik | Roberts | Perzel, |
| Ellis | LaGrotta | Rohrer | Speaker |

NAYS—101

| | | | |
|-------------|-----------|------------|---------------|
| Belardi | Freeman | McCall | Santoni |
| Belfanti | George | McGeehan | Saylor |
| Beyer | Gerber | McIlhinney | Scavello |
| Birmelin | Gergely | Melio | Schroder |
| Bishop | Gillespie | Miller, R. | Shapiro |
| Blackwell | Good | Miller, S. | Siptroth |
| Blaum | Goodman | Myers | Smith, B. |
| Bunt | Grell | Nailor | Staback |
| Buxton | Grucela | Nickol | Steil |
| Caltagirone | Haluska | O'Brien | Stetler |
| Casorio | Hanna | Oliver | Sturla |
| Cawley | Harhai | O'Neill | Surra |
| Clymer | Harper | Pallone | Tangretti |
| Cohen | Hennessey | Parker | Taylor, E. Z. |
| Cornell | Hershey | Petri | Taylor, J. |
| Corrigan | James | Petrone | Thomas |
| Crahalla | Josephs | Pistella | Tigue |
| Curry | Kirkland | Preston | Vitali |
| DiGirolamo | Leach | Ramaley | Waters |
| Donatucci | Lederer | Readshaw | Watson |
| Eachus | Mackereth | Roebuck | Wheatley |
| Evans, D. | Maitland | Ross | Williams |
| Fabrizio | Major | Rubley | Wojnarowski |
| Fichter | Manderino | Sabatina | Youngblood |

Fleagle Mann Samuelson Yudichak
Frankel

NOT VOTING—0

EXCUSED—7

Cruz Keller, W. Quigley Walko
Daley Maher Rieger

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentlelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Would it be possible to interrogate the gentleman, Mr. Grell?

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

Mrs. MILLER. Thank you, Mr. Speaker.

My question relates to the bill as amended, and one of the concerns that I have is the impact that this legislation may or may not have on land that has been preserved for agricultural purposes under the Agricultural Security Act. And, Mr. Speaker, one of the provisions of this bill does allow for some exceptions while another section of this legislation does spell out fairly clearly that any lands that are to be condemned that are agricultural need to be reviewed by the Agricultural Lands Condemnation Board.

The question that I have is, because this does say that when this law is not in conflict with any other provision of this law, whether or not I can be assured that any farms that are part of an agricultural security area or which have been preserved under the State's program to preserve agricultural land, that these lands, if under an eminent-domain-taking threat, would still require the Ag Lands Condemnation Board review.

Mr. GRELL. Thank you, Mr. Speaker.

It is certainly not the intent of this bill to make it easier to acquire land by condemnation, agricultural land by condemnation. In fact, it is just the opposite, and I think the provisions of the bill do reflect that.

Under current law, agricultural land that is located in an ag security zone cannot be taken by condemnation unless it is first approved by the Agricultural Lands Condemnation Approval Board, the ALCAB Board. That is current law. Under the bill that is before us today, it takes it one step beyond that, and it requires that even agricultural lands that are not currently in an agricultural security zone, even those lands if they are proposed to be taken by condemnation, those takings would also

have to be approved by the ALCAB Board, and I believe the language of the bill says that those provisions relating to agricultural lands and to ALCAB apply notwithstanding any other provision in the bill.

So certainly the intention of the bill is to make it more difficult and require more takings to be also approved by the ALCAB Board.

Mrs. MILLER. Thank you, Mr. Speaker.

And one more question for clarification. In the section where it applies to just the lands that would be condemned for a private use following the land condemnation, is that process the same then, is my understanding correct that that same process would be applied to agricultural land whether it is for public use or private use?

Mr. GRELL. That is correct, Mr. Speaker. There are provisions that say that if agricultural land is going to be taken for those private uses under certain enumerated sections, that those takings would also have to be approved by ALCAB.

Mrs. MILLER. Okay.

And, Mr. Speaker, the only other point that I would like clarification on then is, if this is not a transaction that requires any kind of monetary exchange and if both parties are agreeable, as we see in the exception No. (1), are we still talking about an Agricultural Lands Condemnation review?

Mr. GRELL. Mr. Speaker, unless an actual declaration of taking is filed, these provisions would not be triggered. So there is nothing in this bill that prohibits an arm's-length transaction between two private parties or a municipality and a private party, but once they trigger a declaration of taking, then those protections kick in and those agricultural takings would have to go to ALCAB.

Mrs. MILLER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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—195

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Fichter | Major | Sabatina |
| 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 | Siproth |
| 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 |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------|------------|---------|-------|
| Cruz | Keller, W. | Quigley | Walko |
| Daley | Maher | Rieger | |

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

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 1591, PN 3761

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, extending patient safety standards to certain abortion facilities.

HB 1618, PN 3724

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for participation by students with disabilities in high school graduation ceremonies.

HB 2054, PN 3848

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

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

The SPEAKER. There will be no further votes.

The session will begin tomorrow morning at 10:30; 10:30 tomorrow.

Will the gentleman, Mr. Birmelin, please come to the rostrum.

**THE SPEAKER PRO TEMPORE
(JERRY BIRMELIN) PRESIDING**

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 601 be removed off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 601, PN 1692.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 601 be recommitted to the Appropriations Committee.

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

RECESS

The SPEAKER pro tempore. This House now stands in recess to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Gerber.

Mr. GERBER. Mr. Speaker, I move that this House do now recess until Tuesday, April 25, 2006, at 10:30 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 10:29 a.m., e.d.t., Tuesday, April 25, 2006, the House recessed.