

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 3, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

The SPEAKER pro tempore. The prayer will be offered by Rabbi Solomon Isaacson.

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning, ladies and gentlemen. I hope all of you had an enjoyable holiday, and I do not mean a holiday away from the Rabbi; I mean just a holiday, whether it be Easter or Passover.

Many times in our dealings in life, we have to think above the norm. I tell a story of a gentleman who was giving out charity, and a gentleman came to his home and he asked for charity, and he did not find any money. He looked here; he looked there. He could not find anything. He finally found a ring. And it was a very poor gentleman who did not have food or anything, so he gave him the ring. The wife comes home, and she is walking into the house. She walks over to her dresser, and of course the ring is missing. She begins to yell and scream. He says, do not worry. I gave it to a poor gentleman. She says, you have no idea. These were two big diamonds in there, and it is worth so much and so much money. He says, yes. He sends his assistant to go to that gentleman that he gave the ring to. And the wife is standing at the door, standing there and waiting and waiting. The assistant comes back, and she goes, nobleman, give me the ring. He says, I do not have the ring. She says, what do you mean you do not have the ring? She says, I told my husband to send you to get the ring. No, that is not why he sent me. He sent me to tell the poor person how much the ring is worth so that when he goes to change it in and sell it, that he gets his money's worth.

Thoughtfulness and caring for other people should be part of our routine as individuals, and especially as individuals representing the Commonwealth as the people here of the House are, that has to be on the top of your list, and I am sure it is. If not, you would not have been chosen and you would not be standing here right now. The only thing is – and I do not doubt that – the only thing is, I figure I will just remind you, you know, because we are getting close to the summer and people are already thinking of where they are going away on vacation. I am sure none of you are thinking of coming to visit

the Rabbi in Philadelphia, but just in case you decide to do so, you are more than welcome. It is a very nice place, because I know you have not seen enough of me here in Harrisburg, so you might want to come to Philadelphia to see me.

But anyway, God bless all of you, and keep others in mind as you do, but not only just with law, but with a little heart and emotion and thoughtfulness. God bless.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the fighters of the United States of America, of the Army, the Marines, the Navy, and the Air Force, who stand guard over our land and the cities of our God from all over, wherever they may be. May Hashem cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is Hashem, our God, who goes with you to battle your enemies for you to save you. Now let us say amen.

(Prayer in Hebrew.)

I apologize. I am looking for the English translation of that. It must be God calling me to see if I did the blessing right.

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President and Vice President, our Governor, and all the members of the House of Representatives and all the individuals who work here in the House and their families.

May the King of kings, who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them wherever they turn. May they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all their counselors and officials compassion to do good with us and with all the beloved people of our beloved country and our State of Pennsylvania, and in their days and ours, so may it be His will. Now let us say amen. Amen.

Thank you very much.

May God bless all of you and grant all of you all the goodness and happiness in life. Amen.

PLEDGE OF ALLEGIANCE

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

RABBI ISAACSON. One other thing. I hope everybody enjoyed the wine and matzo. Yes? Nobody got drunk? No? I just wanted to make sure, you know, protect, you know. Anyway, God bless everybody. Take good care. What? What, do I hear a motion?

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, May 2, 2006, will be postponed until print.

JOURNALS APPROVED

The SPEAKER pro tempore. However, the Journals have been approved for Tuesday, December 6, and Wednesday, December 7, 2005. Without objection, the Journals are approved.

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. A communication from the Speaker of the House.

The following communication was submitted:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

May 3, 2006

To the Honorable House of Representatives:

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Matthew Baker, to serve as Speaker Pro Tempore for May 3, 2006.

Very truly yours,
John M. Perzel
The Speaker

PETITION REFERRED

The SPEAKER pro tempore. Pursuant to Article VI, section 4, of the Constitution, the Speaker is hereby referring the attached petition for impeachment to the Judiciary Committee.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Rachel Beck, Katharine Celia, Patricia Cost, Kim Dunphy, and Julia Rosenbaum, who have recently been awarded Girl Scouting's highest honor – Gold Award.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Rachel Beck, Katharine Celia, Patricia Cost, Kim Dunphy, and Julia Rosenbaum.

Whereas, Rachel Beck, Katharine Celia, Patricia Cost, Kim Dunphy, and Julia Rosenbaum earned the Gold Award in Girl Scouting. This is the highest award that Girl Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young women.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Rachel Beck, Katharine Celia, Patricia Cost, Kim Dunphy, and Julia Rosenbaum.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken off the table: HB 511.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be placed on the table: HB 511.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 15, PN 4008**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 15, PN 4008 By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Substance Abuse Education and Demand Reduction Fund, for driving under influence of alcohol or controlled substance and for penalties.

RULES.

HB 121, PN 3939 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

RULES.

HB 218, PN 3877 By Rep. S. SMITH

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

RULES.

HB 601, PN 3940 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance.

RULES.

SB 723, PN 1772 By Rep. S. SMITH

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.

RULES.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2663 By Representatives HANNA, CALTAGIRONE, CLYMER, CORRIGAN and DENLINGER

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for prohibitions against the grant of licenses.

Referred to Committee on LIQUOR CONTROL, May 3, 2006.

No. 2664 By Representatives HANNA, CALTAGIRONE, CORRIGAN, GRUCELA and THOMAS

An Act providing for the establishment of the Manufactured Housing Hearing Board and providing for its membership, powers and duties and for a Manufactured Housing Ombudsman and fixing the powers and duties of the ombudsman; and establishing a restricted account.

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

No. 2665 By Representatives TANGRETTI, SAMUELSON, BELFANTI, CALTAGIRONE, CREIGHTON, FAIRCHILD, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, HANNA, HARPER, LEVDANSKY, McILHATTAN, PALLONE, PARKER, PETRARCA, PISTELLA, RUBLEY, SIPTROTH, STURLA, TIGUE, TRUE, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a Legislative and Congressional Reapportionment Bureau for the purpose of reapportioning and redistricting the Commonwealth of Pennsylvania.

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

No. 2666 By Representatives T. STEVENSON, ARMSTRONG, BALDWIN, BASTIAN, BENNINGHOFF, BEYER, BIANCUCCI, BLAUM, BOYD, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CIVERA, CLYMER, CRAHALLA, DALLY, DeLUCA, FEESE, FICHTER, FRANKEL, GABIG, GANNON, GEIST, GINGRICH, GOODMAN, GRUCELA, HARRIS, HERSHEY, HESS, M. KELLER, KENNEY, KILLION, KOTIK, MACKERETH, MANN, MARSICO, McILHATTAN, McILHINNEY, MUNDY, MYERS, O'NEILL, PALLONE, PAYNE, PHILLIPS, PYLE, SAINATO, SAYLOR, SIPTROTH, SONNEY, STABACK, STERN, R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TURZAI, WALKO, WILT and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children.

Referred to Committee on JUDICIARY, May 3, 2006.

No. 2667 By Representatives J. TAYLOR, PETRONE, BELFANTI, BEYER, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALLY, D. EVANS, FRANKEL, GRUCELA, HARPER, HERSHEY, KOTIK, LEDERER, PARKER, SIPTROTH, E. Z. TAYLOR, YOUNGBLOOD and YUDICHAK

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, providing for the definition of "mixed-use projects"; further providing for powers of the authority; and providing for mixed-use projects.

Referred to Committee on URBAN AFFAIRS, May 3, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 261, PN 265

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

SB 810, PN 1021

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

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 Philadelphia County, Mr. O'BRIEN, and the gentleman from Philadelphia County, Mr. PERZEL. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who requests a leave of absence for the day for the gentleman from Philadelphia County, Mr. RIEGER; the gentleman from Philadelphia County, Mr. EVANS; the gentleman from Lancaster County, Mr. STURLA; and the gentelady from Philadelphia County, Ms. BISHOP. Without objection, the leaves of absence are granted; and the gentelady, Ms. BEBKO-JONES, for the week. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Fichter	Mackereth	Ross
Allen	Flaherty	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sabatina
Baker	Forcier	Manderino	Sainato
Baldwin	Frankel	Mann	Samuelson
Barrar	Freeman	Markosek	Santoni
Bastian	Gabig	Marsico	Sather
Belardi	Gannon	McCall	Saylor
Belfanti	Geist	McGeehan	Scavello
Benninghoff	George	McGill	Schroder
Beyer	Gerber	McIlhattan	Semmel
Bianucci	Gergely	McIlhinney	Shaner
Birmelin	Gillespie	McNaughton	Shapiro
Blackwell	Gingrich	Melio	Siptroth
Blaum	Godshall	Metcalfe	Smith, B.
Boyd	Good	Micozzie	Smith, S. H.
Bunt	Goodman	Millard	Solobay
Buxton	Grell	Miller, R.	Sonney
Caltagirone	Grucela	Miller, S.	Staback
Cappelli	Gruitza	Mundy	Stairs
Casorio	Haluska	Mustio	Steil
Causar	Hanna	Myers	Stern
Cawley	Harhai	Nailor	Stetler

Civera	Harhart	Nickol	Stevenson, R.
Clymer	Harper	Oliver	Stevenson, T.
Cohen	Harris	O'Neill	Surra
Cornell	Hasay	Pallone	Tangretti
Corrigan	Hennessey	Parker	Taylor, E. Z.
Costa	Herman	Payne	Taylor, J.
Crahalla	Hershey	Petrarca	Thomas
Creighton	Hess	Petri	Tigue
Cruz	Hickernell	Petrone	True
Curry	Hutchinson	Phillips	Turzai
Daley	James	Pickett	Veon
Dally	Josephs	Pistella	Vitali
DeLuca	Kauffman	Preston	Walko
Denlinger	Keller, M.	Pyle	Wansacz
Dermody	Keller, W.	Quigley	Waters
DeWeese	Kenney	Ramaley	Watson
DiGirolamo	Killion	Rapp	Wheatley
Diven	Kirkland	Raymond	Williams
Donatucci	Kotik	Readshaw	Wilt
Eachus	LaGrotta	Reed	Wojnaroski
Ellis	Leach	Reichley	Wright
Evans, J.	Lederer	Roberts	Yewcic
Fabrizio	Leh	Roebuck	Youngblood
Fairchild	Lescovitz	Rohrer	Yudichak
Feese	Levdansky	Rooney	Zug

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

LEAVES ADDED—1

Nailor

LEAVES CANCELED—3

Nailor	O'Brien	Sturla
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HERSHEY HIGH SCHOOL GIRLS SWIMMING AND DIVING TEAM PRESENTED

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Payne, for a citation presentation.

Members, please take your votes, take your seats; pardon me. Members, will you please take your seats. We will take your votes, too, but you have to take your seats first. Members, please give Mr. Payne the courtesy. Please take your seats.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, last year when I introduced the Hershey High Girls Swim Team, I ended my remarks with an invitation for them to return this year. Well, they took me up on that offer, and that is exactly what they have done.

For the 4 years that I have been in the House, either the Hershey High Boys Swim Team or the Hershey High Girls Swim Team has gone to States and won States. I think you could call Hershey High's swim program a dynasty in the making, for sure.

I am proud to present to you, for the second consecutive year, the 2005-2006 PIAA District III Class AA Swimming Champions and the PIAA State Class AA Swim Champions, the

Hershey High School Girls Swimming and Diving Team. They are in the back of the hall, and the captains and their coach are behind me. Would you give them a round of applause.

This year's swimming and diving championships were held March 15 through the 18 at Bucknell University. During the finals the combination swim team of Erica Rapp, Molly Leuschner, Kiersten Cooley, and Natazia Fistrovic were named State champions in the 200-yard medley relay with a time of 1:49.

In the 200-yard freestyle relay, Erica, Katie, Marie Hanks, and Alex Barsanti were named State champions with a time of 1:38; and Marie, Natazia, Katie, and Alex again were named State champions in the 400 freestyle relay with a time of 3:36. Katie Nolan was named the 100 fly State champion as an individual medal.

Joining me at the podium today are head coach Greg Fastrich; team captain seniors Alex Barsanti, Megan Cooney, and Marie Hanks. The rest of the team, again, is in the back of the chamber.

Thank you, ladies, for a job well done. I wish you the best of luck in the future, and I want to see you back next year for a third trip to the State Capitol and another State championship.

Again, the team in the back, if you would stand to be recognized for one final round of applause, I would appreciate it.

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

TIM DARLING PRESENTED

The SPEAKER pro tempore. The Chair at this time recognizes the gentlemen, Mr. Grucela and Mr. Freeman, for a citation presentation. The gentleman may proceed when he is ready.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I am joined this morning by Representative Craig Dally and Representative Robert Freeman as we honor individuals from our respective districts and respective high schools. We have with us this morning two Pennsylvania PIAA Class AAA State Champions and their coaches. Representative Dally and I represent the Nazareth Area School District, and in the Nazareth Area School District, we have with us this morning Tim Darling. Tim is a two-time. Tim this time won his second consecutive PIAA AAA State Wrestling Championship this year in the 145-pound class. Tim is a junior. So we look forward to seeing Tim with us again next year as he proceeds to capture a third title. So two-time Pennsylvania State champion from Nazareth Area High School, Tim Darling.

DAVID CROWELL PRESENTED

Mr. GRUCELA. With Tim is his high school coach, who is a special friend of mine, a former colleague, coach Dave Crowell. Dave graduated from Lock Haven University and was a colleague of mine at Easton Area High School in the 19 – we hate to say this – back in the 1970s, the late seventies. Dave from Easton went on to Wilson and today is the head coach at Nazareth Area High School. In his 19 years coach Crowell has a record of 288 wins, 64 losses, and 1 tie.

Dave is here this morning because he has been inducted into the Pennsylvania Wrestling High School Coaches Hall of Fame. Dave has also been District XI Coach of the Year eight times as well as Pennsylvania State Coach of the Year four times. So being in the Hall of Fame is a well-deserved honor for coach Crowell.

Dave is also the first coach, the first coach in Pennsylvania history to have trained a State champion at three different schools. Dave is also a coach, a former coach of three-time State champion Jack Cuvo, who went on to be a two-time NCAA State Champion at East Stroudsburg University, and when Dave was an assistant coach, Dave coached Bob Weaver from Easton, who went on to win a gold medal.

So it is an honor and a pleasure for me to present a citation to coach Dave Crowell, a new member of the Pennsylvania Wrestling Coaches Hall of Fame, a resident of my district, a former colleague; not only a great coach, a great teacher, but a great person.

Thank you.

Representative Bob Freeman will introduce the Easton guests.

JORDAN OLIVER PRESENTED

Mr. FREEMAN. Thank you, Representative Grucela.

It is my pleasure to join with my colleagues, Representative Grucela and Representative Dally, in giving recognition to these fine athletes and their coaches who are here with us today.

The Lehigh Valley is noted for its athletic prowess. We have some excellent high schools that have put forth great teams in a wide array of athletic fields, and I think the young men we have with us today are fine examples of the kind of athletes that the Lehigh Valley has produced.

The SPEAKER pro tempore. Will the gentleman suspend.

Members, please take your seats. It is getting very noisy on the floor of the House. The gentleman is entitled to be heard. Members in the aisles, please take your seats.

The gentleman may proceed.

Mr. FREEMAN. Thank you, Mr. Speaker.

It is my pleasure today to present to the House Jordan Oliver. Jordan is a member of the Easton Area High School Wrestling Team and is being honored for capturing the 2005-2006 PIAA State Wrestling Championship AAA in the 103-pound weight division. He is only the fourth sophomore in Easton Area High School history to win a State title as a sophomore in the PIAA's lowest weight classification. His career record is 90 wins and 4 losses, and he is really a credit to the wrestling team at Easton and is deserving of our recognition for his fine achievement. So please join me in congratulating Jordan.

Mr. GRUCELA. Thank you.

I would like to say just one other thing about Jordan Oliver. If you will notice young Jordan today, if you will notice his tie, the young man's tie was picked out by Representative Thaddeus Kirkland, my friend from Delaware County who helped Mr. Oliver pick out a nice tie, so you can see why it is a very nice, spectacular tie since Representative Kirkland picked it out.

Thank you, Representative Kirkland.

The SPEAKER pro tempore. The Chair thanks the gentleman and wonders if the gentleman, Mr. Kirkland, has ties for the members?

For what purpose does the gentleman, Mr. Kirkland, rise?
 Mr. KIRKLAND. Thank you, Mr. Speaker.
 I was just informed by my colleague, Babette Josephs, that not all the members need ties.
 The SPEAKER pro tempore. The gentleman is correct.

MISS TEEN PENNSYLVANIA INTERNATIONAL PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Dr. Bob Bastian, for a citation presentation.
 Mr. BASTIAN. Thank you, Mr. Speaker.
 Mr. Speaker, this morning I have the privilege and the honor of introducing to you the most recent 2006 Miss Teen Pennsylvania International. Her name is Jenna Knopsnyder from Somerset, Pennsylvania. Would you please give her a warm House welcome.

She recently won that honor at a contest on March 18. She had a 25-minute interview, of course the traditional evening gown and the aerobic wear, and finally was named Miss Teen Pennsylvania International; International because Canada is also involved as well as some other countries.

Along with her today are her mom and dad, Clarence and Amy. If they would stand up, Clarence and Amy Knopsnyder; her brother, Derrick Knopsnyder; and her grandmother and grandfather, Galen and Cora Stahl, from also Somerset County.

Two other notes, Mr. Speaker. Number one: Galen Stahl is also the mayor of a small town in Somerset County, New Centerville; very active in that borough's association. And I will tell you that the topic that Miss Teen Pennsylvania had was to prevent school bullying and violence as her topic for the next year.

Thank you very much, Mr. Speaker.
 The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates the lady.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SEMMEL called up **HR 750, PN 4017**, entitled:

A Resolution recognizing the week of May 13 through 21, 2006, as "Armed Forces Week" in Pennsylvania and encouraging the observance of May 20, 2006, as "Armed Forces Day" in Pennsylvania.

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fichter	Mackereth	Ross
Allen	Flaherty	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sabatina
Baker	Forcier	Manderino	Sainato
Baldwin	Frankel	Mann	Samuelson
Barrar	Freeman	Markosek	Santoni
Bastian	Gabig	Marsico	Sather
Belardi	Gannon	McCall	Saylor
Belfanti	Geist	McGeehan	Scavello
Benninghoff	George	McGill	Schroder

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

* * *

Mr. HERMAN called up **HR 751, PN 4018**, entitled:

A Resolution designating May 13, 2006, as "Food Drive Day" in Pennsylvania; and commending the National Association of Letter Carriers.

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentledady, Mrs. Taylor, for a Capitol leave request.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I would like to request Capitol leave for Representative DiGIROLAMO.

The SPEAKER pro tempore. The Chair thanks the lady. Without objection, the Capitol leave is granted.

RESOLUTION

Mr. MILLER called up **HR 456, PN 2781**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study and report on the use of rubberized asphalt in the other 49 states and to indicate the number of waste tires consumed in the highways and the new markets created for recycled rubber.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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. The Chair welcomes Carbondale Area High School's ninth grade honors program. Here chaperoning are teacher Al Dyno and wife Donna Dyno, who are the guests of Representative Jim Wansacz and Representative Staback. They are located in the balcony. Please rise and be recognized.

The Chair recognizes Rebecca Gruitza, daughter of Mike Gruitza, and Jacob Albright, grandson of Mike Gruitza, who are located to the left of the Speaker's rostrum. Please rise and be recognized.

RESOLUTIONS

Mr. DERMODY called up HR 480, PN 2888, entitled:

A Resolution supporting a Pennsylvania high-speed maglev industry.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

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

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

NAYS-3

Casorio	Kotik	Mustio
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NOT VOTING-0

EXCUSED-7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

* * *

Mr. ADOLPH called up HR 727, PN 3947, entitled:

A Resolution urging the Congress of the United States to extend the Medicare Part D prescription drug deadline to December 31, 2006.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Fichter	Mackereth	Ross
Allen	Flaherty	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sabatina
Baker	Forcier	Manderino	Sainato
Baldwin	Frankel	Mann	Samuelson
Barrar	Freeman	Markosek	Santoni
Bastian	Gabig	Marsico	Sather
Belardi	Gannon	McCall	Saylor
Belfanti	Geist	McGeehan	Scavello
Benninghoff	George	McGill	Schroder
Beyer	Gerber	McIlhattan	Semmel
Biancucci	Gergely	McIlhinney	Shaner
Birmelin	Gillespie	McNaughton	Shapiro
Blackwell	Gingrich	Melio	Siproth
Blaum	Godshall	Metcalfe	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Adolph, for a committee announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an immediate meeting of the House Environmental Resources and Energy Committee at the call of the break in the back of the chamber.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Environmental Resources and Energy Committee will meet in the rear of the House immediately at the break.

Mr. ADOLPH. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, for a committee announcement.

Mr. FEESE. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the declaration of the recess, there will be an informal caucus immediately, and a half-hour later there will be the formal caucus.

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, we are going to follow the same schedule as the Republican Caucus. We are going to begin formal discussions one-half hour after the call of the recess in order to give people time to attend the Appropriations Committee meeting and any other meeting and to give staff time to review legislation passed last night by the Senate. We will have a very busy day today. Members should expect to be here well after the dinner hour. I would urge that members come to caucus so we can go over today's very ambitious schedule.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Because of the uncertainty of the length of the caucuses, there will be an announcement later as to when we return to the floor of the House.

RECESS

The SPEAKER pro tempore. This House now does stand in recess until the call of the Chair.

AFTER RECESS

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

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 750, PN 841**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2319, PN 4052**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, I rise to call an immediate meeting of the House Liquor Control Committee in the rear of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the gentleman, Mr. Raymond, has called for an immediate meeting of the Liquor Control Committee.

Members, please report to the floor. Chairman Raymond has called an immediate meeting of the Liquor Control Committee in the back of the floor.

BILLS REREPORTED FROM COMMITTEE

HB 957, PN 1092 By Rep. FEESE

An Act relating to hours of employment of certain nurses; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

APPROPRIATIONS.

SB 868, PN 1332 By Rep. FEESE

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing distribution of annual charge; and making editorial changes.

APPROPRIATIONS.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 702, PN 3883 By Rep. ADOLPH

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

ENVIRONMENTAL RESOURCES AND ENERGY.

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 2498;
HB 2502;
HB 2547; and
HB 2575.

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 2498, PN 3672; HB 2502, PN 3980; HB 2547, PN 3870; and HB 2575, PN 3841.

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 2498;
HB 2502;
HB 2547; and
HB 2575.

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

RULES COMMITTEE MEETING

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

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 2319, PN 4052 By Rep. S. SMITH

An Act prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

RULES.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. PISTELLA called up **HR 752, PN 4046**, entitled:

A Resolution declaring that May 14 through 20, 2006, be observed as “National Nursing Home Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	O’Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

SUPPLEMENTAL CALENDAR C

RESOLUTION

Ms. JOSEPHS called up **HR 702, PN 3883**, entitled:

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

On the question,
Will the House adopt the resolution?

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER pro tempore. Returning to leaves, the Chair notes the presence of the gentleman, Mr. DiGirolamo, who will be taken off legislative leave.

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

HB 1574, PN 1975 By Rep. **RAYMOND**

An Act providing for notifications in connection with the purchase, consumption, possession and transportation of alcoholic beverages by certain students enrolled in institutions of higher education, for enforcement and for a civil penalty.

LIQUOR CONTROL.

CONSIDERATION OF HR 702 CONTINUED

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

The following roll call was recorded:

YEAS—196

Adolph	Fichter	Mackereth	Ross
Allen	Flaherty	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sabatina
Baker	Forcier	Manderino	Sainato
Baldwin	Frankel	Mann	Samuelson
Barrar	Freeman	Markosek	Santoni
Bastian	Gabig	Marsico	Sather
Belardi	Gannon	McCall	Saylor
Belfanti	Geist	McGeehan	Scavello
Benninghoff	George	McGill	Schroder
Beyer	Gerber	McIlhattan	Semmel
Biancucci	Gergely	McIlhinney	Shaner
Birmelin	Gillespie	McNaughton	Shapiro

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2042, PN 3962**, entitled:

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for penalties; and providing for limitation on certain actions.

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

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

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	O'Brien	Sturla	Perzel,
Bishop	Rieger		Speaker
Evans, D.			

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

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

* * *

The House proceeded to third consideration of **SB 999, PN 1327**, entitled:

An Act reenacting and amending the act of October 8, 2004 (P.L.830, No.98), entitled "An act providing for effect of standards adopted by the Voting Standards Development Board in the 2004 general election," expanding the scope to include all elections in 2006 and 2007.

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

Mr. **FEESE** offered the following amendment No. **A07613**:

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

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for Voting Standards Development Board, for compensation of district election officers, for polling places selected by county boards and for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings or rooms where malt or brewed beverages or liquor dispensed; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting; and making a repeal of the act of October 8, 2004 (P.L.830, No.98).

Amend Bill, page 1, lines 8 through 19; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting

Section 1. Section 204(h) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, added December 9, 2002 (P.L.1246, No.150), is amended to read:

Section 204. Voting Standards Development Board.—* * *

(h) (1) The board shall have the power and duty to develop uniform and nondiscriminatory standards that define what constitutes a valid vote cast through a paper ballot and what constitutes a valid vote through each type of electronic voting system used in the Commonwealth. On or before July 1, 2003, the board shall adopt standards for paper ballots and each type of electronic voting system. The department shall cause these standards to be published as a notice in the Pennsylvania Bulletin.

(2) The standards adopted by the board and published by the Department of State in the Pennsylvania Bulletin Volume 33 Number 31 on August 2, 2003, shall, for the general election in 2004 and any primary, municipal, special and general election in 2006 and 2007, have the force and effect of law.

Section 2. Section 302(b) of the act, amended October 8, 2004 (P.L.807, No.97), is amended to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

* * *

(b) To select and equip polling places that meet the requirements of this act.

* * *

Section 3. Section 412.2 of the act, added December 9, 2002 (P.L.1246, No.150), is amended to read:

Section 412.2. Compensation of District Election Officers.—(a) In all counties regardless of class, the compensation of judges of election, inspectors of election, clerks and machine operators shall be fixed by the county board of elections for each election in accordance with the following:

Election Officers	Minimum Compensation	Maximum Compensation
Judges of election	[\$45] <u>\$75</u>	\$200
Inspectors of election	[\$45] <u>\$75</u>	\$195
Clerks and machine operators	[\$40] <u>\$70</u>	\$195

(b) If a county board of elections authorizes that the duties of a clerk of elections or machine operator may be performed by two individuals who each perform such duties for one-half of an election day, such individuals shall each be compensated at one-half of the rate authorized for a single individual who performs the duties for the entire election day.

(c) The county board of elections may, in its discretion, establish different per diem rates within the minima and maxima provided for in subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or fewer.
- (2) 151 to 300 votes.
- (3) 301 to 500 votes.
- (4) 501 to 750 votes.
- (5) 751 votes and over.

(d) For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(e) The county board of elections may, in its discretion, require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(f) The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of thirty-five cents (35¢) per circular mile from the polling place to the county court house. The name of such person shall appear on the voucher of the judge of election, and only one person shall receive mileage compensation.

(g) A constable or deputy constable performing duties under section 1207 of this act shall receive compensation at the same rate payable to an inspector.

(h) When a primary and special election or a special election and a general or municipal election take place on the same date, they shall be construed as one election for the purpose of receiving compensation.

(i) Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

Section 4. Section 526 of the act is amended to read:

Section 526. Polling Places to Be Selected by County Board.—

(a) The county board of elections shall select and fix the polling place within each new election district and may, at any time, for any reason that may seem proper to it, either on its own motion or on petition of ten qualified registered electors of an election district, change the polling place within any election district. Except in case of an emergency or unavoidable event occurring within [ten] twenty days

of a primary or election, which renders any polling place unavailable for use at such primary or election, the county board shall not change any polling place until at least five days after notice of the proposed change shall have been posted on the existing polling place and in the immediate vicinity thereof, and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of said polling place, or their agent.

(b) Except in case of emergency or unavoidable event, occurring within [ten] twenty days of a primary or election, which renders any polling place unavailable for use, if a petition be presented to the county board on or before the day set for hearing of the petition for change of polling place, signed by a majority of the registered electors of the district, objecting to the proposed change, said change shall not be ordered.

(c) The county board of elections shall publicly announce, not less than twenty days prior to the primary election, special election, municipal election or general election, by posting at its office in a conspicuous place, a list of the places at which the election is to be held in the various election districts of the county. The list shall be available for public inspection at the office of the county board of elections.

Section 5. Section 527(a) of the act, amended July 1, 1987 (P.L.178, No.20), is amended to read:

Section 527. Public Buildings to Be Used Where Possible; Portable Polling Places.—(a) In selecting polling places, the county board of elections shall, wherever possible and practicable, select schoolhouses, municipal buildings or rooms, or other public buildings for that purpose. Any board of public education or school directors, or county or the municipal authorities shall, upon request of the county board, make arrangements for the use of school property, or of county or municipal property for polling places. In selecting polling places, the county board of elections shall make every effort to select polling places that provide all electors with an environment that is free from intimidation and violence.

In the event no available public building as contemplated under this section is situated within the boundaries of any election district, the county board of elections may, not less than [ten] twenty days prior to any election, designate as the polling place for such election district any such public building situated in another election district within the same or immediately adjacent ward, or, if there are no wards, then within the same borough or township as the case may be, provided such other building is located in an election district which is immediately adjacent to the boundary of the election district for which it is to be the polling place and is directly accessible therefrom by public street or thoroughfare. Two or more polling places may be located in the same public building under this section. A polling place may be selected and designated hereunder less than [ten] twenty days prior to any election, with the approval of a court of competent jurisdiction.

* * *

Section 6. Section 529 of the act is amended to read:

Section 529. Polling Places in Buildings or Rooms Where Malt or Brewed Beverages or Liquors [Sold] Dispensed Prohibited.—[No] (a) Except as provided in subsection (c), no election shall be held in any room [or building, any part of which is used for the sale or serving of] where malt or brewed beverages or liquors[.] are dispensed. No malt or brewed beverages or liquors may be served in a building where a polling place is located during the hours that the polling place is open.

(b) The polling place must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are dispensed.

(c) In the case of an establishment licensed as a club under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, which is located in a building with only one room, an election may be held in the room if no malt or brewed beverages or liquors are served during the hours that the polling place is open.

Section 7. The act is amended by adding a section to read:

Section 529.1. Polling Places in Other Buildings.—No election shall be held in any of the following:

(1) A private residence not situated within the boundaries of the election district.

(2) A private residence of an elected or appointed party official.

(3) A private residence, that is not otherwise prohibited under paragraphs (1), (2), (6) and (7), unless the county board of elections certifies in writing and at a public hearing that:

(i) the polling place located within the private residence is accessible to persons with disabilities; and

(ii) the private residence is a location free of intimidation and harassment.

(4) An abandoned building.

(5) A vacant lot.

(6) An office, building or private residence of a candidate for political office.

(7) An office, building or private residence of an elected official.

(8) A building utilized by a ward or political party as headquarters.

Section 8. Sections 630.1, 910, 951(e) and 981.1 of the act, amended February 13, 1998 (P.L.72, No.18), are amended to read:

Section 630.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; [and] (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures[.]; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective or for the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term “uncommitted”; [and] (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures[.];

and (j) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 951. Nominations by Political Bodies.—* * *

(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein, stating—(1) the election district in which he resides; (2) the name of the office for which he consents to be a candidate; (3) that he is eligible for such office; (4) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that his name has not been presented as a candidate by nomination petitions for any public office to be voted for at the ensuing primary election, nor has he been nominated by any other nomination papers filed for any such office; (6) that in the case where he is a candidate for election at a general or municipal election, he was not a registered and enrolled member of a party thirty (30) days before the primary held prior to the general or municipal election in that same year; (7) that, in the case where he is a candidate for election at a special election, he is not a registered and enrolled member of a party[.]; (8) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

Section 981.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; [and] (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures[.]; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

Section 9. Section 1209 heading and (a) of the act, amended May 16, 1945 (P.L.596, No.250), are amended and the section is amended by adding a subsection to read:

Section 1209. Opening of Polls; Posting Cards of Instruction and Notices of Penalties and Voters' Rights; Examination of Voting Machines.—(a) In districts in which ballots are used, the election officers shall, after taking the oath, open the ballot boxes which have been furnished to them, and burn and totally destroy all the ballots and other papers which they may find therein, before the opening of the polls.

Whenever during any emergency, it becomes necessary to save waste paper on account of a shortage thereof, the Governor of the Commonwealth may, by proclamation, suspend the foregoing provisions relating to the destruction of ballots and papers, and in that

case, the election board shall set the ballots and other papers aside and they shall be collected and disposed of by such means and in such manner as may be determined by the county election board. When the polling place is opened, the ballot box shall be securely locked, and shall not be opened until the close of the polls, as provided in section 1221. At the opening of the polls the seals of the packages furnished by the county board shall be publicly broken, and the said packages shall be opened by the judge of election. The cards of instruction and notices of penalties shall be immediately posted in each voting compartment, and not less than three such cards and notices of penalties and voters' rights, and not less than five specimen ballots (at primaries five of each party), shall be immediately posted in or about the voting room outside the enclosed space, and such cards of instruction, notices of penalties and specimen ballots shall be given to any elector at his request, so long as there are any on hand.

(a.1) The notice pertaining to voters' rights shall contain the following in boldface type:

An elector shall have the right to cast his or her vote:
without the use or threat of force, violence or restraint;
without the infliction or threat of infliction of injury;
without any intimidation or coercion upon or against his or her person; or
without any other action intended to deny any individual's right to vote.

* * *

Section 10. Section 1210(a.3) of the act, amended October 8, 2004 (P.L.807, No.97), is amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—* * *

(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate in blue, black or blue-black ink with a fountain pen or ball point pen, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose,

with the addition of a note of each voter's party enrollment after his name at primaries.

* * *

Section 11. Section 1302.1 of the act, amended February 13, 1998 (P.L.72, No.18), is amended to read:

Section 1302.1. Date of Application for Absentee Ballot.—(a) Applications for absentee ballots unless otherwise specified shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election and not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election: Provided, however, That in the event any elector otherwise qualified who is so physically disabled or ill on or before the first Tuesday prior to any primary or election that he is unable to file his application or who becomes physically disabled or ill after the first Tuesday prior to any primary or election and is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any primary or election, shall be entitled to an absentee ballot at any time prior to five o'clock P.M. on the first Friday preceding any primary or election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth.

(b) In the case of an elector whose application for an absentee ballot is received by the office of the county board of elections earlier than fifty (50) days before the primary or election, the application shall be held and processed upon commencement of the fifty (50) day period.

(c) In the case of an elector who is physically disabled or ill on or before the first Tuesday prior to a primary or election or becomes physically disabled or ill after the first Tuesday prior to a primary or election, such Emergency Application shall contain a supporting affidavit from his attending physician stating that due to physical disability or illness said elector was unable to apply for an absentee ballot on or before the first Tuesday prior to the primary or election or became physically disabled or ill after that period.

(d) In the case of an elector who is necessarily absent because of the conduct of his business, duties or occupation under the unforeseen circumstances specified in this subsection, such Emergency Application shall contain a supporting affidavit from such elector stating that because of the conduct of his business, duties or occupation said elector will necessarily be absent from the municipality of his residence on the day of the primary or election which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to the primary or election.

Section 12. Section 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), is amended and the section is amended by adding a subsection to read:

Section 1308. Canvassing of Official Absentee Ballots.—

(a) The county boards of election, upon receipt of official absentee ballots in such envelopes, shall safely keep the same in sealed or locked containers until they distribute same to the appropriate local election districts in a manner prescribed by the Secretary of the Commonwealth.

The county board of elections shall then distribute the absentee ballots, unopened, to the absentee voter's respective election district concurrently with the distribution of the other election supplies. Absentee ballots shall be canvassed immediately and continuously without interruption until completed after the close of the polls on the day of the election in each election district. The results of the canvass of the absentee ballots shall then be included in and returned to the county board with the returns of that district. [No] Except as provided in subsection (g), no absentee ballot shall be counted which is received in the office of the county board of election later than five o'clock P. M. on the Friday immediately preceding the primary or November election.

* * *

(g) (1) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) which is received in the office of the county board of elections after five o'clock P. M. on the Friday immediately preceding the election and no later than five o'clock P. M. on the seventh day following an election shall be canvassed in accordance with this subsection if the absentee ballot is postmarked no later than the day immediately preceding the election.

(2) The county board of elections shall meet on the eighth day following the election to canvass the absentee ballots received under this subsection. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots are canvassed. Representatives shall be permitted to challenge any absentee elector in accordance with the provisions of paragraph (3).

(3) When the county board meets to canvass absentee ballots under paragraph (2) the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall announce the name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector upon the ground or grounds (i) that the absentee elector is not a qualified elector; or (ii) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in the military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5).

(4) All absentee ballots not challenged for any of the reasons provided in paragraph (3) shall be counted and included with the returns of the applicable election district, as follows. The county board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. If any of the envelopes on which are printed, stamped or endorsed the words "Official Absentee Ballot" contain any extraneous marks or identifying symbols the envelopes and the ballots contained therein shall be set aside and declared void. The county board shall then break the seals of such envelopes, remove the ballots and record the votes.

(5) With respect to the challenged ballots, they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges and notice shall be given where possible to all absentee electors thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than five (5) days after the date of the challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(6) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. The appeal shall be taken, within two (2) days after

the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(7) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots received under this subsection irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots that have been finally determined to be valid shall be added to the other votes cast within the county.

Section 13. Section 1331 of the act, added December 11, 1968 (P.L.1183, No.375), is amended to read:

Section 1331. Violation of Provisions Relating to Absentee Voting.—[Any] (a) Except as provided in subsection (b), any person who shall violate any of the provisions of this act relating to absentee voting shall, unless otherwise provided, be subject to the penalties provided for in section 1850 of this act.

(b) Any person who knowingly assists another person who is not a qualified absentee elector in filling out an absentee ballot application or absentee ballot commits a misdemeanor of the third degree.

Section 14. The amendment of section 412.2 of the act shall apply to the district election officers of a county when any increase in compensation payable to an elected election officer is permitted in accordance with section 27 of Article III of the Constitution of Pennsylvania.

Section 15. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of section 204(h) of the act.

(2) The act of October 8, 2004 (P.L.830, No.98), entitled "An act providing for effect of standards adopted by the Voting Standards Development Board in the 2004 general election," is repealed.

Section 16. This act shall take effect as follows:

(1) The amendment of section 204(h) of the act shall take effect immediately.

(2) The amendment of section 412.2 of the act shall take effect January 1, 2007.

(3) Section 15 and this section shall take effect immediately.

(4) The remainder of this act shall take effect July 1, 2006.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is recognized on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. At the outset, could we have a brief explanation of this amendment?

Mr. FEESE. The amendment, Mr. Speaker, guts the bill, first of all, but then reinserts language of the original bill. It then increases the compensation for judges of elections, inspectors of elections, and clerks, which I believe is one of the issues the gentleman, Mr. McCall, championed. It requires or prohibits changes of polling places within 20 days prior to the election, except emergency circumstances. Right now the law is 10 days. It prohibits intimidation and violence at polling places. It regulates the location of polling places as it relates to facilities

that also dispense alcohol. It prohibits individuals who are currently serving a term— It requires a statement, actually, on a candidate's affidavit that an individual who is seeking election does not also hold that same office, the term of which has not expired. It limits and regulates places where polling places may be located. It requires notice of voters' rights and addresses absentee ballots for individuals in our military and some other individuals associated with individuals under military. It provides for absentee ballots for those individuals.

Mr. VITALI. Thank you.

Could you just, there was some concern raised in our caucus about the circumstances under which a polling place could be located at a location not in the precinct of those people voting. Under what circumstances could that happen, and how far away from the home precinct could the polling place be located?

Mr. FEESE. While I am searching for that particular section in the amendment, Mr. Speaker, it would need to be an adjoining precinct if it were located outside of the voting precinct.

Mr. VITALI. So it would have to be adjoining; it could not be beyond the next one over.

Mr. FEESE. That is correct.

Mr. VITALI. Okay. That is all my questions.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves and notes the presence of the gentleman on the floor of the House, Mr. Sturla, and he will be added to the master roll.

CONSIDERATION OF SB 999 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS-5

Cohen	Gerber	Josephs	Kotik
Curry			

NOT VOTING-0

EXCUSED-6

Becko-Jones	Evans, D.	Rieger	Perzel,
Bishop	O'Brien		Speaker

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 pro tempore. The Chair recognizes the gentlelady, Ms. Josephs. Ms. Josephs, do you wish to offer a motion at this time?

Ms. JOSEPHS. I believe that there are other members who have amendments. I am not— I think that somebody is approaching you right now to talk to you about it.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Rooney, for a suspension of the rules.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move to suspend the rules for the purpose of offering amendment A07656.

In terms of a brief explanation, Mr. Speaker, this would change the effective date of the bill in chief, 999, from July 1, 2006, to January 1, 2007.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the—

Mr. S. SMITH. Mr. Speaker, there is a question as to what was being considered and were the amendments in order or not. There is a little confusion here.

The SPEAKER pro tempore. Will members please take their seats. Members, will you please clear the aisles and take your seats.

Sergeants at Arms, please clear the aisles. There is entirely too much noise on the floor of the House. We will not proceed until the members take their seats. Sergeants at Arms, please clear the aisles.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, on the motion to suspend, I would ask the members to oppose the motion and move this bill forward as it is.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Rooney, on the suspension.

Mr. ROONEY. Mr. Speaker, with all due respect to the leader, this amendment would in no way impede the movement of this bill this evening. The fact of the matter is, we have heard from our counties who are facing a myriad of difficulties implementing the new voting technology in all 67 Pennsylvania counties. This is just another serious issue that our county registrars and election officials would have to deal with. They have said loudly and clearly that this is something that they need to have postponed, the effective date of this postponed from the 1st of July to the 1st of January in '07, and Lord knows, we have all heard from and many of us have pontificated about the plight that our county election officials are facing today. This just makes an already difficult job a lot easier.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. S. SMITH. Mr. Speaker, I would still urge the members to vote against the suspension of the rules. The only thing this amendment will do is suspend the ability of the Commonwealth of Pennsylvania to improve the integrity of the voting and polling places within Pennsylvania.

Please vote against the suspension of the rules.

PARLIAMENTARY INQUIRY

Mr. ROONEY. A parliamentary inquiry, Mr. Speaker.

The motion that I made counts against me as having spoken the first time?

The SPEAKER pro tempore. Has it been acceded to you by the leadership to speak again?

The gentleman may proceed.

Mr. ROONEY. Again, Mr. Speaker, I believe that the improvements that are embodied in SB 999 are in fact good

changes and will help enhance and ensure that there are safe elections in Pennsylvania. However, we have all heard from our county officials – they have had the challenge of implementing new technologies as it relates to the elections, not only in a few short weeks but also in November – this is just adding insult to injury as it relates to their ability to do their jobs. This is in no way going to infringe or impede upon the credibility of elections in this State. What it is going to do, it is going to embrace some good changes but implement them in a timely fashion that will not overburden our already overburdened county election officials.

I would ask for a positive vote to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	McCall	Shapiro
Benninghoff	George	McGeehan	Siproth
Bianucci	Gerber	Melio	Solobay
Blackwell	Gergely	Mundy	Staback
Blaum	Goodman	Myers	Stetler
Buxton	Grucela	Oliver	Sturla
Caltagirone	Gruitza	Pallone	Surra
Casorio	Haluska	Parker	Tangretti
Cawley	Hanna	Petrarca	Thomas
Cohen	Harhai	Petrone	Tigue
Corrigan	James	Pistella	Veon
Costa	Josephs	Preston	Vitali
Cruz	Keller, W.	Ramaley	Walko
Curry	Kirkland	Readshaw	Wansacz
Daley	Kotik	Roberts	Waters
DeLuca	LaGrotta	Roebuck	Wheatley
Dermody	Leach	Rooney	Williams
DeWeese	Lederer	Ruffing	Wojnaroski
Donatucci	Lescovitz	Sabatina	Yewcic
Eachus	Levdansky	Sainato	Youngblood
Fabrizio	Manderino	Samuelson	Yudichak
Flaherty	Mann	Santoni	

NAYS—106

Adolph	Fichter	Mackereth	Reed
Allen	Fleagle	Maher	Reichley
Argall	Flick	Maitland	Rohrer
Armstrong	Forcier	Major	Ross
Baker	Gabig	Marsico	Rubley
Baldwin	Gannon	McGill	Sather
Barrar	Geist	McIlhattan	Saylor
Bastian	Gillespie	McIlhinney	Scavello
Beyer	Gingrich	McNaughton	Schroder
Birmelin	Godshall	Metcalfe	Semmel
Boyd	Good	Micozzie	Smith, B.
Bunt	Grell	Millard	Smith, S. H.
Cappelli	Harhart	Miller, R.	Sonney
Causar	Harper	Miller, S.	Stairs
Civera	Harris	Mustio	Steil
Clymer	Hasay	Nailor	Stern
Cornell	Hennessey	Nickol	Stevenson, R.
Crahalla	Herman	O'Neill	Stevenson, T.
Creighton	Hershey	Payne	Taylor, E. Z.
Dally	Hess	Petri	Taylor, J.
Denlinger	Hickernell	Phillips	True
DiGirolamo	Hutchinson	Pickett	Turzai
Diven	Kauffman	Pyle	Watson

Ellis	Keller, M.	Quigley	Wilt
Evans, J.	Kenney	Rapp	Wright
Fairchild	Killion	Raymond	Zug
Feese	Leh		

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	O'Brien		Speaker

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

On the question recurring,

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

The SPEAKER pro tempore. Ms. Josephs, do you intend to proffer amendment A07655? The gentlelady withdraws. The Chair thanks the gentlelady.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to urge a “no” vote on this bill. I have to say this bill is not as offensive as other bills on the subject have been, but I think this bill does set unnecessary obstacles toward the enforcement of fair elections. It retains the provision that anybody who registers, not registers, anybody who signs up to vote in an election has to sign it in blue or black ink, and you just know, Mr. Speaker, that somebody is going to walk into a poll somewhere in the State with red ink or green ink or purple ink, and this is just another way to bog the State down as to who allowed the person to sign with purple ink. What great fraud has been committed that there is a red-ink voter around? It provides much too much specificity of detail in that subject.

Another area that there is much too much specificity is in who is allowed to have polling places in their houses. There is often a real shortage of people willing to have polling places in their houses. In my district I have, I believe, one polling place which is in the house of a Democratic Party official. It is a very accessible polling place. It is a polling place where I do not do particularly well. We have had traditionally a very strong Republican committeeman there who gets among the highest votes for the Republican Party than any precinct in my district. You know, I am sure the party official can survive without the loss of \$75 or whatever is paid, but it is going to be tough to find a house that is as good as the house where the party official is. It is a very accessible house. It is just a very mild slope up.

There is a nice garage there. It is very, very handicapped accessible. It is very, very well heated. It is a very, very good polling place. It happens to be in the house of a party official, and I see no real reason to be served why that polling place has to be taken out of that party official's house. It is no great tragedy if it is, but it is not going to be all that easy perhaps to find another house to hold that polling place.

Secondly, Mr. Speaker, the requirement that a polling place, if you cannot find a polling place in your election division, it has to be in an adjacent division. An adjacent division may not have any accessible polling place either that can be found. There may be a road that is very, very accessible to people in the division that cannot find a polling place. It may be in a central location. There may be a block or two between the two election divisions. The way the divisions are laid out, the place that is not in an adjacent division may be actually closer to people in the division than a place that is in an adjacent division. Again, this is just setting up obstacles to finding polling places.

The 20-day requirement is still another obstacle. Sometimes polling places are canceled at the last moment. People for one reason or another deny the county access to a polling place. This makes it tougher to get a new polling place. Sometimes there are injustices where a polling place is located. Somebody on the 20th day who locates a polling place in an inconvenient location – this happened in some places in Montgomery County within the last few years – may be able to get away with it because they say, well, it is too late to change it now. We located in this inconvenient place on the 20th day; there are a lot of senior citizens; the place is not handicapped accessible, and, you know, it is tough now. We located on the 20th day; there are now 19 days left, and that is too late; we cannot rearrange it because the State legislature has passed a law saying you cannot put a new polling place in until there are at least 20 days left before an election.

Just a lot of requirements, Mr. Speaker. They are not earthshaking in themselves but cumulatively create a barrier to polling places that are accessible to voters' voting. It just creates a whole new series of procedural challenges to locating polling places, to signing in to vote, and it really adds very, very little, if anything, to the conduct of elections in Pennsylvania.

For all these reasons I would urge a "no" vote on SB 999.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and notes the presence in the hall of the House of the gentleman, Mr. O'Brien, and he will be added to the master roll call.

CONSIDERATION OF SB 999 CONTINUED

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to affirm and inform all of you ladies and gentlemen that I do agree with the remarks of the gentleman from Philadelphia that were made just previously. I want to also point out that since we unfortunately did not suspend the rules and did

not give our county officials a chance to comply with this in any reasonable fashion, I see another reason for opposing this bill.

All I can say is that if you are a person, let us just say on my side of the aisle, who runs in a district where the county commissioners belong to the other party, this 20 day allowing the movement of polling places to an adjacent ward is very, very problematic. I would also like to say that if you are a person who belongs to the Grand Old Party and you run in an area where the county commissioners are Democrats, you might have the same kinds of problems of finding that your strongest divisions suddenly ended up having to vote in a place where the voters, most of them, cannot get there, either because the polling place itself is not accessible or there is a very big distance for people to travel. In the city of the first class, and I expect this is true in most of the urban areas, moving a polling place out of the ward can be miles and miles and miles, and people on both sides of the aisle can suffer if this should happen to them.

I also agree— I am also disappointed, I guess I should say. When SB 999 came to the committee, it was a voting standards bill, something that we need technically in order to run good elections here in Pennsylvania, in order to give our voters confidence in the system and to increase voter participation, and I am very disappointed, on a day in which I believe we are going to see a great bipartisan effort cumulate into something that we all want to see happen, that we are now again disintegrated into a partisan fight. I am disappointed, very disappointed. I want to see SB 999 come back the way it was, a voting standards bill, something that is technical, that our poor, hardworking county officials and election boards need, and not a bill that is loaded up with all kinds of issues that show us in our worst light.

So I am asking everybody on either side of the aisle to vote "no." Let us get this bill back to the original form in which it passed through the committee. Let us do this right. Let us have good elections. Let us have a lot of voter participation. Let us vote "no" on this bill.

Thank you, Mr. Speaker.

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

Mr. LEACH. Mr. Speaker, is there someone I can interrogate to ask a question about the bill?

The SPEAKER pro tempore. The majority leader, Mr. Smith, has agreed to be interrogated, and you may proceed.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, my question is on a very narrow issue, and it is on page 4 of the bill, lines approximately 5 through 20, if you are interested in the location of the language I am going to be asking about.

Mr. Speaker, this seems to say that if there is a problem and there is a feeling among the board of elections of a particular county that the voting place must be moved, that the law here says that it could be moved within the same or immediately adjacent ward. Now, Mr. Speaker, I do not know, everyone's legislative district is different, even mine – one township has wards, one does not – but in the township that has wards, each ward has a number of precincts, and my question, Mr. Speaker, is, under the language of this bill, is it legal to skip over actual polling places from nearby precincts and go over them to a whole other voting precinct place beyond those already existing voting precincts so long as it is in an adjacent ward? In other

words, do you have to use the next available space or can it be anywhere within an adjacent ward?

Mr. S. SMITH. Mr. Speaker, just a clarification. We are not 100 percent sure what you are asking. Are you asking if it can—Are you differentiating between a precinct and a ward in terms of where this can move?

Mr. LEACH. Well, let me give you an example, if that would help, Mr. Speaker. I have a ward, the sixth ward, that has three precincts. It is adjacent to a ward called the fourth ward, which also has three precincts. If I am moving a polling place from the sixth ward to the fourth ward, can I move it, let us say the polling places go north to south 1, 2, 3, can I move it all the way to the third precinct in the fourth ward?

Mr. S. SMITH. Mr. Speaker, our read of the bill would say that it could be moved to any precinct within that adjacent ward. That would be subject to the county commissioners', you know, judgment. I believe the intent is clearly that it would be moved as close as possible, but if that becomes an issue and there was not one close, they could move it to anywhere within that adjacent ward, is how we would read it.

Mr. LEACH. But just so I understand, Mr. Speaker, the majority leader's answer, you said if there is not one closer, they can move it to the furthest part of the adjacent ward. Suppose there is one closer. Could they actually literally skip over available voting precincts to move it to a distant voting precinct?

Mr. S. SMITH. Mr. Speaker, at any point in time in that, I believe the party that would have filed, say, the objection to the site of the original polling place, another party obviously could question the new location with equal protection of the hearing of the election board. So while they probably could, I think the balance of the competing interests, both would be heard to allow for it to be located in the most practical alternative location.

Mr. LEACH. Thank you, Mr. Speaker. That concludes my interrogation. If I could speak on the bill.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. LEACH. Mr. Speaker, I believe, and I appreciate the majority leader's answer to that, but I believe this is a real problem, and I think this is a problem that Republican members and Democratic members would be interested in, because it creates a problem that I have experienced firsthand and that could affect people from either party, because different counties are controlled by different parties.

When I first ran, there was a polling place that was a senior citizen high-rise, where the seniors would go down the elevator and basically vote on the first floor in the lobby. It was a precinct that voted reliably Democratic, but again, this could happen to either party. There was an effort a few days before the election to move the polling place a mile and a half away to a seminary where, again, these people, many of them did not walk, many of them did not drive, and they would have to cross two major highways to a seminary which was roughly the size of a high school and was not handicapped accessible to find the polling place and vote. It seemed to many, Mr. Speaker, an obvious effort to dramatically suppress the turnout in that precinct. Fortunately, there was a lawsuit filed, and it is a long story, but at the end of the day, that change in polling place did not occur. However, that made me very mindful of the mischief that could be caused by county officials of either party who are unhappy with the way a precinct votes in terms of the performance of the other party and can move the precinct to

faraway and remote places to make it so that that precinct does not vote, turn out in the numbers that it normally does. I have seen that firsthand; I know that happens. And the problem with this bill, Mr. Speaker, is, for example, if there is ward 1 with precincts 1, 2, and 3 going, let us say, from the equator north, and ward 2 with three precincts going from the equator south, you could, under this bill, skip – you are moving it from ward 1 to ward 2 – you could skip precinct 1, which is right next door, you could skip precinct 2, which is a few miles away, and you could put that new polling place all the way in precinct 3, where it is many miles away, very difficult to get to for people living in the original precinct, and very difficult to find for people living in the original precinct. You could do this with a few days' notice before the election, and this could happen to anyone in this room if your county is controlled by the other party at any point. This could happen to anybody in Pennsylvania.

I think this is a real invitation to mischief. I think the idea that we can skip actually established voting places with machines right there to find some far-flung place is a real flaw in this bill, Mr. Speaker. And again, this does not affect any party more than any other; this is something we should all be concerned about, and for that reason I will vote "no" on this bill and I urge others to do the same.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority leader, Mr. Smith.

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

Mr. Speaker, listening to some of the objections to this bill as amended, I must bring a couple things to the attention of the members and for the record.

Number one, Mr. Speaker, this bill contains the voting standards that are part of the compliance with the Federal government. It is something that has been part of many of our agendas, both in this House and in the Governor's Office, to establish. It is something we need to do in order for us to be clearly in compliance with the Federal HAVA (Help America Vote Act) law; clearly, Mr. Speaker, a high priority for many people in this legislature ever since military personnel had to go to court in 2004 to secure their ability to get their absentee ballot counted. The changes in this law that address the military absentee ballot access issue for military members and their families is something that is very important and, I think, that every member here should be voting in favor of. By the way, the State Veterans' Commission, which is a statutorily created commission to advise the legislature, the administration, on such issues that involve veterans, it heartily endorses this bill and this provision. The State War Veterans Council, which is a group of all the veterans organizations, also supports this.

Mr. Speaker, a lot of the debate a few weeks ago, a month ago, whenever we did the Election Code bill that the Governor vetoed, centered around the voter ID issue. Now, while I think a lot of us—

The SPEAKER pro tempore. Will the gentleman suspend.

Members, please take your seats.

The gentleman may proceed.

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

When we dealt with this substance recently in a bill that the Governor vetoed, it contained language with a voter ID provision, and that was the issue that by far and away members were complaining about or did not like the opposition that was here, although the bill still passed and went to the Governor's

desk. That was the central point of the objections on the floor of this House. While many of us still believe that a voter ID provision would be appropriate and valuable in securing the polling places, that provision is not in this bill. That is something that has been conceded.

When we talk about the polling-place security, I do not know how you can vote against a bill that will improve the accessibility to a polling place, whether you are worried about the handicapped or elderly or anyone who has some kind of concern with getting to a polling place, getting into it easily, getting out of it easily and safely. In fact, Secretary Cortés stated that out of more than 9,400 polling places, roughly 2,000 are not yet fully accessible for a variety of reasons. More than one in five voting places are not accessible. This law, this change in law, will fix that problem. It will require it to be fixed.

Mr. Speaker, I would like to take you back a little ways in history, an interesting little tidbit, an October 14, 1994, Philadelphia Inquirer article. The title of it, of the article: "POLLS SET UP IN HOMES OF POLITICIANS." "ONLY HERE: POLLS SET UP IN HOMES OF POLITICIANS" was the headline of this article. It starts off about "New York City doesn't allow it. Nor does Chicago. Or Pittsburgh, Baltimore, Boston or Washington." This is a 1994 article.

"An election reform task force that Mayor" Ed "Rendell headed when he was district attorney in 1979 recommended that all polling places be moved out of private homes.

"In last year's general election" – that would have been '93, I guess – "In last year's general election, the city commissioners, who act as Philadelphia's Board of Elections, put voting machines in the home of Barbara Landers, a 43d Ward committeewoman. Landers was later convicted of 30 counts of election law violations for aiding in an absentee-ballot scheme that favored William G. Stinson, the Democratic candidate for the Second District state Senate seat.

"In this year's primary, voting was moved out of Landers' home, but machines were left in the homes of 40 other committee people – 8 Republicans and 32 Democrats. Two of the Democratic committee people also are ward leaders.

"All of the polling sites used in the May primary will again be used in November, unless the city commissioners vote to change them. The city pays property owners \$90 for the use of their homes on Election Day."

This story goes on to talk about the conflicts that exist in the city of Philadelphia in particular, and it was all based on an election reform task force that then District Attorney Ed Rendell brought to the fore and made recommendations.

Mr. Speaker, when we talk about security and safety in polling places, I have pictures of Grill's Tavern on Terrace Street. It is a polling place. There is a polling place in a vacant restaurant on Girard Avenue. There is a polling place, a vacant office on South 24th Street that says, on the door it says, "Danger. Keep Out." There is a sign on the door, "Danger. Keep Out." A backup picture of that shows a broken window. Mr. Speaker— And we also have the Fumo Family Library. I am sure that is a safer place to vote, but— It has that nice political twist.

Mr. Speaker, when you look at some of these polling places, a vacant store on Tree Street, a bar side door on South Fourth Street, Mr. Speaker, when you look at some of these polling places, there is no other way to read this, these pictures, than to

know that those are not public buildings; they are not safe buildings; they are not handicapped accessible; they do not provide for the polling-place security that the people of Pennsylvania expect.

This bill, Mr. Speaker, will provide for those changes. It will provide for more security. It will provide for a better turnout of voters. This will not delay— One of the previous speakers, by saying to vote against this bill, was voting to delay this, was voting for corruption, was voting to let the votes go on in the bars, in candidates' offices. Mr. Speaker, that is what disenfranchisement is about. That is what will disenfranchise voters. Send them to a polling place where they are safe and secure and there is no intimidation and you will actually encourage people to vote; send them to a frightening place or a place of intimidation and you will discourage votes.

Mr. Speaker, I urge the members to vote in favor of SB 999. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen, for the second time.

Mr. COHEN. Thank you.

Mr. Speaker, for the benefit of the gentleman, the Fumo Family Library is a public library run by the Free Library of Philadelphia. It is located in South Philadelphia. It is a governmentally owned building. It is not the private preserve of the Senator or of his family. It is a governmentally owned building, and you know, it is an example, we are just grasping for examples here of what is wrong with it. The question, the fact that a building may be owned by somebody who is convicted of some kind of fraudulent action at some time in his or her life does not guarantee there is intimidation in the building; it does not guarantee that the building is not safe.

The problem, Mr. Speaker, is, it is very, very difficult in many, many places to find polling places, and I have put in an enormous amount of time trying to find polling places. I have pleaded with churches to allow polling places in their church. I have pleaded with individuals to allow polling places in their home. I have pleaded with businesses to allow polling places in their business. This has really been a major activity in my life sometimes, finding polling places. It is not easy to do it, and the more restrictions we set up on who is allowed to have the polling place, the tougher it is. I think there probably are other polling places that sound bad, too, and really are not. I think the gentleman owes the Senator from South Philadelphia at least a mild apology for that.

I think that we really ought not to be eager to restrict where polling places go. We have a checks-and-balance system. If the Republican Party or the minority party anywhere objects to the location of a polling place, they have a remedy of going to court.

In 32 years of running for office in Philadelphia, I have not found any polling-place location, as such, creating intimidation. The problem is not where the polling place is located; the question is, what workers stand outside the polling place and what do those workers do. It is a question of workers; it is not a question of who owns the polling place.

I would urge a "no" vote. I think those of us who have worked on polling-place locations in the past realize how difficult it is and do not want to make it more difficult to have a polling place that is accessible and available to people of their particular home counties.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority leader, Mr. Smith.

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

Mr. Speaker, relative to my comment about the Fumo Library, I am quite confident that the Senator would recognize the tongue-in-cheek manner in which I threw that in. It was meant as a little bit of sidebar humor against some of the other places that I looked at in a serious context. So seriously, Mr. Speaker, it was a joke meant towards the Senator. I would, along those same lines, probably suggest that, you know, the previous speaker might also want to go visit the library. I am sure they will give him a library card, given his propensity for reading books. So I would be glad to talk to the Senator about, you know, making sure you have a pass to that facility as well.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you very much, Mr. Speaker.

I guess I can only say, at least as respect to one point that has come up in this debate, I am really tired of hearing Philadelphia getting bashed for everything. I am tired of it, you know? There are problems with polling places, and there are good polling places across this State. There were problems in 1994. We have pictures. I have seen those pictures. I do not know what they are supposed to mean. I am just tired of it. That is all I want to say on that point.

Secondly, for those of you who are concerned about military and overseas voters, we passed a bill here. We voted for it already. Almost everybody on the floor, except for our newest members, have already voted for HB 544, which the Governor and which I have been urging the Senate to move. That bill takes care of a lot of dirty tricks; punishes a lot of election-day dirty tricks that were not performed by my party, Mr. Speaker; were in the papers, were in the papers relative to the election in 2004, the Presidential election.

If we want to help military and overseas voters, let us urge the Senate to move HB 544. Vote it clean, send it to us, and we can have a great bipartisan victory in dealing with a question, a problem, a challenge that our brave men and women in the military need to have solved, instead of playing games today in a very unibipartisan and uncooperative fashion. I say it again, I am disappointed.

I urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—139

Adolph	Fleagle	Maitland	Ruffing
Allen	Flick	Major	Sainato
Argall	Forcier	Mann	Samuelson
Armstrong	Freeman	Markosek	Sather
Baker	Gabig	Marsico	Saylor
Baldwin	Gannon	McCall	Scavello
Barrar	Geist	McGill	Schroder
Bastian	George	McIlhattan	Semmel
Belardi	Gillespie	McIlhinney	Smith, B.

Benninghoff	Gingrich	McNaughton	Smith, S. H.
Beyer	Godshall	Metcalfe	Solobay
Birmelin	Good	Micozzie	Sonney
Boyd	Grell	Millard	Staback
Bunt	Grucela	Miller, R.	Stairs
Buxton	Gruitza	Miller, S.	Steil
Cappelli	Haluska	Mundy	Stern
Causer	Hanna	Mustio	Stevenson, R.
Cawley	Harhart	Nailor	Stevenson, T.
Civera	Harper	Nickol	Surra
Clymer	Harris	O'Neill	Tangretti
Cornell	Hasay	Payne	Taylor, E. Z.
Corrigan	Hennessey	Petrarca	Taylor, J.
Crahalla	Herman	Petri	Thomas
Creighton	Hershey	Phillips	True
Daley	Hess	Pickett	Turzai
Dally	Hickernell	Pyle	Vitali
Denlinger	Hutchinson	Quigley	Walko
DiGirolamo	Kauffman	Rapp	Wansacz
Diven	Keller, M.	Raymond	Watson
Ellis	Killion	Reed	Wilt
Evans, J.	Kotik	Reichley	Wright
Fairchild	LaGrotta	Roberts	Yewcic
Feese	Leh	Rohrer	Yudichak
Fichter	Mackereth	Ross	Zug
Flaherty	Maier	Rubley	

NAYS—59

Belfanti	Fabrizio	Manderino	Sabatina
Biancucci	Frankel	McGeehan	Santoni
Blackwell	Gerber	Melio	Shaner
Blaum	Gergely	Myers	Shapiro
Caltagirone	Goodman	O'Brien	Siptroth
Casorio	Harhai	Oliver	Stetler
Cohen	James	Pallone	Sturla
Costa	Josephs	Parker	Tigue
Cruz	Keller, W.	Petrone	Veon
Curry	Kenney	Pistella	Waters
DeLuca	Kirkland	Preston	Wheatley
Dermody	Leach	Ramaley	Williams
DeWeese	Lederer	Readshaw	Wojnaroski
Donatucci	Lescovitz	Roebuck	Youngblood
Eachus	Levdansky	Rooney	

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 2542, PN 4003**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, further providing, in secured transactions, for

effectiveness of actions prior to amendment and for continued effectiveness of financing statements.

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

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

The question is, shall the bill pass finally?

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

Mr. COHEN. Mr. Speaker, this bill is marked "over" on the calendar, and to the best of my knowledge, we have not caucused on this.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

We caucused yesterday on this bill.

The SPEAKER pro tempore. The Chair is most grateful.

Mr. Cohen?

Mr. COHEN. No objection, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, shall the bill pass finally? On that question, Mr. Vitali, you are recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. He cannot. He is in the Chair.

Mr. VITALI. Okay.

The SPEAKER pro tempore. Sorry.

Mr. VITALI. I am wondering if anyone else could, because I actually am a regular caucus attendee and I do not remember the explanation for this, and I wonder if someone could maybe in your stead give a bit of an explanation here?

The SPEAKER pro tempore. Mr. Vitali, a member of your caucus, Mr. Markosek, has graciously agreed to answer a question.

Mr. VITALI. Thank you, Mr. Speaker.

Could we have a brief explanation of this?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this bill is really technical in nature. It has to deal with the filing of certain statements. It changes some of the dates and gives an extension on when those reports can be filed.

Mr. VITALI. Could you give me a hypothetical where this would come into play, like some company would have to file some form under what circumstance?

Mr. MARKOSEK. Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARKOSEK. The bill deals with filings under article 9; particularly, for example, like a mechanic's lien, when that can be filed. It extends the date. There is a current date given in law now, and this bill would extend that date. So these are technical-type amendments, or this makes changes, technical-type changes, to article 9.

Mr. VITALI. Is the gentleman aware of any present cases out there that this would affect?

Mr. MARKOSEK. Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Markosek, may proceed.

Mr. MARKOSEK. Thank you.

There really are not any examples. This legislation is being proactive, so we are not dealing with anything that has been filed now. It is a change that would take place prospectively, and it would enable some of these changes to be done in a different manner prospectively.

Mr. VITALI. Are there any groups out there who support or oppose this?

Mr. MARKOSEK. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. Mr. Markosek, you may proceed.

Mr. MARKOSEK. There is some various support for this: the Bankers Association, the Pennsylvania Bar Association, the Department of State, and the administration.

Mr. VITALI. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

DiGirolamo	Kirkland	Raymond	Wheatley
Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wojnaroski
Ellis	Lederer	Roberts	Wright
Evans, J.	Leh	Roebuck	Yewcic
Fabrizio	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

* * *

The House proceeded to third consideration of **HB 2627, PN 3958**, entitled:

An Act amending the act of October 6, 2005 (P.L.319, No.59), entitled, "An act amending the act of June 24, 1976 (P.L.424, No.101), entitled, as amended, 'An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members killed in the performance of their duties,' further providing for death benefit eligibility and for definitions," further providing for retroactivity of death benefit eligibility.

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

The SPEAKER pro tempore. The gentleman, Mr. Flick, is recognized. He waives? Mr. Flick, it is my understanding you—

RULES SUSPENDED

Mr. FLICK. Thank you, Mr. Speaker.
Mr. Speaker, I would request a suspension of the rules for consideration of amendment A07651, which has been distributed to both caucuses.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-198

Adolph	Flaherty	Maitland	Rubley
Allen	Fleagle	Major	Ruffing
Argall	Flick	Manderino	Sabatina

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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. FLICK offered the following amendment No. **A07651**:

Amend Sec. 1 (Sec. 4), page 1, line 20, by inserting a bracket before "The"

Amend Sec. 1 (Sec. 4), page 2, line 1, by striking out the bracket before "certificate"

Amend Sec. 1 (Sec. 4), page 2, line 1, by striking out “] certification”

Amend Sec. 1 (Sec. 4), page 2, line 4, by striking out the bracket before “filed”

Amend Sec. 1 (Sec. 4), page 2, lines 4 and 5, by striking out “] submitted to the Commonwealth under section 1(a) of the act”

Amend Sec. 1 (Sec. 4), page 2, line 6, by inserting after “2003.”] The amendment or addition of section 1(a.1), (d) and (e) of the act shall apply retroactively to include any certificate of death of an eligible firefighter, ambulance service or rescue squad member, law enforcement officer or National Guard member who died as a result of the performance of his or her duties filed on or after December 15, 2003, or where the claim for benefits as the result of a death on or after November 15, 2003, had not been finally adjudicated on December 15, 2003.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones Evans, D. Perzel,
Bishop Rieger Speaker

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

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

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

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

The following roll call was recorded:

YEAS—198

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

Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wojnaroski
Ellis	Lederer	Roberts	Wright
Evans, J.	Leh	Roebuck	Yewcic
Fabrizio	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

* * *

The House proceeded to third consideration of **HB 382, PN 3527**, entitled:

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 powers and duties of the intermediate unit board of directors; providing for State reimbursement for mobile classroom facilities; and making editorial changes.

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

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

The question is, shall the bill pass finally?

Mr. Vitali, are you seeking recognition? The gentleman is recognized and may proceed.

Mr. VITALI. Yes, Mr. Speaker. Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Godshall, has agreed to a brief period of interrogation, and you may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

At the outset would the gentleman give a brief explanation of this bill?

Mr. GODSHALL. I am sorry. I did not hear the question.

The SPEAKER pro tempore. The gentleman would like a brief explanation of the bill.

Mr. GODSHALL. Under present—

The SPEAKER pro tempore. Will the gentleman suspend.

Members, the gentleman, Mr. Godshall, could not hear the question. Would you kindly please take your seats. Members, will you please take your seats.

Thank you.

The gentleman may proceed.

Mr. GODSHALL. Under present regulation, a school district is entitled to reimbursement for construction of new facilities and also for repairs to existing facilities. With the regulations they have in place, if you are going to be doing repairs to existing facilities and the existing facility has a portable classroom, as such, attached to it, they also require you to remove that portable classroom, replace it with a bricks-and-mortar classroom in order to get reimbursement, say, for a roof that you are putting on the existing building.

What this amendment does is what I was able, really, to negotiate for North Penn School District in my district, who is doing repairs on about 10 existing buildings, and to be able to allow those portable classrooms, which they will not need in the future, you know, to be replaced at some time in the future and still get reimbursed, you know, for the repairs they are doing to the existing building. So even the Secretary of Education, Vicki Phillips, agreed that it was practical to do it this way. It saves the Commonwealth money, really, in the long run.

Mr. VITALI. Thank you.

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

Mr. COHEN. Thank you.

Mr. Speaker, this bill was not caucused on. I wonder, Mr. Speaker— You know, it just came up a minute ago. I was aware of it. It says “over” on the calendar. Is the gentleman, Mr. Roebuck, available? I would welcome hearing his evaluation of the bill.

The SPEAKER pro tempore. The gentleman has agreed to be recognized, Mr. Roebuck, and you may proceed.

The House will be temporarily at ease while they confer.

Mr. Cohen, you may proceed.

Mr. COHEN. Thank you.

Mr. Speaker, Mr. Roebuck assures me this bill is okay in the absence of a caucus, and I appreciate Mr. Roebuck’s assurances of that.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Godshall, do you withdraw the— Thank you.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the board.

The Chair thanks the members for the brief interlude, and the question once again recurs.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

* * *

The House proceeded to third consideration of **SB 601, PN 1692**, entitled:

An Act relating to confidentiality of Social Security numbers; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. **FAIRCHILD** offered the following amendment No. **A07617**:

Amend Sec. 1, page 4, lines 14 through 30; page 5, lines 1 through 6, by striking out all of said lines on said pages and inserting

(e) Unified judicial system documents.—This section does not apply to a document that originated with, or is filed with, recorded in or is maintained by any court component or part of the unified judicial system.

(f) Government documents.—This section does not apply to any document that:

(1) is required by law to be open to the public; and

(2) originates with, or is filed, recorded or maintained by any government agency, instrumentality or taxing authority.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

Dermody	Kenney	Ramaley	Waters
DeWeese	Killion	Rapp	Watson
DiGirolamo	Kirkland	Raymond	Wheatley
Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wojnaroski
Ellis	Lederer	Roberts	Wright
Evans, J.	Leh	Roebuck	Yewcic
Fabrizio	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

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

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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.

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 15, PN 4008**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Substance Abuse Education and Demand Reduction Fund, for driving under influence of alcohol or controlled substance and for penalties.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. DiGirolamo, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 121, PN 3939**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Roebuck, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—184

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

Fichter	Mackereth	Rubley	Yudichak
Flaherty	Maher	Ruffing	Zug

NAYS—14

Armstrong	Ellis	Metcalfe	Rapp
Benninghoff	Forcier	Miller, S.	Ross
Causar	Godshall	Pyle	Sonney
Creighton	Good		

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 218, PN 3877**, entitled:

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Reed, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request Capitol leave for the gentleman from Philadelphia, Representative OLIVER.

The SPEAKER pro tempore. Without objection, the leave is so granted. The Chair thanks the gentleman.

Mr. GRUCELA. Thank you.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 601, PN 3940**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Phillips, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 723, PN 1772**, entitled:

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.

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

The SPEAKER pro tempore. It is moved by the majority leader that the House concur in the amendments.

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

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

The following roll call was recorded:

YEAS—198

Adolph	Flaherty	Maitland	Rubley
Allen	Fleagle	Major	Ruffing
Argall	Flick	Manderino	Sabatina
Armstrong	Forcier	Mann	Sainato
Baker	Frankel	Markosek	Samuelson
Baldwin	Freeman	Marsico	Santoni
Barrar	Gabig	McCall	Sather
Bastian	Gannon	McGeehan	Saylor
Belardi	Geist	McGill	Scavello
Belfanti	George	McIlhattan	Schroder
Benninghoff	Gerber	McIlhinney	Semmel
Beyer	Gergely	McNaughton	Shaner
Biancucci	Gillespie	Melio	Shapiro
Birmelin	Gingrich	Metcalfe	Siptroth
Blackwell	Godshall	Micozzie	Smith, B.
Blaum	Good	Millard	Smith, S. H.
Boyd	Goodman	Miller, R.	Solobay
Bunt	Grell	Miller, S.	Sonney
Buxton	Grucela	Mundy	Staback
Caltagirone	Gruitza	Mustio	Stairs
Cappelli	Haluska	Myers	Steil
Casorio	Hanna	Nailor	Stern
Causar	Harhai	Nickol	Stetler
Cawley	Harhart	O'Brien	Stevenson, R.

Civera	Harper	Oliver	Stevenson, T.
Clymer	Harris	O'Neill	Sturla
Cohen	Hasay	Pallone	Surra
Cornell	Hennessey	Parker	Tangretti
Corrigan	Herman	Payne	Taylor, E. Z.
Costa	Hershey	Petrarca	Taylor, J.
Crahalla	Hess	Petri	Thomas
Creighton	Hickernell	Petrone	Tigue
Cruz	Hutchinson	Phillips	True
Curry	James	Pickett	Turzai
Daley	Josephs	Pistella	Veon
Dally	Kauffman	Preston	Vitali
DeLuca	Keller, M.	Pyle	Walko
Denlinger	Keller, W.	Quigley	Wansacz
Dermody	Kenney	Ramaley	Waters
DeWeese	Killion	Rapp	Watson
DiGirolamo	Kirkland	Raymond	Wheatley
Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wojnaroski
Ellis	Lederer	Roberts	Wright
Evans, J.	Leh	Roebuck	Yewcic
Fabrizio	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Belfanti. For what purpose does he rise?

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, in reviewing the vote tally on SB 999, I was recorded in the negative. I intended to vote in the affirmative on that legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

SUPPLEMENTAL CALENDAR E

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2319, PN 4052**, entitled:

An Act prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Allen, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2375, PN 3391**, entitled:

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

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

Mr. **RAYMOND** offered the following amendment No. **A07622**:

Amend Sec. 3, page 3, line 1, by striking out “the beginning of each semester or period” and inserting
once during each academic year thereafter

Amend Bill, page 3, lines 4 through 30, by striking out all of said lines and inserting

Section 4. Institution of higher education policy requirements.

The alcohol policy required under this act shall include, at a minimum, all of the following:

(1) A summary of the institution of higher education’s rules related to alcohol violations.

(2) A summary of the institution’s penalties related to alcohol violations and information pertaining to the rights and appeal process for students.

(3) A summary of alcohol-related counseling and treatment programs provided by the institution of higher education.

(4) A contact person for the alcohol program at the institution of higher education.

Section 5. Institution of higher education duties.

Every institution of higher education:

(1) Shall have in place a disciplinary system that ensures students due process in the consideration of violations of the campus alcohol policy.

(2) Shall have available an educational counseling program that is capable of assessing and referring students for appropriate educational interventions or treatment.

(3) Shall develop an appropriate range of sanctions so that students found responsible for alcohol-related offenses may be assigned penalties appropriate to the severity and frequency of the offenses. Penalties shall include, at a minimum, the following:

(i) Alcohol education and counseling for a first offense.

(ii) Alcohol education and counseling and probation for a second offense.

(iii) A one-semester suspension from the institution and ineligibility for future State-funded financial grants or scholarships for a third or subsequent offense.

(4) Shall develop parental notification policy in accordance with Federal requirements when the student violates the sanctions provided for in paragraph (3).

(5) Shall act to integrate alcohol education activities throughout activities and events of the institution and provide

suitable alternatives for students who may participate in alcohol abuse.

(6) May establish an Alcohol/Community Task (ACT) Force and conduct an annual meeting involving the institution of higher education which may involve community leaders. The institution of higher education may also invite participation of liquor providers in this task force.

Section 6. Provision of alcohol-related offenses summary to enrolled students.

A written summary of the Commonwealth’s alcohol-related offenses shall annually be made available to each institution of higher education by the Pennsylvania State Police. Each institution of higher education shall distribute the written summary of the Commonwealth’s alcohol-related offenses to each student upon enrollment and once during each academic year thereafter.

Section 7. Reporting.

Every institution of higher education shall provide a written report, according to guidelines established by the Pennsylvania Liquor Control Board, on a biennial basis that describes the alcohol violations policy of the institution of higher education and an analysis of its implementation.

Section 8. Penalty.

An institution of higher education that does not comply with this act shall be ineligible for grants from the Alcohol Education Bureau of the Pennsylvania Liquor Control Board.

Amend Sec. 6, page 4, line 1, by striking out “6” and inserting
9

Amend Sec. 7, page 4, line 4, by striking out “7” and inserting
30

Amend Sec. 7, page 4, line 5, by striking out “60” and inserting
180

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

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

Mr. **VITALI**. To interrogate the maker of the amendment.

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

Mr. **VITALI**. Thank you, Mr. Speaker.

Could we have a brief explanation of this amendment?

Mr. **RAYMOND**. Yes, Mr. Speaker.

Mr. Speaker, this amendment amends the bill by changing the penalty requirements to counseling for a first violation, probation for a second violation, and a one-semester suspension from the institution and ineligibility for future State-funded grants and scholarships for a third violation.

Mr. **VITALI**. Okay. Now, this involves all colleges in the State, be it Penn State or Villanova or Swarthmore.

Mr. **RAYMOND**. Mr. Speaker, yes, it does, but what the bill says is that it requires colleges and universities who want to access grant money from the Liquor Control Board to comply by having a policy, and it only applies to those colleges and universities that want to comply and participate in the Liquor Control Board’s program.

Mr. **VITALI**. Okay. Let us say hypothetically you have a student, he is 20 years old, and he had been convicted of underage drinking three times, and he has a series of PHEAA (Pennsylvania Higher Education Assistance Agency) loans and grants and Stafford loans and grants and all the rest. I am not even sure what they all are, but could you tell me how that third, well, how that third conviction for underage drinking would affect the grants he has to go to Villanova or Swarthmore or Penn State?

Mr. RAYMOND. Yes, Mr. Speaker. It does not apply to any loans that he has. It only applies to grants going into the future, that they would not be available to him.

Mr. VITALI. Okay. That student would have to be—Swarthmore or whatever would have to suspend him for a semester under that circumstance, and when he came back – let us say he was in his second year – he could not get any further grants. Is that right?

Mr. RAYMOND. State grants. Yes, that is correct.

Mr. VITALI. State grants.

Now, the second offense does not affect the grants, as I understand it?

Mr. RAYMOND. That is correct. We changed that, Mr. Speaker. In consultation with yourself and a number of other members, we changed some of the provisions of the penalties.

Mr. VITALI. Okay. Thank you.

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

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Actually, I am going to support the amendment, because although I think the bill itself is not a good idea, I think the amendment makes the bill itself less bad.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Monroe County, Mr. Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment.

I would hope and urge my colleagues to vote in the affirmative. 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—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 pro tempore. As a result of the adoption of the last amendment, the gentleman, Mr. George's amendment is out of order.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. McIlhinney, for a motion for suspension of the rules.

Mr. McILHINNEY. Thank you, Mr. Speaker.

I rise to make a motion to suspend the rules to offer amendment A07622.

The SPEAKER pro tempore. 7658?

Mr. McILHINNEY. Yes; I am sorry. As amended by Mr. Raymond's bill, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 as amended?

Mr. **McILHINNEY** offered the following amendment No. **A07658**:

Amend Sec. 5, page 1, line 34 (A07622), by inserting after "and" where it appears the second time

one semester of

Amend Sec. 5, page 1, line 36 (A07622), by striking out all of said line and inserting

(iii) Permanent probation

On the question,

Will the House agree to the amendment?

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

Mr. **McILHINNEY**. Thank you, Mr. Speaker.

My amendment actually removes the minimum mandatory of suspension for a third offense of this alcohol policy and leaves the determination up to the individual universities to decide whether or not there were extenuating circumstances involved, and leaves it at that. I will leave it at that.

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

The gentleman, Mr. **Raymond**, is recognized.

Mr. **RAYMOND**. Thank you, Mr. Speaker.

Mr. Speaker, I would respectfully oppose this amendment.

What we are trying to do here with this bill is trying to put into law some very basic responses to the underage drinking problem on college campuses, and we just felt that having these three different levels of punishment for the violations of the liquor laws, that it would be fair. Now, all we are doing is setting minimum standards for those, remember, those who want to participate in the Liquor Control Board's program and access that \$400,000 in grant money.

Now, all we are doing is saying this is a minimum standard. On a third violation, we think that it is at the point where there should be some punishment with teeth in it.

Now, we are also not saying that the colleges and universities cannot go further, that if on the first offense someone has a can of beer versus someone running a keg party, but we just would oppose this amendment. It takes out the teeth that are in the bill.

Thank you.

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

Mr. **DONATUCCI**. Thank you, Mr. Speaker.

I, too, oppose this amendment. It takes the teeth out of the prior amendment we just passed. So I urge the members to vote "no" on this amendment.

Thank you.

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

The gentleman from Monroe County, Mr. **Siptroth**, is recognized.

Mr. **SIPTROTH**. Thank you, Mr. Speaker.

It is Monroe and Pike Counties, and I thank you very much, sir.

I also would rise and ask the members to oppose this amendment. I believe that the kind gentleman from Delaware has a fine amendment, and I think it should stand.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you.

A question for the maker of the amendment.

The SPEAKER pro tempore. Will the gentleman, Mr. McIlhinney, stand for a brief period of interrogation?

Mr. McILHINNEY. Yes.

The SPEAKER pro tempore. He has agreed. You may proceed.

Mr. SAMUELSON. Just asking the gentleman to explain once again what his amendment does, and also, does his amendment impact the financial aid portion of this legislation?

Mr. McILHINNEY. This specific amendment does not impact the financial aid portion of the amendment. What it does is it removes suspension for the third offense of a violation of the alcohol policy and replaces it with a lifelong probation for the remainder of the college career of that individual.

Mr. SAMUELSON. And would this apply to all colleges or only colleges that opt into the grant—

Mr. McILHINNEY. Again, only colleges that would opt in. I am actually amending the previous amendment that just passed.

Mr. SAMUELSON. Thank you for the explanation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. McIlhinney, is recognized for the second time.

Mr. McILHINNEY. Thank you, Mr. Speaker.

If I could explain a little bit about what I am trying to accomplish here. We are not trying to protect the extreme cases, the extreme violations, the individuals that would go out and cause havoc with drunk and disorderly conduct. They already can be suspended and expelled for that. What we are trying to do here is protect the ones on the lesser end of that, the ones that we are not going to establish a minimum mandatory for an extenuating circumstance that they may or may not have gotten caught up in. They might be in a college dormitory after having two strikes, and with a beer in the middle of the room, a security officer walks in. He was not even drinking it. They do not know who had that beer in that instance. They could write up everybody for a violation. That individual is now suspended from college for a semester. That pushes their career back, it pushes their lives back, and we need to have some sort of wiggle room or at least some sort of discretion upon the universities here in Pennsylvania so they can decide how extreme that violation was and they can decide whether or not it warrants a suspension or expulsion from school.

Anybody who is misbehaving in colleges today in Pennsylvania should be expelled; it should go even further than this, but it is not up to us here in the General Assembly to start making a minimum mandatory for colleges and universities when they violate their policies. We are not talking about violating a criminal law. We are not putting it in a statute. We are setting a law for universities' policies, and when they violate it, we will put a minimum mandatory sentence in here. And this is not something that— Minimum mandatories are always something that cuts both ways, and it is not something that we should be putting our noses into, and we should allow our institutions of higher education to determine when and if suspension is warranted from the university.

This is something that can affect an individual's life forever, and we all recognize that. One beer can actually impact your life forever. If we start putting suspensions and expulsions in from the General Assembly without any discretion upon the extenuating circumstances in these events, then I think we are doing the wrong thing.

So I am asking the members here to support my amendment so we can rectify the situation. 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—78

Adolph	Flaherty	Maier	Smith, B.
Argall	Flick	Manderino	Smith, S. H.
Belardi	Forcier	Mann	Staback
Belfanti	Freeman	McCall	Stairs
Beyer	George	McGill	Steil
Cawley	Gerber	McIlhattan	Stetler
Clymer	Godshall	McIlhinney	Stevenson, R.
Cohen	Goodman	Melio	Stevenson, T.
Cornell	Grell	Metcalfe	Sturla
Corrigan	Grucela	Mundy	Surra
Crahalla	Harhai	Petrarca	Tigue
Creighton	Harper	Preston	Turzai
Cruz	Hennessey	Roberts	Vitali
Curry	Hutchinson	Roebuck	Walko
Daley	Josephs	Rooney	Wansacz
Dally	Kenney	Rublely	Wheatley
Diven	Killion	Ruffing	Wilt
Eachus	LaGrotta	Sainato	Yewcic
Ellis	Leach	Samuelson	Yudichak
Evans, J.	Lescovitz		

NAYS—120

Allen	Fleagle	Major	Reed
Armstrong	Frankel	Markosek	Reichley
Baker	Gabig	Marsico	Rohrer
Baldwin	Gannon	McGeehan	Ross
Barrar	Geist	McNaughton	Sabatina
Bastian	Gergely	Micozzie	Santoni
Benninghoff	Gillespie	Millard	Sather
Biancucci	Gingrich	Miller, R.	Saylor
Birmelin	Good	Miller, S.	Scavello
Blackwell	Gruitza	Mustio	Schroder
Blaum	Haluska	Myers	Semmel
Boyd	Hanna	Nailor	Shaner
Bunt	Harhart	Nickol	Shapiro
Buxton	Harris	O'Brien	Siproth
Caltagirone	Hasay	Oliver	Solobay
Cappelli	Herman	O'Neill	Sonney
Casorio	Hershey	Pallone	Stern
Causar	Hess	Parker	Tangretti
Civera	Hickernell	Payne	Taylor, E. Z.
Costa	James	Petri	Taylor, J.
DeLuca	Kauffman	Petrone	Thomas
Denlinger	Keller, M.	Phillips	True
Dermody	Keller, W.	Pickett	Veon
DeWeese	Kirkland	Pistella	Waters
DiGirolamo	Kotik	Pyle	Watson
Donatucci	Lederer	Quigley	Williams
Fabrizio	Leh	Ramaley	Wojnaroski
Fairchild	Levdansky	Rapp	Wright
Feese	Mackereth	Raymond	Youngblood
Fichter	Maitland	Readshaw	Zug

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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?
Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Freeman, is recognized.
Mr. FREEMAN. Thank you, Mr. Speaker.
Mr. Speaker, I rise to oppose this measure.

I applaud the gentleman, Mr. Raymond, for the fine work that he has done in bringing attention to this issue and as well as his effort to amend this legislation, which was successful, to soften its effects to some extent.

I think it is unfortunate that the House decided not to embrace the McIlhinney amendment as it was a more prudent approach to this issue.

Underage drinking on our college campuses is a serious problem and we need to address it, but I think this legislation takes a tact that is far too punitive. We already have serious penalties for underage drinking – the loss of driving privileges, potential fines, and the like – all of which can be used to great effect to make the message known that underage drinking is illegal in this Commonwealth. I think when we start to cross the line, however, and become far more punitive about this, we only hurt the chances of our young students.

College, in many respects, can be a learning experience for children who attend. They make mistakes. I do not think we want to bar them from having the opportunity to tap into important financial aid simply because of one mistake or two mistakes or three mistakes. I think it is more prudent for us to take a different approach to this issue. If it is serious underage drinking, if it is an issue of alcoholism, alcoholism is a disease, and we need to treat that in a far different fashion than this punitive approach.

I realize a measure such as this has a certain cachet in popularity and public thinking, but I do not think it is going to solve the problem. I think it is going to endanger the future of many of our students who are innocent in their approach to this issue, and therefore I would urge the members to oppose this measure, and let us be more rational in our approach to dealing with the problem of underage drinking at our universities and colleges.

Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will Mr. Raymond submit to interrogation, please?

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

Mr. COHEN. Thank you.

Under the current version of this bill now with your amendment and without the McIlhinney amendment, how does a student lose financial aid under the terms of this bill?

Mr. RAYMOND. Mr. Speaker, the student does not lose financial aid. The student can only lose grants and/or scholarships that are given to them from the State on a third offense.

Mr. COHEN. Thank you, Mr. Speaker.

I have no further questions for the gentleman.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. COHEN. I would like to speak on the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed. Thank you.

Mr. COHEN. Mr. Speaker, I do have one more question. I apologize to the gentleman.

Mr. Speaker, the third, there is no time limitation between the offenses, is there, under this bill? I mean, the offenses could take place within a short time or they can take place within a long time, could they not, in order for a person to lose financial aid?

Mr. RAYMOND. Mr. Speaker, that is correct, and again I will restate, student loans, PHEAA loans, student aid, that student aid is not impacted whatsoever. It is only scholarships or grants.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, about 150 years ago the great French author Anatole France said that the law in its majestic equality bans rich and poor alike from sleeping on park benches. This law will ban rich and poor alike from getting student aid, student grants for excessive underage drinking.

It is the people who earn basically under \$35,000 a year and their family who are eligible for student grants. People who earn over that – and there are some adjustments that may influence some precise numbers – but basically, people who earn under \$35,000 a year and their families are eligible for student grants and people who earn over \$35,000 a year are eligible for student loans. The more affluent people will not be affected by this legislation. The less affluent people will be affected by this legislation. The grant punishment affects lower income people much more than it affects higher income people. We ought not to be doing things like that.

Dan Surra raises the question, is that constitutional? I think it is constitutional to do that. Low-income people are not a protected class under the State or Federal Constitution, and if we want to discriminate against them, I think we have the right to do so, but nevertheless, it is not a wise policy for us to do that; it is not a fair policy to do that.

About 6 months ago a student approached me about trying to get his driver's license back, and he had gone to one of our State universities, and within a very, very short period of time, I believe it was less than a week, he had managed to be cited three or four times for underage drinking, and there was a very, very aggressive campus police officer there—

The SPEAKER pro tempore. Will the gentleman suspend.

We are getting just a tad bit loud again. Members, please take your seats. Members, you were doing so well. Thank you.

You may proceed.

Mr. COHEN. Thank you, Mr. Speaker, for maintaining order.

Mr. Speaker, in his particular case, he really had very little chance to reform. He had the chance to stop participating in campus activities. All of his underage drinking was in the dorms. He should have had the sense not to, but the penalties of losing a driver's license for a while were very, very severe. This bill keeps those penalties in effect and adds some new penalties that he would lose all financial grants. This is an extremely severe penalty for a person who may be suffering from the disease of alcoholism.

I would think, Mr. Speaker, that if we are going to punish students, if we believe in a punitive approach, we ought to punish students equally and not punish heavily by far those students from low-income families much more than we punish those students from average-income families or high-income families.

I would urge a "no" vote on this bill. I would hope that this bill could be reworked in order to fairly apportion the punishments. It seems to me quite candidly that my district is going to be much more affected by this bill than Mr. Adolph's district is and that not all districts are going to be treated alike for certain under this bill, and I would urge that we vote "no" on this. I am told there are 13 other bills dealing with underage drinking. I do not think this bill is really a vital component in its current wording. I would urge a "no" vote.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the legislation and congratulate the sponsor.

I think some of my colleagues might be thinking of this issue as it was 20 years ago, but there is an epidemic on our college campuses involving alcohol. Our colleges and universities do very little; I will not say nothing, but they are derelict in their enforcement and prosecution of alcohol on and around their campuses. They have been enablers over the years.

Alcohol-related accidents are the number one, number one killer of young adults. Whatever is in second place does not even come close. This legislation is not only good for Pennsylvania colleges and universities to wake them up, but it is good for Pennsylvania students because it is going to save lives.

Hopefully this will be in every catalog, in every pamphlet that high school seniors get when they are applying to colleges and they get to understand what the new law is in Pennsylvania. One need only pick up our nation's newspapers and see what alcohol on and around our college campuses and the problems, the serious problems that it presents.

I congratulate again the sponsor of the bill and ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman suspend.

Members, the gentleman, Mr. Clymer, has a terrible cold, and if you want to hear what he has to say, please extend him the courtesy.

Mr. CLYMER. I will try my very best.

The SPEAKER pro tempore. Thank you.

Mr. CLYMER. Mr. Speaker, I am going to vote for this bill, but I make an observation. Representative Bebko-Jones has a bill in the Liquor Control Committee that says, "Let's Tag a Keg," and it is a bill that would really do well to reduce underage drinking, because the local authorities could determine who bought that keg of beer when it has been used by those who are underage, and I trust that if we are really consistent and serious about helping those who are underage, that bill will move out of committee.

Mr. Speaker, back in the fall a group of students from high schools across Pennsylvania came here, and both Representative Bebko-Jones and I had the opportunity to greet them and meet them, and their theme was, "Tag a Keg, Not a Doe." They want to see legislation move that would really be meaningful and that would help them.

And so my observation is, let us move forward on this legislation and not be intimidated by the beer distributors and those who have a benefit to gain by having this bill remaining in the Liquor Control Committee.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lawrence County, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

Will the maker of the bill agree to a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees, and you may proceed.

Mr. SAINATO. Thank you, Mr. Speaker.

When you say academic scholarship, does this involve sports scholarships as well?

Mr. RAYMOND. Yes, sir, Mr. Speaker; grants and scholarships, State-funded grants and scholarships.

Mr. SAINATO. Okay. So it would be an athletic scholarship. Even if they are given a full ride to college, on their third offense they would lose it.

Mr. RAYMOND. Mr. Speaker, it is my understanding that if a school is giving a scholarship, that is a school scholarship. I am talking about State-funded grants and scholarships.

Mr. SAINATO. Okay.

Mr. RAYMOND. If it is a State school, that might be the case.

Mr. SAINATO. Okay. So you are not sure if it is a State school—

Mr. RAYMOND. Mr. Speaker, State-funded grants and scholarships. It depends upon the school, and it depends upon the source of the funding for the scholarship.

Mr. SAINATO. So if the money from that school— As an example, we will say Penn State has a football player and he is given a 4-year scholarship and it is paid for with State dollars, then he would lose the whole scholarship?

Mr. RAYMOND. Yes, sir; that is correct.

Mr. SAINATO. Okay. That ends my interrogation.

I, too, Mr. Speaker, have some concern about this legislation when we talk about, you know, does the crime fit the

punishment. Underage drinking is a problem, it is a serious problem at our universities.

The discrimination, the part of where you are saying you lose the scholarship, there are only a certain many students that actually get the scholarship. So we are pretty much saying that kids who may need help – as the prior speaker said, they may need help because they have that third offense, they may have a drinking problem – if they have that drinking problem, we are punishing them by taking away their aid forever to go to college. Many may have to drop out of college. What does that do for society? I think that actually hurts society because now they may not get an education. So instead of getting the help they need, it may actually become worse.

I think we need maybe stricter penalties and more help, because alcohol is a disease, alcoholism is a disease, and you need people who need help.

A problem with our underage drinking law in Pennsylvania says intoxication, transportation, or possession, and that is very, very important when I say that, because you can have a can of beer in your dorm room and not drink it; it could be someone else's, but you can be charged with underage drinking because you are in possession. If you are in a car and you have not had anything to drink and there is a bottle of wine in that car, you could be charged with underage drinking. So you could have a case where someone just happens to be at the wrong place at the wrong time and 4 years of school and all of a sudden they have lost their college aid for life, for life, or it could be an athlete who lost his full scholarship if they are at a State university and they are State funds. So does the crime fit the punishment?

We have punishment that takes away a driver's license for underage drinking, even if you are not driving. On a third offense, you probably lose it, I think, for 2 years.

Schools need to take a very active role in underage drinking and make, make the penalties from their perspective. We are taking a lot of that away, and we are punishing the poor kids and people who have to rely on State scholarships. If you go to college and you do not get any scholarships and you are very wealthy, you can get five underage drinkings and you are still in school. The third offense for a poor kid means you are out of school. I just think these points need to be made.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Franklin County, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, could I ask the prime sponsor a question, please?

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

Mr. FLEAGLE. Mr. Speaker, just a simple logistical question that I had in talking to my colleagues that was not real clear. Assuming this bill passes and is signed into law, when does the clock start on the offenses? In other words, if a student has two offenses on them now, does that count towards the three offenses or does it just start whenever this bill becomes active?

Mr. RAYMOND. Mr. Speaker, no, sir. It would be from this point forward. Any prior offenses would not be counted.

Mr. FLEAGLE. Okay. That is all I have. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Blackwell, from Philadelphia County. He is recognized.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this bill.

Understanding all of the comments that have been made thus far, I happen to come from an area where there is a lot of underage drinking, and I wish that we had something or someone in place to counsel these underage drinkers.

Thirty-some-odd years ago when the greatest man, in my opinion, that ever lived, Lucien E. Blackwell, served in this House, there was an argument about lowering the drinking age, and he took to this floor at that time, Mr. Speaker, and he talked about all the evils of drinking and the misery that it caused. Let me say this, Mr. Speaker: Alcohol is just the beginning of it if it is not kept in check.

I would love for these schools to have some type of policy that deals with it, because I have seen kids drop out of school because there is no written policy, there is no counseling for alcoholics underage.

My background, Mr. Speaker, I am a former labor leader. I worked the docks. I am a former president of the Longshoremens's Union. I have seen young kids come down on the waterfront clean, clean living, and then turn to alcohol because they become one of the crowd, they want to be accepted.

Well, let me say this to you, Mr. Speaker: I believe that in going to school, you also have a responsibility. That responsibility is to live a life conducive to learning. You cannot learn, you are not in an environment clearly thinking if your mind is clouded by alcohol. Frankly, Mr. Speaker, speaking for myself, I would get rid of all of it because of the fact I have seen what alcohol can do when it is used irresponsibly.

I support this bill wholeheartedly. I commend you for it, because these are the types of things that will help communities and the young people where I come from. They need to have discipline. A child becomes what they see. Now, I have heard, Mr. Speaker, on the floor— Mr. Speaker, may I have attention?

The SPEAKER pro tempore. Members, the gentleman is entitled to be heard and is seeking some peace and quiet.

Gentlemen, please clear the aisles. Members, will you please be seated.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I have seen what alcohol can do to families and young people. I have seen it firsthand. I cannot sit back and allow this to continue and not raise my voice against it. A child becomes what they see. A child growing up, all he sees is the disease of alcohol, the disease of cocaine, the disease of marijuana and thinks that is a normal way of life, that there is no positive. Right now we have young people, Mr. Speaker, who accept in their opinions that they are not going to live a long life, that they have nothing to live for because there is no structure.

In poor communities across this Commonwealth, Mr. Speaker, we should be encouraging discipline and have structured lifestyles. Those that want to drink alcohol responsibly, that is your business, that is your right, but underage people, there should be guidelines and they should know that there is a penalty for all of their actions. As an adult, if you disobeyed a law, you have consequences to pay for that.

Mr. Speaker, I agree with this bill, I support it, and I would encourage this House to pass this bill.

Thank you very much.

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

Mr. SIPTROTH. Thank you, Mr. Speaker.

I, too, again would come before you to ask you to support this bill.

As my fine colleague from the northeast recently spoke, there are 1,400 college-related alcohol deaths every year in this country. If this is a wake-up call that need be done to the universities so that they best monitor what is going on in the universities, so be it.

Again I would ask you to support this bill. Thank you.

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

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, I just want to reiterate for everybody – and I have been listening to the debate on this bill, and it has really run far afield of what exactly this bill does – this bill only requires higher education establishments who want to access the money that the Liquor Control Board makes available in grants to comply with this by having an alcohol policy. That is only 40 colleges and universities in Pennsylvania. If they do not want to participate, if they think this is too egregious, if they think we are sending too strong a message to our young people not to be drinking not just one time or two times but three times, then I think that is not asking too much.

I think if you want to look at what happened recently, the University of Georgia, they had a student die of alcohol poisoning, and on their own, the University of Georgia now has, first-time offenders will be subject to counseling and probation, repeat offenders will be subject to a one-semester suspension, and multiple offenders will be subject to expulsion, on their own. Georgia did not do it for them.

And I think someone pointed out earlier, one of the speakers, that we have policies and handbooks that are given to students when they walk into school, but that is the last time you see or hear about it, and what we are asking for are the colleges and universities to get more proactive in promoting alcohol education and trying to stop this problem on our college campuses. I do not think that is asking too much, and I think it is imperative for us to send a message to the Commonwealth of Pennsylvania that we are going to be serious about it also.

I would appreciate an affirmative vote on the bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—166

Adolph	Fichter	Lescovitz	Readshaw
Allen	Flaherty	Levdansky	Reed
Armstrong	Fleagle	Mackereth	Reichley
Baker	Flick	Maitland	Roberts
Baldwin	Forcier	Major	Roebuck

Barrar	Gabig	Mann	Rohrer
Bastian	Gannon	Markosek	Ruffing
Belardi	Geist	Marsico	Sabatina
Belfanti	George	McCall	Santoni
Benninghoff	Gerber	McGeehan	Sather
Biancucci	Gergely	McGill	Saylor
Birmelin	Gillespie	McIlhattan	Scavello
Blackwell	Gingrich	McNaughton	Schroder
Blaum	Godshall	Melio	Semmel
Boyd	Good	Metcalfe	Shapiro
Bunt	Goodman	Micozzie	Siptroth
Caltagirone	Grell	Millard	Smith, B.
Cappelli	Gruitza	Miller, R.	Solobay
Casorio	Haluska	Miller, S.	Sonney
Causar	Hanna	Mundy	Staback
Civera	Harhai	Mustio	Stairs
Clymer	Harhart	Myers	Steil
Cornell	Harris	Nailor	Stern
Corrigan	Hasay	Nickol	Stevenson, R.
Costa	Hennessey	O'Brien	Stevenson, T.
Crahalla	Herman	Oliver	Sturla
Creighton	Hershey	O'Neill	Tangretti
Cruz	Hess	Pallone	Taylor, E. Z.
Curry	Hickernell	Parker	Taylor, J.
Daley	Hutchinson	Payne	Thomas
Dally	James	Petri	True
DeLuca	Josephs	Petrone	Waters
Denlinger	Kauffman	Phillips	Watson
Dermody	Keller, M.	Pickett	Wheatley
DiGirolamo	Keller, W.	Pistella	Williams
Donatucci	Kenney	Preston	Wojnaroski
Eachus	Killion	Pyle	Wright
Ellis	Kirkland	Quigley	Yewcic
Evans, J.	Kotik	Ramaley	Youngblood
Fabrizio	Leach	Rapp	Yudichak
Fairchild	Lederer	Raymond	Zug
Feese	Leh		

NAYS—32

Argall	Freeman	Rooney	Surra
Beyer	Gruclera	Ross	Tigue
Buxton	Harper	Rubley	Turzai
Cawley	LaGrotta	Sainato	Veon
Cohen	Maher	Samuelson	Vitali
DeWeese	Manderino	Shaner	Walko
Diven	McIlhinney	Smith, S. H.	Wansacz
Frankel	Petrarca	Stetler	Wilt

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

* * *

The House proceeded to third consideration of **HB 2472, PN 3605**, entitled:

An Act establishing a farmers' market development grant program to develop or expand farmers' markets; conferring powers and duties on the Department of Agriculture; and providing for funding.

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

Mr. **MYERS** offered the following amendment No. **A07472**:

Amend Sec. 4, page 4, line 2, by striking out all of said line and inserting

(b) Grant matching.—

(1) Except as set forth in paragraph (2), each applicant shall provide at least

Amend Sec. 4, page 4, by inserting between lines 4 and 5

(2) The requirement of paragraph (1) may be waived by the secretary for a project to serve an underserved area if the secretary determines that the waiver will further the purposes of this act.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

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

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

The following roll call was recorded:

YEAS—198

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

Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wojnaroski
Ellis	Lederer	Roberts	Wright
Evans, J.	Leh	Roebuck	Yewcic
Fabrizio	Lescovitz	Rohrer	Youngblood
Fairchild	Levdansky	Rooney	Yudichak
Feese	Mackereth	Ross	Zug
Fichter	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 999, PN 1790**.

BILLS SIGNED BY SPEAKER PRO TEMPORE

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 15, PN 4008

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Substance Abuse Education and Demand Reduction Fund, for driving under influence of alcohol or controlled substance and for penalties.

HB 121, PN 3939

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

HB 218, PN 3877

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

HB 601, PN 3940

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance.

HB 750, PN 841

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

HB 2319, PN 4052

An Act prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

SB 999, PN 1790

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for Voting Standards Development Board, for compensation of district election officers, for polling places selected by county boards and for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings or rooms where malt or brewed beverages or liquor dispensed; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting; and making a repeal of the act of October 8, 2004 (P.L.830, No.98).

SB 1081, PN 1512

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for limitations and eligibility in educational assistance program.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 583, PN 1485**, entitled:

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

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

The SPEAKER pro tempore. Mr. Good, do you intend to offer your amendment?

The gentleman withdraws the amendment.
The Chair thanks the gentleman.

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

Mr. FAIRCHILD offered the following amendment No. A07588:

Amend Title, page 1, line 3, by removing the period after “offenses” and inserting
and for the offense of unsworn falsification to authorities.

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 3301 and 4904 of Title 18 of the Pennsylvania Consolidated Statutes are amended by adding subsections to read:

Amend Sec. 1 (Sec. 3301), page 1, line 11, by inserting after “section”

or any similar offense under Federal or state law

Amend Sec. 1 (Sec. 3301), page 1, line 15, by inserting after “Act.”

Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained pursuant to Chapter 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of “arson and related offenses” under 18 Pa.C.S § 3301 or any similar offense under any Federal or state law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.

Amend Sec. 1, page 1, by inserting between lines 16 and 17 § 4904. Unsworn falsification to authorities.

* * *

(d) Penalty.—In addition to any other penalty that may be imposed, a person convicted under this section shall be sentenced to pay a fine of at least \$1,000.

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

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This is a very important amendment for our fire companies, both paid and unpaid.

The Senate bill that came over to the House had a provision that required a background check and a payment of a \$10 processing fee for every member of the fire company to determine if they had an arson conviction in their background check. What this amendment simply does is allow a fire company to either go that route or what we call a certification. So that individual, rather than paying the \$10 fee or the fire company paying the \$10 fee for each member, can simply get a certification that that new member or that member certifies that they have never been convicted of having an arson offense.

This is extremely important because many of us know how hard it is for our local volunteer fire companies to maintain the membership they do have, and secondly, to attract new

members. I believe it is a very good amendment, and I would ask for your positive vote.

Thank you very much.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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. LEACH offered the following amendment No. A07639:

Amend Title, page 1, line 3, by removing the period after "offenses" and inserting

and for the offense of endangering welfare of children.

Amend Bill, page 1, by inserting between lines 16 and 17

Section 2. Section 4304(a) of Title 18 is amended to read:

§ 4304. Endangering welfare of children.

(a) Offense defined.—

(1) A parent, guardian, or other person supervising the welfare of a child under 18 years of age or a person who employs or supervises such a person commits an offense if he knowingly or recklessly endangers the welfare of the child by violating a duty of care, protection or support.

(2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).

(3) As used in this subsection, the term "person supervising the welfare of a child" means a person other than a parent or guardian who provides care, education, training or control of a child.

* * *

Amend Sec. 2, page 1, line 17, by striking out "2" and inserting
3

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Evans, D.	Perzel,
Bishop	Rieger	Speaker

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 **SB 997, PN 1629**, entitled:

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.

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

The SPEAKER pro tempore. Mr. Wansacz, which amendment would you like to offer?

Mr. WANSACZ. 7478.

The SPEAKER pro tempore. Mr. Wansacz, we have been advised that amendment 7662 has replaced that amendment. Is that correct?

Mr. WANSACZ. No. I am going to go back to the original amendment, 7478.

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

Mr. WANSACZ offered the following amendment No. **A07478**:

Amend Sec. 1, page 1, line 9, by inserting after "amended" and the section is amended by adding clauses

Amend Sec. 1 (Sec. 443.1), page 2, by inserting between lines 22 and 23

(7) Payments to any county and nonpublic nursing facility that is not within a Metropolitan Statistical Area (MSA) but is within one mile of the border of the MSA shall be made at the same rate as if the facility was within the MSA.

(8) (i) An efficiency incentive shall be allowable for a nonpublic nursing facility if the facility's audited net operating per diem costs are less than the applicable group ceiling. In determining the efficiency incentive, the following limitations apply:

(A) Proprietary facilities may receive an efficiency incentive of up to eight and one-half percent of the Statewide average net operating per diem cost of general nursing facilities excluding hospital-based and special rehabilitation facilities for each level of care for the prior fiscal year.

(B) Nonprofit facilities may receive an efficiency incentive of up to six percent of the Statewide average net operating per diem cost of general nursing facilities excluding hospital-based and special rehabilitation facilities for each level of care for the prior fiscal year.

(C) In no event may the total of a facility's audited net operating per diem rate and the efficiency incentive exceed the applicable group ceiling for the facility.

(ii) For purposes of this clause, the term "group ceiling" means the maximum per diem cost, excluding depreciation and interest on capital indebtedness, that may be reimbursed by the medical assistance program for a facility in a specified group.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the majority leader, Mr. Smith.

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

On amendment 7478, while it may have merit, I think the goal of this legislation is to require the regulatory review process to run through its normal cycle with legislative oversight as opposed to putting into this bill what I am going to use as kind of, you know, micromanaging some of the regulatory issues.

So while there may be merit to what the gentleman's amendment seeks to do, I think it is the more prudent way to deal with this issue by allowing the regulatory review process to work through its normal course of action with legislative oversight, and that is what SB 997 would do without amendment, and I would urge the members to oppose the amendment.

Thank you, Mr. Speaker.

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

Mr. WANSACZ. Thank you, Mr. Speaker.

What this amendment does is currently, right now, if you operate a nursing home and you are an efficient nursing home, you get punished right now for being efficient. So what I am

trying to do is reward the nursing homes that are efficient. For the nursing homes that practice inefficiency, they actually get a higher per diem. So it gives no incentives for any nursing homes to become more efficient and be better.

Mr. S. SMITH. Excuse me, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Smith, is recognized.

Mr. S. SMITH. I believe he is talking about another amendment.

Mr. WANSACZ. No; 7478, the efficiency standards. Do you have the right one?

Mr. S. SMITH. The amendment that deals with the MSA (Metropolitan Statistical Area) issue?

Mr. WANSACZ. It deals with both.

Mr. S. SMITH. I apologize, Mr. Speaker. I stand corrected. I still oppose it, but go ahead.

The SPEAKER pro tempore. The gentleman, Mr. Wansacz, may resume.

Mr. WANSACZ. As I stated, what this amendment is trying to do is it is trying to reward the nursing homes that have become efficient. I do not believe that we should be punishing people for running a more efficient and effective system, and that is what this bill does.

Currently there are nursing homes out there that are being punished for running an efficient system. So I would like to ask for your support to show that we believe in running an efficient system.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I am asking for a leave for Jerry NAILOR, just leave.

The SPEAKER pro tempore. Capitol leave?

Mrs. TAYLOR. On leave.

The SPEAKER pro tempore. On leave.

Mrs. TAYLOR. Right.

The SPEAKER pro tempore. Without objection, the gentleman, Mr. Nailor, will be placed on leave.

The Chair thanks the lady.

CONSIDERATION OF SB 997 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the majority leader, Mr. Smith.

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

Again, there are elements of this amendment that I am supportive of. I am concerned primarily about the intent of the bill, that we really need to allow the regulatory review process to work or require it to work, because that is what this is all about, is not circumventing the normal regulatory review process that allows for full public comment and legislative oversight.

Secondarily, Mr. Speaker, the direct impact of this amendment, if adopted and put into law, according to our fiscal note to it, would be an additional cost of \$171.8 million, and while the intent of the legislation, of the amendment, as I have said before, may be warranted and I believe there are

some good things that the gentleman is trying to do, I would suggest that they would be more appropriately dealt with in the regulatory review process through the regulations and that this bill would best be served as is without the amendment, and I would urge the members to oppose the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Wansacz, for the second time.

Mr. WANSACZ. Mr. Speaker, may I have a moment to look at the fiscal note, as I was not provided with that.

The SPEAKER pro tempore. You may take a moment, sir.

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

Mr. TANGRETTI. To speak on the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. TANGRETTI. Thank you.

I just want to call everybody's attention that if we do amend SB 997, it has got to go back to the Senate for obvious reasons. That creates a real hardship for those nursing homes that fall into the category that were affected negatively by the legislation that created SB 997 in the first place. So notwithstanding Mr. Wansacz's amendment or anybody else's and its merits, I think this has to get to the Governor. We need to correct this problem. There are nursing homes hanging in the balance if we do not pass 997 in its present form.

So I would ask our side of the aisle to oppose, reluctantly, Mr. Wansacz's amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

Mr. Speaker, I understand the importance of this bill, I understand the importance of getting this bill to the Governor, but there is still one major problem with this bill, SB 997, is that it does not address the efficiency. You are still going to have nursing homes getting penalized for being efficient, and that is all this amendment does. I believe this is a good step; I understand the importance of it, but if we really care about making our nursing homes efficient and having good, quality work, this amendment is going to do that.

So I would like to ask for your support on this so we can pass a good piece of legislation. 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—73

Belardi	Gergely	Markosek	Shaner
Belfanti	Goodman	McCall	Siproth
Blackwell	Grucela	McGeehan	Soloback
Blaum	Gruitza	Mundy	Staback
Buxton	Haluska	Myers	Stetler
Caltagirone	Hanna	Oliver	Sturla
Cawley	Harhai	Parker	Surra
Cohen	James	Pistella	Thomas
Corrigan	Josephs	Ramaley	Tigue
Costa	Keller, W.	Readshaw	Veon
Cruz	Kirkland	Roberts	Vitali

Curry	Kotik	Roebuck	Walko
Daley	LaGrotta	Rooney	Wansacz
DeWeese	Leach	Ruffing	Waters
Donatucci	Lederer	Sabatina	Williams
Eachus	Lescovitz	Sainato	Wojnaroski
Freeman	Levdansky	Samuelson	Youngblood
George	Manderino	Santoni	Yudichak
Gerber			

NAYS—124

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

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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?

The SPEAKER pro tempore. Mr. Wansacz, are you going to be offering amendment 7479?

Mr. WANSACZ. Yes; if I could have one minute, Mr. Speaker.

Yes, Mr. Speaker, I would like to offer amendment 7479.

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

Mr. WANSACZ offered the following amendment No. **A07479**:

Amend Sec. 1, page 1, line 9, by inserting after "amended" and the section is amended by adding a clause
Amend Sec. 1 (Sec. 443.1), page 2, by inserting between lines 22 and 23

(7) Payments to any county and nonpublic nursing facility that is not within a Metropolitan Statistical Area (MSA) but is within one mile of the border of the MSA shall be made at the same rate as if the facility was within the MSA.

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

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

Mr. S. SMITH. Mr. Speaker, would the gentleman stand for just a quick question?

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

Mr. S. SMITH. Mr. Speaker, do you know how many homes are impacted by – a legitimate question; I just do not know what all the impact is on this – how many homes are affected by moving this around?

Mr. WANSACZ. No, I do not. It is up to the department to determine after this passes.

Mr. S. SMITH. And I appreciate that, Mr. Speaker, and clearly, again, what you are trying to do is something that we have some interest in, and it is something that I really think is a good direction to move. Again, I feel bad, Mr. Speaker, because while I do not disagree with your intention and your direction, I do believe it is something that should be done within the regulation package with legislative oversight, and I would certainly stand willing to take that case to the regulatory process. But again, as with the previous amendment, in light of the broader intentions with SB 997, I would have to ask the members to oppose the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wansacz.

Mr. WANSACZ. I rise to ask you to support this amendment.

This is a very simple amendment. As many of you know, each nursing home is classified into 1 of 12 peer groups according to a facility's geographic location and bed complement. The Department of Public Welfare sets reinforcement payments according to these peer groups. Under the current system, nursing homes in urban peer groups receive higher payments than those located in rural peer groups. Unfortunately, many rural nursing homes that are in close proximity to an urban group have similar costs but are compensated at a much lower rate. My bill seeks to address this disparity by allowing nursing homes situated within 1 mile of a designated urban area to be reimbursed at the same rate as an urban facility with a similar bed component.

Very simply, if you are that close to an urban area, our nursing homes in those rural parts, located within 1 mile, are competing for the same workforce as our urban centers. All this does is allow our facilities that are right on the outskirts

compete so they can have, they can provide the same type of services and attract the same type of personnel.

I would ask for your support on this.

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—74

Belardi	Freeman	Levdansky	Santoni
Belfanti	George	Manderino	Shaner
Biancucci	Gerber	Markosek	Siptroth
Blackwell	Gergely	McCall	Solobay
Blaum	Goodman	McGeehan	Staback
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Myers	Sturla
Cawley	Haluska	Oliver	Surra
Cohen	Hanna	Parker	Thomas
Corrigan	Harhai	Pistella	Tigue
Costa	James	Ramaley	Veon
Cruz	Josephs	Readshaw	Walko
Curry	Keller, W.	Roberts	Wansacz
Daley	Kirkland	Roebuck	Waters
DeLuca	Kotik	Rooney	Williams
DeWeese	LaGrotta	Ruffing	Wojnaroski
Donatucci	Leach	Sabatina	Youngblood
Eachus	Lederer	Sainato	Yudichak
Flaherty	Lescovitz		

NAYS—123

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

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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?

The SPEAKER pro tempore. Mr. Sainato, do you intend to offer your amendment? He withdraws? Thank you, Mr. Sainato.

Mr. Biancucci, do you intend to offer your amendment? He withdraws. The Chair thanks the gentleman.

Mr. George? Withdrawn. The Chair thanks the gentleman.

Mr. Veon, do you intend to offer— Withdrawn. The Chair thanks the gentleman.

Mr. Eachus? Withdrawn. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

DeWeese	Killion	Rapp	Watson
DiGirolamo	Kirkland	Raymond	Wheatley
Diven	Kotik	Readshaw	Williams
Donatucci	LaGrotta	Reed	Wilt
Eachus	Leach	Reichley	Wright
Ellis	Lederer	Roberts	Yewcic
Evans, J.	Leh	Roebuck	Youngblood
Fabrizio	Lescovitz	Rohrer	Yudichak
Fairchild	Levdansky	Rooney	Zug
Feese	Mackereth	Ross	

NAYS-2

Haluska	Wojnaroski
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NOT VOTING-0

EXCUSED-6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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

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

* * *

The House proceeded to third consideration of **SB 711, PN 1524**, entitled:

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

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

The SPEAKER pro tempore. Mr. Saylor, which amendment would you like to offer first?

Mr. SAYLOR. Mr. Speaker, it is amendment No. 7649.

The SPEAKER pro tempore. The clerk will read the amendment. Will you suspend.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair has been advised, Mr. Saylor, that you will have to suspend the rules for consideration of that amendment.

Mr. SAYLOR. Mr. Speaker, I would like to make a motion to suspend the rules for the purpose of offering amendment 7649.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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. **SAYLOR** offered the following amendment No. **A07649**:

Amend Title, page 1, line 3, by removing the period after “enforcement” and inserting

; and providing for civil immunity under certain circumstances.

Amend Table of Contents, page 1, lines 6 through 14, by striking out all of said lines and inserting

Section 2. Purpose.

Section 3. Definitions.

Section 4. Computer spyware prohibitions.

Section 5. Control or modification.

Section 6. Misrepresentation and deception.

Section 7. Nonapplicability.

Section 8. Criminal enforcement.

Section 9. Penalty.

Section 10. Civil relief.

Section 11. Civil immunity.

Section 12. Effective date.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Purpose.

This act is intended to prohibit deceptive practices used by purveyors of spyware and other potentially harmful software. It does not define spyware, but instead focuses on deceptive behaviors and persons or entities who disseminate potentially harmful software.

Amend Sec. 2, page 2, line 4, by striking out “2” and inserting

3

Amend Sec. 2, page 3, line 20, by inserting after “notice”

or, in the case of an activity described in section 4(2) or (5)(1) or (2), clear and conspicuous notice,

Amend Sec. 2, page 4, line 9, by striking out “6” and inserting

7

Amend Sec. 2, page 4, line 13, by striking out “ “Personally identifiable” and inserting

“Protected

Amend Sec. 2, page 4, lines 15 and 16, by striking out all of said lines

Amend Sec. 2, page 4, line 17, by striking out “(2)” and inserting

(1)

Amend Sec. 2, page 4, line 19, by striking out “(3) A password or personal” and inserting

(2) A password or protected

Amend Sec. 2, page 4, line 21, by striking out “personal” and inserting

protected

Amend Sec. 2, page 4, line 24, by striking out “(4)” and inserting

(3)

Amend Sec. 2, page 4, line 25, by striking out “(5)” and inserting

(4)

Amend Sec. 3, page 5, line 7, by striking out “3” and inserting

4

Amend Sec. 3, page 5, lines 25 and 26, by striking out “personally identifiable” and inserting

protected

Amend Sec. 3, page 6, line 9, by striking out “(2), (3), (4) or (5)(i) or (ii)” and inserting

(1), (2), (3) or (4)(i) or (ii)

Amend Sec. 3, page 6, line 10, by striking out “ “personally identifiable” and inserting

“protected

Amend Sec. 4, page 6, line 27, by striking out “4” and inserting

5

Amend Sec. 4, page 7, line 30, by striking out “personal” and inserting

protected

Amend Sec. 5, page 9, line 5, by striking out “5” and inserting

6

Amend Sec. 6, page 9, line 19, by striking out “6” and inserting

7

Amend Sec. 6, page 9, line 20, by striking out “(1) Nothing in section 4 or 5” and inserting

(a) General rule.—Nothing in section 4, 5 or 6

Amend Sec. 6, page 10, line 3, by striking out “(2) Nothing in this act shall” and inserting

(b) Construction.—Nothing in this act shall be construed to

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

8

Amend Sec. 8, page 11, line 2, by striking out “8” and inserting

9

Amend Sec. 8, page 11, lines 3 and 4, by striking out “3(2) and 4(1)(i),” and inserting

4(2) and 5(1)(i),

Amend Sec. 9, page 11, line 9, by striking out “9” and inserting

10

Amend Sec. 9, page 11, line 13, by striking out “who is” and inserting

that expends resources assisting customers who are

Amend Sec. 9, page 11, line 15, by striking out “who is” and inserting

that expends resources assisting customers who are

Amend Sec. 9, page 12, line 13, by striking out “4(1)” and inserting

5(1)

Amend Bill, page 13, by inserting between lines 8 and 9

Section 11. Civil immunity.

(a) General rule.—No provider of computer software or of an interactive computer service may be held civilly liable under this act or any other provision of law for actions taken to enable a customer of its products or services to prevent an act or practice that it reasonably believes violates section 4, 5 or 6 if the provider:

(1) Intends to identify accurately, prevent the installation or execution of, remove or disable computer programs which are installed or operated in a manner that violates section 4, 5 or 6 on a computer of a customer of the provider or enables a user to do so.

(2) Notifies the authorized user of the computer and obtains consent before undertaking such action or providing such service.

(3) Has established and adheres to internal practices and procedures, based on generally accepted and understood software industry practices, which are reasonably designed to determine whether a computer program has or will install or operate or cause behavior in a manner that violates section 4, 5 or 6.

(4) Has established and adheres to a reasonable process for managing disputes and inquiries regarding misclassification or false positive identifications of computer programs based on generally accepted and understood software industry practices.

(b) Effect on other defenses.—The failure of a provider to qualify for the civil immunity provided in subsection (a) shall have no bearing upon the consideration of any other defense by the provider that its conduct does not violate applicable law.

(c) Construction.—Nothing in this section shall be construed to limit the authority of a local district attorney, the Attorney General or any other public authority to bring an action against a provider of computer software or of an interactive computer service.

Amend Sec. 10, page 13, line 9, by striking out “10” and inserting

12

On the question,

Will the House agree to the amendment?

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

I do not believe we have copies of this amendment. The computer says the appropriation of this amendment is in progress. Could we take a moment until copies could be distributed or put on the computer screen?

The SPEAKER pro tempore. Or the gentleman, Mr. Saylor, would be more than glad to explain his amendment.

Mr. Samuelson.

Mr. SAMUELSON. Could the gentleman read his amendment into the record? We still do not have the text of the amendment. Is it a brief amendment? Is it several pages long?

Mr. SAYLOR. The amendment is a total of about five pages, not a full five pages, but it is mostly technical in nature, and the only part that is not technical in the amendment is that it adds Good Samaritan language in here to protect local companies who provide protection to business people and the rest of us, like Symantec and McAfee who provide antispyware. This language is to protect them as well, in this language.

Mr. SAMUELSON. I have been handed a copy of the amendment. The section on civil immunity, is that a change from the bill, and if so, could you go into some detail about exactly what that does?

Mr. SAYLOR. Sure. The Good Samaritan language is to protect companies like Symantec, McAfee, Computer Associates, Trend Micro. It is endorsed and supported by Cyber Security Industry Alliance, Mr. Speaker, as well as a number of other companies; for instance, a Pittsburgh-based company called VigilantMinds which writes software to, again, protect computers.

This is a case where basically Yahoo! and AOL have opposed – I will be honest with you – they opposed this language, because they are the ones who write the spyware programs that pop up on your computer, that steal your account numbers and so on and so forth sometimes. They condone some of these things through their actions of failing to block those kinds of programs on Yahoo! or whatever. This simply says to somebody that you, Mr. Speaker, may hire that if they write a program to protect you from spyware and a company comes forward and they send you an update and you cannot receive that update, that the company that wrote the spyware to protect your company is not held legally liable from Yahoo! or whoever it may be, because the fact is, as you write software, it constantly changes, as we know in the technology world. This is protecting those small companies as well as a large company, the largest leading company in the world that writes spyware – antispyware, I should say – Symantec, from those kinds of lawsuits, frivolous lawsuits and such.

This language is also endorsed by the American Legislative Exchange Council as part of their model legislation and is also in a bill that is offered and sponsored by Representative Flick as well. All this language is in those bills as well.

Mr. SAMUELSON. Have other States adopted the language you are proposing this afternoon?

Mr. SAYLOR. Excuse me. Again, Mr. Speaker?

Mr. SAMUELSON. Have other States adopted this language in similar form?

Mr. SAYLOR. No. This bill will be the most modern technology bill of antispyware in the nation when it is passed and becomes law.

Mr. SAMUELSON. And whom would the liability lie with, not Pennsylvania, the small companies—

Mr. SAYLOR. Basically what would happen is, at some point in time, if somebody wants to update your computers as a business or as an individual, you would have to go in and make some changes to your computer to accept new programming from those individuals. For instance, if I am the antispyware writer, I have no idea what any company may come up with at some point in time to modernize their software. This simply protects me, if they come up with something that may come into my computer, that normally I would accept, but without knowledge, if I am writing your software, I have no idea whether you want to accept something in the future. So there are other procedures out there that you would be able to accept that at some other point.

Mr. SAMUELSON. Okay.

Mr. SAYLOR. Some software changes.

Mr. SAMUELSON. Thank you for the explanation.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to respectfully ask for a “no” vote on this. This is not an agreed-to amendment. There are some technicalities in here that are agreed to. However, the language that was put in here at the eleventh hour in the Senate and sent over here deals with blanket immunity for one of the biggest competitors of a number of the Internet service companies. For example, Yahoo!, Google, AOL, Apple, Charles Schwab, Interactive Corporation, Experion, SISCO (Systems Integration Specialists Company, Inc.), National Retail Federation, just to name a few, are totally opposed to giving Microsoft basically blanket indemnification to be able to go and get into all these various systems. It gives a competitor, one big competitor, the big enchilada, kind of the granddaddy of them all, a huge advantage in the opinion of a lot of these other folks, and it just does not really serve competition the way it should be served.

So I would ask, Mr. Speaker, that we oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PALLONE. Thank you, Mr. Speaker.

I also rise to oppose the amendment as presented. It certainly has all the appearances and intentions of being well intended. However, the actual effect of this particular amendment will in essence create an antitrust issue on behalf of one single vendor in the Internet arena or the Internet world.

If our intent is to try and help startup companies and to help smaller companies and to help the little guy, we certainly do not want to introduce amendments like this that would only help the big guy, the giant, the Microsofts of the world, in the Internet world. We have other smaller and other competitors. Not only will it affect the industry standard, but each and every person, business, individual, agency, or organization that even has the most simplest of Web sites can be controlled by the Microsoft arena by in fact blocking through their spyware opportunities to keep those Web sites up, whether it be for business purposes, for social purposes, for religious purposes, and/or political purposes.

While, again, it has all the intentions of being well founded, and spyware and computer problems throughout our society are

growing day in and day out, this particular amendment, while it contains some valuable provisions, the majority of it in fact negatively affects the industry as a whole and most certainly will create what can be perceived by many as an antitrust violation for the non-Microsofts in the computer industry.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Since my name was brought into the debate, I think that I should inform the members that I do support the model legislation which is contained in SB 711. The amendment that the gentleman is offering does two things. One, it makes some technical amendments, which would improve the legislation, but on the other hand, it takes what was a consumer protection bill and sort of shifts it to an industry protection bill with the Good Samaritan immunity. So I am not supporting that part of his amendment.

But again, my name was mentioned, I do have legislation drafted that does essentially what SB 711 does, and with the technical amendments but not with the Good Samaritan portion. So I would oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick, for a second time.

Mr. FLICK. Thank you. A matter of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FLICK. Thank you.

I wonder if that amendment is divisible.

The SPEAKER pro tempore. Yes, it is.

Mr. FLICK. I am told that it may not be.

The SPEAKER pro tempore. It is divisible, sir.

Mr. FLICK. It is divisible.

The SPEAKER pro tempore. On page 4 between lines 14 and 15.

Mr. FLICK. Would that separate the Good Samaritan portion from the bill?

The SPEAKER pro tempore. Indeed it would.

Mr. FLICK. Then I would encourage and if I could make the motion that we divide the amendment and vote the portion that has the technical amendments first and then allow the gentleman, if he wishes to, to offer the second portion of the amendment, which would be the Good Samaritan protection.

The SPEAKER pro tempore. The amendment is divisible on page 4 between lines 13 and 14.

On the question,

Will the House agree to part 1 of the amendment?

Mr. FLICK. Mr. Speaker, maybe we could approach the rostrum for a quick meeting?

The SPEAKER pro tempore. Will the gentlemen, Mr. Saylor and Mr. Flick, approach the rostrum. And will the gentleman, Mr. Markosek, as well join us.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. Members, the Chair thanks you for your indulgence. The gentleman, Mr. Flick, has withdrawn his motion for divisibility, and the question now is on the entire amendment.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Markosek, is recognized.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I continue to urge my colleagues to oppose the Saylor amendment. As I mentioned before, this grants immunity to some of the bigger players in this industry that are competitors with a lot of the other relatively large players in this industry. This was inserted into the Senate in the eleventh hour. It has come over here without a lot of prewarning, so to speak. We do have a portion of the amendment that is agreed to, and if we defeat this amendment, I do have a follow-up amendment which will have the agreed-to language in it, which we can pass that and send it back over to the Senate. But there is very important non-agreed-to language in the Saylor amendment, and I think we are all at some risk by passing something that we do not know all of the details about here at the eleventh hour just prior to an election.

So I would ask the members to please vote "no" on the Saylor amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pallone, for the second time.

Mr. PALLONE. Mr. Speaker, this is a parliamentary inquiry, not the second time.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PALLONE. Is it appropriate to move to table this amendment at this time? Would a motion be in proper order?

The SPEAKER pro tempore. It is in order at this time.

MOTION TO TABLE AMENDMENT

Mr. PALLONE. Then I would so move.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Pallone, that amendment A07649 be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. This is only debatable by the floor leaders.

The majority leader defers to Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to oppose the tabling of the amendment. Without this language in the bill, this bill becomes not friendly to consumers. This continues to allow the people who day in and day out provide spyware – repeat the word – spyware on our computers to run rampant with our security system of account numbers, whether it is your Visa card or your bank account or any number of other personal information. Without this, the bill is worthless as consumer protection language.

This amendment as such puts in that bill language that is going to keep you as a consumer free and clear of losing your account numbers. More importantly, without this, as I said earlier, not only does it create a problem for you as far as the account information you have, but any update that comes to you, if Good Samaritan language goes in, it simply says to AOL, Google, Yahoo! that they must notify you before they put things on your computer and update your account, that you as the owner of that computer system have the right to say and know what is going into your account.

The SPEAKER pro tempore. Would the gentleman suspend.

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

Mr. THOMAS. Mr. Speaker, only to let you know that I would like to speak on the motion to table.

The SPEAKER pro tempore. It is not debatable, Mr. Thomas. It is only debatable between the leaders, and the majority leader deferred to Mr. Saylor.

Mr. THOMAS. Okay. Thank you.

The SPEAKER pro tempore. Thank you.

Mr. Saylor. My apologies.

Mr. SAYLOR. Okay. Thank you, Mr. Speaker.

Last but not least is, you have a choice. You can side with the big corporations of AOL, Google, against the small companies of Pennsylvania and companies like the largest company in the world, which the Republican Caucus, by the way, uses to protect our computers, you can vote against Symantec, but they are the same company we choose in our caucus to protect our computers. If you believe that those companies are going to do harm to the consumers, then I understand your vote for tabling. But a vote to table is a vote against consumers.

Thank you.

The SPEAKER pro tempore. Mr. DeWeese, do you wish to speak on— He is deferring to the gentleman, Mr. Pallone.

Correction. The leader, Mr. DeWeese, has deferred to Mr. Markosek and is recognized.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, if ever there was a candidate for a tabling, this is it. I think most of the members get the feel here that there is no agreement on this, and there certainly are large areas of disagreement. And again, here we are at the eleventh hour, prior to a lengthy break of the legislature coming up for the elections, being asked to vote on something that many of us need more information on.

So I would urge the members to table the amendment. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—95

Belardi	George	Manderino	Sainato
Belfanti	Gerber	Mann	Santoni
Benninghoff	Gergely	Markosek	Sather
Beyer	Godshall	McCall	Shaner
Biancucci	Good	McGeehan	Shapiro
Blackwell	Goodman	Melio	Siptroth
Blaum	Grucela	Millard	Staback
Buxton	Gruitza	Mundy	Stetler
Caltagirone	Haluska	Myers	Sturla
Cawley	Hanna	Oliver	Surra
Cohen	Harhai	Pallone	Tangretti
Corrigan	Harper	Parker	Thomas
Costa	Hasay	Petrarca	Tigue
Cruz	Hess	Petrone	Vitali
Curry	James	Phillips	Walko
Daley	Josephs	Pistella	Wansacz
DeLuca	Keller, W.	Ramaley	Waters
Dermody	Kirkland	Readshaw	Wheatley
Donatucci	Kotik	Roberts	Williams
Fabrizio	LaGrotta	Roebuck	Wojnaroski
Fairchild	Leach	Ross	Yewcic
Flaherty	Lederer	Rubley	Youngblood
Frankel	Lescovitz	Ruffing	Yudichak
Geist	Levdansky	Sabatina	

NAYS—102

Adolph	Evans, J.	Maitland	Rohrer
Allen	Feese	Major	Rooney
Argall	Fichter	Marsico	Samuelson
Armstrong	Fleagle	McGill	Saylor
Baker	Flick	McIlhattan	Scavello
Baldwin	Forcier	McIlhinney	Schroder
Barrar	Freeman	McNaughton	Semmel
Bastian	Gabig	Metcalfe	Smith, B.
Birmelin	Gannon	Micozzie	Smith, S. H.
Boyd	Gillespie	Miller, R.	Solobay
Bunt	Gingrich	Miller, S.	Sonney
Cappelli	Grell	Mustio	Stairs
Casorio	Harhart	Nickol	Steil
Causer	Harris	O'Brien	Stern
Civera	Hennessey	O'Neill	Stevenson, R.
Clymer	Herman	Payne	Stevenson, T.
Cornell	Hershey	Petri	Taylor, E. Z.
Crahalla	Hickernell	Pickett	Taylor, J.
Creighton	Hutchinson	Preston	True
Dally	Kauffman	Pyle	Turzai
Denlinger	Keller, M.	Quigley	Veon
DeWeese	Kenney	Rapp	Watson
DiGirolo	Killion	Raymond	Wilt
Diven	Leh	Reed	Wright
Eachus	Mackereth	Reichley	Zug
Ellis	Maher		

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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

On the question recurring,

Will the House agree to the amendment?

**MOTION TO TABLE
BILL AND AMENDMENT**

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Samuelson, is recognized.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The previous motion was a very close one on the specific subject of tabling an amendment, which is a rather new procedure in this House of Representatives. If an amendment is tabled, then when does it come back up? Does it come back up before the bill is voted or after the bill is voted? I think that is an unanswered question. I think the more appropriate motion would be to table the bill with the amendment. That would give everyone a chance to take another look at this, look at the ramifications of the proposal and the amendment, and so therefore, I move to table the bill with the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Samuelson, that SB 711 with the amendment be tabled.

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

PARLIAMENTARY INQUIRY

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

Mr. THOMAS. Mr. Speaker, a point of clarification.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Does the bill have an amendment?

The SPEAKER pro tempore. We are considering an amendment with the bill.

Mr. THOMAS. I thought we rejected the proposed amendment. I mean, a motion was made to table that amendment, but we have not voted on that amendment. Am I correct?

The SPEAKER pro tempore. You are correct.

Mr. THOMAS. So what are we doing now?

The SPEAKER pro tempore. We are moving to table the bill with the amendment versus moving to table just the amendment.

Mr. THOMAS. But how can you table something that is not there?

The SPEAKER pro tempore. We do that all the time, sir.

Mr. THOMAS. Maybe that is why I am confused, Mr. Speaker. Thank you.

The SPEAKER pro tempore. You are welcome. The Chair thanks the gentleman.

Does the majority leader defer to Mr. Saylor again? He does, and Mr. Saylor, you are recognized.

Mr. SAYLOR. Mr. Speaker, at this point in time, I would prefer at this point to move on with the amendment at this point and see what we can do, what happens with the amendment.

Thank you.

The SPEAKER pro tempore. So if I understand that, Mr. Saylor, you are opposing the motion.

Mr. SAYLOR. I am opposing the motion to table at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—64

Belardi	Grucela	Melio	Siproth
Blackwell	Gruitza	Mundy	Staback
Caltagirone	Haluska	Myers	Stetler
Cawley	Hanna	Oliver	Sturla
Cohen	Harhai	Pallone	Surra
Cruz	James	Parker	Tangretti
Curry	Josephs	Petrarca	Thomas
Dally	Keller, W.	Ramaley	Tigue
Donatucci	Kirkland	Readshaw	Vitali
Flaherty	Kotik	Reichley	Wansacz
Freeman	LaGrotta	Roebuck	Waters
George	Leach	Ruffing	Williams
Gerber	Lederer	Sabatina	Wojnaroski
Gergely	Manderino	Samuelson	Yewcic
Godshall	McCall	Santoni	Youngblood
Goodman	McGeehan	Shaner	Yudichak

NAYS—133

Adolph	Eachus	Lescovitz	Reed
Allen	Ellis	Levdansky	Roberts
Argall	Evans, J.	Mackereth	Rohrer
Armstrong	Fabrizio	Maher	Rooney
Baker	Fairchild	Maitland	Ross
Baldwin	Feese	Major	Rubley
Barrar	Fichter	Mann	Sainato
Bastian	Fleagle	Markosek	Sather
Belfanti	Flick	Marsico	Saylor
Benninghoff	Forcier	McGill	Scavello
Beyer	Frankel	McIlhattan	Schroder
Bianucci	Gabig	McIlhinney	Semmel
Birmelin	Gannon	McNaughton	Shapiro
Blaum	Geist	Metcalfe	Smith, B.
Boyd	Gillespie	Micozzie	Smith, S. H.
Bunt	Gingrich	Millard	Solobay
Buxton	Good	Miller, R.	Sonney
Cappelli	Grell	Miller, S.	Stairs
Casorio	Harhart	Mustio	Steil
Causar	Harper	Nickol	Stern
Civera	Harris	O'Brien	Stevenson, R.
Clymer	Hasay	O'Neill	Stevenson, T.
Cornell	Hennessey	Payne	Taylor, E. Z.
Corrigan	Herman	Petri	Taylor, J.
Costa	Hershey	Petrone	True
Crahalla	Hess	Phillips	Turzai
Creighton	Hickernell	Pickett	Veon
Daley	Hutchinson	Pistella	Walko
DeLuca	Kauffman	Preston	Watson
Denlinger	Keller, M.	Pyle	Wheatley
Dermody	Kenney	Quigley	Wilt
DeWeese	Killion	Rapp	Wright
DiGirolamo	Leh	Raymond	Zug
Diven			

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Mr. Thomas, do you seek recognition on the amendment?

Mr. THOMAS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The clerk will strike the vote.

Mr. Thomas, you are recognized.

Mr. THOMAS. Mr. Speaker, I think that our majority and minority chairs brought this issue to front and center, and what they said, Mr. Speaker, as I heard and I am sure my colleagues on both sides of the aisle heard, we all support competitiveness, we all support a fair playing field, and the author of the amendment is okay in making technical corrections. But, Mr. Speaker, when you put provisions in a bill that shield one company versus another, then you destroy the whole notion of creating a fair playing field, and what this amendment does is provide immunity to one company at the behest of other companies, and, Mr. Speaker, that is wrong, wrong, wrong.

Now, I believe I understand where the maker of the amendment wants to go and probably could have had an opportunity to get there if he had allowed the amendment to be tabled, because, Mr. Speaker, where he wants to go, we can get there, it is not complicated, but now we are forced to put up a “yes” or “no” vote on something that I think was well intentioned when it started out. But, Mr. Speaker, at the end of the day, we do not want to support provisions that provide one company with blanket immunity or an advantage over other companies, and to that end, Mr. Speaker, no matter how much we might not want to, we must reject this amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Preston.

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

I can understand why an awful lot of people may have certain misgivings. However, I would like to think that Mr. Saylor is making a very positive step forward. And yes, we may not be able to agree with everything, but I do think that the amendment does and is worthy of a “yes” vote, and I would encourage people to vote “yes” on this amendment.

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

Mr. PALLONE. Thank you, Mr. Speaker.

Again I rise on the amendment to encourage my colleagues to vote “no.” If we have not seen anything in history, in our most recent history with technological advancement, we saw considerable litigation with the companies of Microsoft and other software developers where they have got national recognition and were followed by the national media because one became the dominant giant in the industry, and we saw that that created a problem for a lot of the smaller companies or the companies that were just startup companies and issues like that. This particular amendment is following that same model. If we would have been able to enjoy the luxury of bifurcating the amendment and dealing with only the technical changes or removing this amendment by way of table, we would have had

the opportunity to put good legislation in place to help the industry. We are in a situation today now where we are now going to begin to model what we have seen extremely expensive and long, drawn-out litigation in this country, and we are now going to be the leaders and kick the door wide open in Pennsylvania for that particular type of litigation. There are no other States that have this type of situation in place today. There is a reason for that: because they acknowledge, most likely, that there is an antitrust issue involved here, that you are giving absolute power to one absolute powerful company or two powerful companies. We are not in a situation where we need to encourage dominance in an industry. We should want a level playing field. This particular amendment takes the level playing field away and gives one dominant giant leader the far advantage in the industry.

Again, I encourage all the members to vote “no” on the Saylor amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members, the Chair recognizes the gentleman, Mr. Saylor, on his amendment.

Mr. SAYLOR. Thank you, Mr. Speaker.

I again want to reiterate what I have said before. People here are really making this a fight between Microsoft and AOL and Google and Yahoo!. It is not a fight between Microsoft. Microsoft has plenty of money. They can do whatever they want with it. You and I know that. This is about companies here in Pennsylvania, such as Tenebril out of Pittsburgh, the Computer Associates over in Carlisle and the Camp Hill area. It is about McAfee. The largest company in the world is Symantec, who writes spyware that we have in our Republican Caucus. These are the kinds of companies that are trying to protect consumers. Without this, AOL, Google, Yahoo! will continue to be able to phish in your computer for your account numbers and everything else. We need to protect the small consumers, the companies that here in Pennsylvania employ hundreds of cyber-system-intelligent employees. If you fail to put this amendment in, you have just destroyed one of the most modern possible bills in the whole country in protecting consumers against having their money and accounts raided by these kinds of companies that allow phishing and other spyware to be on their systems.

Thank you, Mr. Speaker. I ask for a “yes” vote.

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—133

Adolph	Fabrizio	Maitland	Sather
Allen	Feese	Mann	Saylor
Argall	Fichter	Marsico	Scavello
Baker	Fleagle	McGill	Schroder
Barrar	Flick	McIlhattan	Semmel
Bastian	Forcier	McIlhinney	Shapiro
Belardi	Gabig	McNaughton	Sipthoth
Belfanti	Gannon	Micozzie	Smith, B.
Benninghoff	Geist	Miller, R.	Smith, S. H.
Beyer	Gerber	Miller, S.	Solobay
Biancucci	Gergely	Mustio	Sonney

Birmelin	Gillespie	Nickol	Staback
Blaum	Gingrich	O'Brien	Stairs
Bunt	Goodman	O'Neill	Steil
Buxton	Grell	Payne	Stern
Cappelli	Grucela	Petri	Stetler
Causar	Gruitza	Petrone	Stevenson, R.
Cawley	Hanna	Pickett	Stevenson, T.
Civera	Harhart	Preston	Sturla
Clymer	Harper	Pyle	Surra
Cohen	Harris	Quigley	Taylor, E. Z.
Cornell	Hasay	Ramaley	Taylor, J.
Crahalla	Hennessey	Rapp	Turzai
Curry	Herman	Raymond	Veon
Daley	Hershey	Readshaw	Walko
Dally	Hess	Reed	Wansacz
DeLuca	Hutchinson	Reichley	Watson
Dermody	Kauffman	Roebuck	Wilt
DeWeese	Keller, M.	Rohrer	Wojnaroski
DiGirolamo	Kennedy	Rooney	Wright
Diven	Killion	Rubley	Yewcic
Eachus	Leh	Ruffing	Yudichak
Ellis	Mackereth	Sabatina	Zug
Evans, J.			

NAYS—64

Armstrong	George	Maher	Pistella
Baldwin	Godshall	Major	Roberts
Blackwell	Good	Manderino	Ross
Boyd	Haluska	Markosek	Sainato
Caltagirone	Harhai	McCall	Samuelson
Casorio	Hickernell	McGeehan	Santoni
Corrigan	James	Melio	Shaner
Costa	Josephs	Metcalfe	Tangretti
Creighton	Keller, W.	Millard	Thomas
Cruz	Kirkland	Mundy	Tigue
Denlinger	Kotik	Myers	True
Donatucci	LaGrotta	Oliver	Vitali
Fairchild	Leach	Pallone	Waters
Flaherty	Lederer	Parker	Wheatley
Frankel	Lescovitz	Petrarca	Williams
Freeman	Levdansky	Phillips	Youngblood

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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 pro tempore. Mr. Saylor, do you withdraw all the remaining amendments? Thank you.

Mr. Markosek, have you withdrawn— You have withdrawn your amendment. Thank you, sir.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Evans, D.	Rieger	Perzel,
Bishop	Nailor		Speaker

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.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Smith.

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

If I could have the attention of the members, especially the Republican members. Given all the business at hand and what is to be dealt with, I would like to call an immediate caucus, a Republican caucus, in the majority caucus room and ask the Chair for just a recess until we can go to caucus.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Mr. Nailor, on the floor of the House, and he will be added to the master roll call.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be informal discussions in the Democratic caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House does now stand in recess until the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (RONALD I. BUXTON) PRESIDING

RULE 15 SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that House rule 15 be suspended so that when we convene on May 8, 2006, we can convene at 11 a.m.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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, Mr. Scavello, from Monroe County.

Mr. SCAVELLO. Mr. Speaker, I move that this House do now recess until Monday, May 8, 2006, at 11 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 10:59 a.m., e.d.t., Monday, May 8, 2006, the House recessed.