

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 13, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 36

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. JERRY A. STERN, member of the House of Representatives, offered the following prayer:

Our kind and gracious Heavenly Father, we thank You for this beautiful day. We thank You for the blessings that You have bestowed upon us. We just pray that You would just be with each and every one of us as we conduct the people's business here in the halls of the House today.

We pray a special blessing on our Governor. Watch over him and keep him safe. Be with him and his family. Be with our President, dear Lord. Watch over him. Keep our troops safe that are fighting around the world. Just watch over them. Keep their families safe as well.

Just be with us as we conduct business today. Give us wisdom, give us discernment, to understand what we should be doing here in the House of Representatives, and help us to do the people's business and do it in an honest and forthright manner.

We thank You for everything that You have done for us. We just pray a special blessing today and watch over each and every Representative here as they represent his or her district. Just bless this Commonwealth. Bless this nation, dear Lord.

We thank You, and we pray all these things in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 12, 2006, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER. However, the Journal for Monday, January 30, 2006, is in print and, without objection, will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2750 By Representatives DeWEESE, VEON, FLAHERTY, BUXTON, CALTAGIRONE, DALEY, EACHUS, FRANKEL, FREEMAN, GEORGE, GOODMAN, GRUCELA, HANNA, LaGROTTA, LEACH, MANDERINO, MANN, MARKOSEK, McCALL, MUNDY, READSHAW, SAINATO, SHANER, SIPTROTH, SOLOBAY, STABACK, STURLA, SURRA, TANGRETTI, TIGUE and WALKO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "taxable income" in corporate net income tax; further providing for imposition of capital stock and franchise tax; further defining "small business"; and further providing for credit for research and development expenses, for limitation on credits and for termination.

Referred to Committee on FINANCE, June 13, 2006.

No. 2751 By Representatives REICHLEY, BALDWIN, BARRAR, BOYD, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, DALLY, GEIST, GILLESPIE, GOODMAN, HENNESSEY, JOSEPHS, KENNEY, KILLION, NAILOR, O'NEILL, PARKER, PAYNE, PETRI, SCAVELLO, SIPTROTH, SONNEY, E. Z. TAYLOR, J. TAYLOR, THOMAS and BEYER

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

Referred to Committee on JUDICIARY, June 13, 2006.

No. 2752 By Representatives REICHLEY, GOODMAN, BEYER, CALTAGIRONE, CAWLEY, CRAHALLA, DALLY, FREEMAN, GRUCELA, HARHART, HARPER, HENNESSEY, MUNDY, PETRI, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, E. Z. TAYLOR, THOMAS, WANSACZ and WATSON

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

Referred to Committee on LOCAL GOVERNMENT,
June 13, 2006.

No. 2753 By Representatives PERZEL, DeWEESE, ADOLPH, ALLEN, ARGALL, BAKER, BALDWIN, BARRAR, BENNINGHOFF, BLAUM, CALTAGIRONE, CAPPELLI, CAUSER, CIVERA, COSTA, CRAHALLA, DALEY, DALLY, DeLUCA, DENLINGER, DIGIROLAMO, J. EVANS, FAIRCHILD, FEESE, FICHTER, FLAHERTY, FLEAGLE, FLICK, GANNON, GEIST, GERBER, GILLESPIE, GINGRICH, GODSHALL, GOOD, GOODMAN, GRUCELA, HANNA, HARHAI, HARHART, HARPER, HERSHEY, KAUFFMAN, KILLION, KOTIK, LEDERER, LEH, MACKERETH, MAITLAND, MANN, MARKOSEK, McCALL, McILHATTAN, R. MILLER, MUNDY, MUSTIO, NAILOR, O'NEILL, PAYNE, PETRI, PHILLIPS, PICKETT, PISTELLA, PYLE, QUIGLEY, RAYMOND, READSHAW, REED, REICHLEY, ROSS, SAINATO, SANTONI, SATHER, SCAVELLO, B. SMITH, SOLOBAY, SONNEY, STABACK, STEIL, R. STEVENSON, T. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRUE, TURZAI, WALKO, WOJNAROSKI, WRIGHT, YOUNGBLOOD, YUDICHAK, ZUG and CREIGHTON

An Act amending Titles 18 (Crimes and Offenses) and 65 (Public Officers) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for the offenses of corrupt organizations and of bribery in official and political matters; providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; providing for certain grounds for impeachment of elected State officials and employees; and repealing the Lobbying Disclosure Act.

Referred to Committee on STATE GOVERNMENT,
June 13, 2006.

No. 2754 By Representatives PETRI, BELFANTI, BEYER, CALTAGIRONE, DENLINGER, FABRIZIO, GEORGE, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, HESS, JAMES, M. KELLER, MARKOSEK, MUSTIO, SATHER, SEMMEL, SIPTROTH, SOLOBAY, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, WALKO, WILT, YOUNGBLOOD and THOMAS

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, defining "youth athletic organization"; and providing for exemptions.

Referred to Committee on CONSUMER AFFAIRS, June 13,
2006.

No. 2755 By Representatives ELLIS, BAKER, BEYER, CALTAGIRONE, CRAHALLA, DENLINGER, FLICK, HUTCHINSON, W. KELLER, MAHER, McILHATTAN, QUIGLEY, RAPP, REICHLEY, ROSS, SAYLOR, SHAPIRO, R. STEVENSON, J. TAYLOR, TURZAI, WILT and BENNINGHOFF

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

Referred to Committee on FINANCE, June 13, 2006.

No. 2756 By Representatives ALLEN, BELFANTI, STEIL, READSHAW, CAPPELLI, CRAHALLA, FLAHERTY, GEIST, HENNESSEY, HERSHEY, PETRI, PETRONE, PHILLIPS, RUBLEY, SAYLOR, THOMAS and CREIGHTON

An Act prohibiting certain liens and claims against real property; providing for entitlement to liens for certain contractors, subcontractors, sub-subcontractors and suppliers; providing for notices, for filing, service, attachment of and procedures to enforce lien claims, for forfeiture of lien rights, for priority of mortgages over construction liens, for discharge of lien claims and for bond or security in favor of lien claimants; prohibiting waivers of construction liens under certain circumstances; imposing duties on prothonotaries; providing for procedure to obtain judgment, for appeals, for revival of judgments and for execution on judgment; and repealing the Mechanics' Lien Act of 1963.

Referred to Committee on LABOR RELATIONS, June 13,
2006.

No. 2757 By Representatives GANNON, BUNT, BIANCUCCI, DeLUCA, FABRIZIO, FICHTER, KOTIK, LaGROTTA, MANN, RAMALEY, J. TAYLOR and FEESE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for legislative intent; further providing for definitions and for licensing of cigarette dealers; providing for prohibited activities; further providing for license fees, for disposition of license fees, for retention of records and for examination of records, equipment and premises; providing for property rights; further providing for labeling and packaging and for administration powers and duties; providing for enforcement powers and duties; and further providing for violations and penalties.

Referred to Committee on FINANCE, June 13, 2006.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 791 By Representatives WANSACZ, GERGELY, SIPTROTH, RAMALEY, FRANKEL, BELARDI, BELFANTI, BEYER, BUNT, CALTAGIRONE, COHEN, CRAHALLA, GOOD, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, JAMES, KOTIK, LEACH, LEDERER, MAHER, MAJOR, MCGEEHAN, MILLARD, RUBLEY, SATHER, R. STEVENSON, TANGRETTI, THOMAS, TIGUE, WALKO and WILT

A Resolution memorializing the Congress of the United States to review and strengthen the Fair Credit Reporting Act and associated statutes to further protect the privacy of consumer financial information.

Referred to Committee on COMMERCE, June 13, 2006.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate
June 12, 2006

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, June 19, 2006, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, June 19, 2006, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

CALENDAR**BILLS ON THIRD CONSIDERATION**

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

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 349 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 349 be taken off the table.

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

* * *

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

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1027 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1027 be taken off the table.

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

* * *

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

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1652 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1652 be taken off the table.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table: SB 1114 and HB 2292.

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:

SB 1114, PN 1782; and HB 2292, PN 3428.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations: SB 1114 and HB 2292.

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

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following **SB 157, PN 1803**, as further amended by the House Rules Committee:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; further providing for collection of and restricted use of certain taxes; and making editorial changes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 157 be recommitted to the Committee on Rules.

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMENDED TO COMMITTEE ON RULES**

HB 1809, PN 2382

By Rep. O'BRIEN

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

JUDICIARY.

HB 2046, PN 2823

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sale or transfer of firearms.

JUDICIARY.

HB 2047, PN 2824

By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

JUDICIARY.

HB 2706, PN 4115

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing and penalties for trafficking drugs to minors.

JUDICIARY.

HB 2708, PN 4197 (Amended)

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.

JUDICIARY.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentlelady from Montgomery, Ms. HARPER. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for today for the gentleman from Philadelphia, Mr. CRUZ, and the gentleman from Allegheny,

Mr. GERGELY. Without objection, those leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—1

Rooney

NOT VOTING—0

EXCUSED—4

Cruz Gergely Harper Leach

LEAVES ADDED—4

Armstrong DeWeese Feese Kotik

LEAVES CANCELED—7

Armstrong DeWeese Gergely Leach
Cruz Feese Harper

GUESTS INTRODUCED

The SPEAKER. Seated to the left of the Speaker is Mike Pries from Hershey, Dauphin County. He is the guest today of Representative John Payne. Would Mike please rise and be recognized.

The Chair would like to welcome to the hall of the House, as a guest page, a constituent of Representative Mario Scavello — Matthew Silverman. Matthew attends Pocono Mountain School District and obtained the rank of Eagle Scout just this past Sunday. Also please welcome Matthew's parents, Adam and Rhonda Silverman, along with his brother, Ross. His family is seated in the gallery. Would those guests please rise and be recognized.

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 859, PN 2853

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, clarifying provisions relating to imposition of certain realty transfer taxes.

RULES.

BILL REREPORTED FROM COMMITTEE

HB 2738, PN 4191

By Rep. S. SMITH

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for schedule of compensation, for definitions relating to procedure and for enforcement of standards and processing of claims; providing for the Workers' Compensation Appeal Board; further providing for assignment of claims to referees, for rehearings, for counsel fees and for the Office of Adjudication; providing for an Uninsured Employers Guaranty Fund; and making a related repeal.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 2738, PN 4191.

HARRISBURG LEGISLATIVE LEAVES

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request Capitol leave for the gentleman from Philadelphia, Mr. THOMAS, and the gentleman from Monroe County, Mr. SIPTROTH.

The SPEAKER. Without objection, those leaves will be granted.

Mr. GRUCELA. Thank you, Mr. Speaker.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2738 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. ARGALL. Thank you, Mr. Speaker.

We would like to place the gentleman from Lancaster, Representative BOYD, on Capitol leave.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Katie Bentzel and Casi Larish, who are the guest pages today of Representative Mark Keller. They are located in the well of the hall of the House. Would those guests please rise and be recognized.

BOYS' TEAM OF THE WEST SHORE UNITED RUGBY CLUB PRESENTED

The SPEAKER. The Chair at this time would like to recognize Representative Bruce Smith and Representative Jerry Nailor for the purposes of a citation.

Mr. B. SMITH. Thank you, Mr. Speaker.

Representative Nailor and I are very proud today to present to you a very unusual team, and it is the most unusual citation I have ever presented. It is the most unusual team I have ever met or heard about, and it is a most unusual sport for high school students. I do not know about other House members, but I have never watched an entire Rugby match. This sport was so unusual to me that I had to look up the rules and the terminology in the encyclopedia.

As many of you probably know, United States football traces many of its rules to Rugby. In Rugby it is called a scrum; we call it a scrimmage. In Rugby there is a kickoff, running, passing, tackling, and many other terms present in today's football. Two major differences signify a great difference

between Rugby and football. In Rugby there is no inaction. There is no huddle, there are no breaks for setting up plays, and I just learned this morning in meeting with the team, the only way you can have a substitution is if there is blood on one of the players. Furthermore and very important is, there is no padding on their equipment and uniforms. As one of the young men described to me, I was going to say it is a brutal sport; he said, no, it is intense. It is man against man, young man against young man. It is no wonder that no school in Pennsylvania has a Rugby team.

Now, what happened in Representative Nailor's district and mine is that we have a Rugby team consisting of three different schools – Red Land High School, Cedar Cliff High School, and Trinity High School. To show you the caliber of the people that are on this team, the players behind me accepting this citation are Drew Dill – Drew has been accepted at the United States Military Academy at West Point – Ryan Dill, Eduardo Rodriguez, and Tyler Brown. Tyler Brown will be attending Indiana University of Pennsylvania in the fall, and Ryan and Eduardo are underclassmen. You may be seeing this team again next year because they had very few seniors.

And what you need to know about this team is, it is only 2 years old. It is called the Boys' Team of the West Shore United Rugby Club. They have captured first place in both the 2006 Eastern Pennsylvania Rugby Union and the 2006 Division I Championship, second place in the 2006 Mid-Atlantic Rugby Union Playoffs, and seventh place in Tier B of the 2006 National Rugby Union Championships. They are ranked, a final ranking of 15th in the United States.

I am very honored to present a citation to each member of this team. Coach Sean Robinson is behind us also, team members are seated in the back of the House of Representatives, and parents are in the gallery. Please acknowledge and honor in a rounding burst of applause this Rugby team.

Thank you.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome Scarlette Noel, as a guest of Representative Stan Saylor. Scarlette is a recent graduate of Bloomsburg University. She is currently serving an internship in Representative Stan Saylor's office. Would she please rise and be recognized.

We would like to welcome here today the guests of Representative Saylor. They are serving as pages. They are John and Joseph Laucks. John is a recent graduate of York Catholic and will be attending Ursinus College. He also obtained his rank of Eagle Scout very recently. Joseph is entering the eighth grade at York Catholic. Their father, Dr. Samuel Laucks, is seated in the balcony. Would those guests please rise and be recognized.

The Chair would like to welcome to the hall of the House a guest of Representative Carole Rubley, a guest page serving on the House floor today, Chelsea Wright, who is a recent graduate of the Phoenixville Area High School in Chester County. She received many awards and honors during her high school career. Our former colleague, Congressman Jim Gerlach, has appointed her to the U.S. Naval Academy. Chelsea is seated in the front of the Speaker. Would Chelsea please rise and be recognized.

The Chair would like to welcome to the hall of the House Joshua Berstechen of East Earl, PA. He is the guest today of

Representative Gordon Denlinger and Peter Daley. He is seated to the left of the Speaker. Would Joshua please rise and be recognized.

RESOLUTIONS PURSUANT TO RULE 35

Mr. HERSHEY called up **HR 780, PN 4163**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Corporal Brandon M. Hardy, 3rd Amphibious Assault Battalion, Charlie Company, 1st Platoon, United States Marine Corps, who tragically lost his life while in the service of his country on patrol in the Al Anbar Province, Iraq, on April 28, 2006.

On the question,
Will the House adopt the resolution?

The SPEAKER. This is a condolence resolution.
The Chair recognizes the gentleman, Mr. Hershey.
Mr. HERSHEY. Thank you, Mr. Speaker.

It is with a degree of sadness that I stand before you here today, and, Mr. Speaker, today I ask my colleagues in the House to join me in paying tribute to Brandon Hardy, who was tragically killed on April 28 while serving our country in Iraq.

Brandon Hardy is remembered as a young boy who, after watching televised images of Desert Storm, decided to dedicate his life to serve his country. Brandon Hardy was a corporal in the 3d Amphibious Assault Battalion, Charlie Company, 1st Platoon, United States Marine Corps.

Brandon was a graduate of Octorara High School and a resident of Cochranville. He was committed to serving his country to the point of enlisting in the U.S. Air Force while still a senior in high school. After serving 5 years in the Air Force, he decided to enlist in the United States Marine Corps and continue his military commitment. His life was taken while stationed northwest of Baghdad in the Haditha Dam area while on patrol.

Brandon was only 25 when he lost his life and was engaged to be married. His mother and father, here today, describe Brandon as someone who loved to spend time fishing, watching and playing sports, listening to country music. He was a young man in the prime of his life who was courageously serving his country in Operation Iraqi Freedom at the time of his death.

Brandon is survived by his parents, Warren and Jill Hardy; his siblings, Kristen and Keri and Chad; his fiancée, Samantha DiGrazio; grandparents Warren and Janet Hardy, Leo and Jane Swartzentruber; and great-grandparents Robert and Helen Myers and Ethel Raum. And I might say all these parents and great-grandparents all live within 10 miles of each other in the Gap-Clarksburg-Cochranville area.

GUESTS INTRODUCED

Mr. HERSHEY. With us today are Brandon's parents, his two sisters, and Marshal DiGrazio, the brother of Brandon's fiancée. Please join me in extending them a warm welcome as well as our condolences.

Thank you.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—4

Cruz Gergely Harper Leach

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

* * *

Mr. BIRMELIN called up **HR 740, PN 3987**, entitled:

A Resolution recognizing with sadness the death of Lance Corporal Jacob Walter Beisel, who paid the supreme sacrifice for his nation on March 31, 2006, in Iraq.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes Representative Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Like Representative Hershey, I also have the sad and difficult task of sharing with you the resolution that you are about to vote on that deals with another young man who has lost his life fighting for our country.

Lance Cpl. Jacob Beisel was a resident of Lackawaxen Township, Pike County, all of his life. Lackawaxen Township, for those of you that have never been there, is a very rural area in northeastern Pennsylvania where you know your neighbors, you are surrounded by woods and high-quality fishing streams, and you are imbued with a love and a sense of loyalty to your country.

Jacob Beisel had attended and graduated from Wallenpaupack High School in 2003, and as a boy, he always wanted to be a Marine, frequently dressing in camouflage, even as he played, hunted, and fished on his family farm.

Jacob was a quiet young man. He would usually carefully think about decisions that he had to make before acting. He was described as a very, very focused young man by a family friend, who added that Jacob was a Marine in his heart and his mind before he ever got to basic training, so they did not have to change him very much.

He enlisted in the Marines shortly after graduating from high school and was in basic training 6 months later. He was motivated to join, especially after seeing the September 11, 2001, terror attacks on our country. He wanted to serve his country in honor of the victims and the soldiers who had died in the gulf war. He believed in the mission in Iraq, and he believed that he was defending freedom, not just for us Americans but for others.

On March 31, 2006, this young Marine, just 21 years old, with the full promise of life ahead of him, died from wounds received in combat in Al Anbar Province in Iraq, while serving in his second tour of duty in that country.

After his death, his grieving parents, Mary and Albert, put their loss in this perspective: "Jacob wanted to make a difference and in our eyes he laid down his life for all the victims of 9/11 and the free people of Iraq."

The loss of life by anyone as young as Jacob is hard to take, but death is no respecter of age. However, in our thinking, we all expect to live long and, hopefully, productive lives. To see one cut down in the prime of life is especially tragic. What tempers the pain of the loss of Jacob is that he died for a cause much greater than himself. He willingly put himself in harm's way for ideals and principles that were instilled in him since birth by his loving parents, by a close community, and a nation that honors sacrifice and virtue.

We owe a great debt of gratitude to the men and women serving our country on foreign battlefields. They are the essence

of that which makes America a safer and stronger nation. They are the frontline against a violent and destructive world that seeks to destroy us. They are the best of our youth, men and women, just like Jacob Beisel, who gave his all for you and me.

I would ask you today to join me in honoring the memory of Jacob Beisel – and by extension, all those who have made the ultimate sacrifice for their country – by passing this resolution today.

GUESTS INTRODUCED

Mr. BIRMELIN. I would also like to introduce the parents of Jacob, Mary and Albert Beisel, who are with us today, and I would ask them to please stand and be welcomed by the House.

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

The following roll call was recorded:

YEAS—198

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

Fabrizio Fairchild	Maher Maitland	Rubley Ruffing	Perzel, Speaker
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NAYS-0

NOT VOTING-1

Rooney

EXCUSED-4

Cruz	Gergely	Harper	Leach
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1169, PN 1756**, entitled:

An Act designating a portion of State Route 279 in Allegheny County as the Pennsylvania State Police Cpl. Joseph R. Pokorny, Jr., Memorial Highway.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-198

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

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

NAYS-0

NOT VOTING-1

Rooney

EXCUSED-4

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

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

* * *

The House proceeded to third consideration of **HB 1944, PN 4037**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a Statewide registry of protective orders; further providing for protective orders, for notice on protective orders and for violation of orders; providing for civil protective orders; and making editorial changes.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—4

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

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

ANNOUNCEMENT BY MR. DALEY

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

Mr. DALEY. A parliamentary inquiry. Parliamentary privilege.

Mr. Speaker, last week I rose on a parliamentary inquiry to you, Mr. Speaker, regarding a resolution that we had introduced in the House, HR 299, and I asked if Clancy, the Parliamentarian, would make an inquiry.

I am pleased to announce, Mr. Speaker, that the Legislative Budget and Finance Committee has informed Mr. Myer as well as myself that on June 28 at 10 a.m., the study, that resolution, will be released to the public regarding 30-and-out as well as the COLA (cost-of-living adjustment) for our retired State employees, and I want to publicly thank the efforts that the Parliamentarian made on behalf of all of us, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2096, PN 4034**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. ELLIS offered the following amendment No. **A07730**:

Amend Sec. 1 (Sec. 303), page 2, line 18, by inserting after "\$10,000"

per designated beneficiary

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Ellis, for a brief explanation.

Mr. ELLIS. Thank you, Mr. Speaker.

The amendment is technical in nature, clarifying that it is \$10,000 per child.

The SPEAKER. The gentleman, Mr. Vitali? No.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—4

Cruz Gergely Harper Leach

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. **SURRA** offered the following amendment No. **A07975**:

Amend Title, page 1, line 10, by removing the period after "income" and inserting ; and establishing a tax credit for telecommunication carriers that offer telecommunication services to Pennsylvania National Guard members ordered to active Federal or State service.

Amend Bill, page 3, by inserting between lines 9 and 10 Section 2. The act is amended by adding an article to read:

ARTICLE XVIII-C
PENNSYLVANIA NATIONAL GUARD
TELECOMMUNICATION ACCESS TAX CREDIT

Section 1801-C. Short title.

This article shall be known and may be cited as the Pennsylvania National Guard Telecommunication Access Program.

Section 1802-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Active member." A member of the Pennsylvania National Guard ordered to active Federal or State service or is injured while on Federal or State active duty.

"Tax credit." The Pennsylvania National Guard telecommunication access tax credit established by this article.

"Telecommunication carrier." An entity that provides telecommunication services subject to the jurisdiction of the Pennsylvania Public Utility Commission.

"Telecommunication services." Includes, but is not limited to, any service provided to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, electromagnetic, photoelectronic or photo-optical system and also any service provided by any cable television, satellite, microwave or wireless distribution system or facility, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services.

Section 1803-C. Purpose.

The purpose of this article is to provide fiscal incentives to telecommunication carriers that provide access to telecommunication services at no cost to active members.

Section 1804-C. Authorization of credit.

A telecommunication carrier that offers active members access to telecommunication services at no cost shall be eligible to receive a tax credit.

Section 1805-C. Calculation of tax credit.

The amount of the tax credit available to a telecommunication carrier which qualifies under this article shall be calculated using only one of the following:

(1) A telecommunication carrier that assigns telecommunication services to an active member shall be eligible to receive a 50% tax credit for the cost of those services.

(2) A telecommunication carrier that assigns telecommunication services to an active member that uses the services assigned shall be eligible for a 100% tax credit for the cost of those services.

Section 1806-C. Taxes against which tax credit may be taken.

The tax credit may be applied against any tax due under Article III (relating to personal income tax), IV (relating to corporate net income tax) or V (relating to corporation income tax).

Section 1807-C. Limit on total credit.

The following limits are imposed on the tax credits:

(1) The total tax credit that may be claimed by any single telecommunication carrier shall be not more than \$250,000 in any one single year.

(2) The total amount of all tax credits granted under this article shall be not more than \$5,000,000 in any one fiscal year.

Section 1808-C. Powers and duties.

The Department of Revenue shall have the power and duty to do all of the following:

(1) Promulgate and publish any rules and regulations which may be required to implement this article.

(2) Publish as a notice in the Pennsylvania Bulletin forms upon which taxpayers may apply for the tax credit.

(3) Within five months after the close of any calendar year during which tax credits granted under this article were used, furnish to the members of the General Assembly an annual

report concerning each telecommunication carrier which used tax credits during the preceding calendar year pursuant to this article which includes all of the following:

(i) The name and address of the telecommunication carrier.

(ii) The number of active members that were assigned telecommunication services.

(iii) The number of active members that used their assigned telecommunication services.

(iv) The total amount of telecommunication services used by active members.

(v) The amount of tax credits granted.

Amend Sec. 2, page 3, line 10, by striking out all of said line and inserting

Section 3. The addition of section 303(a.6) and Article XVIII-C of the

Amend Sec. 3, page 3, line 12, by striking out “3” and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Surra, for an explanation.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, this is the amendment that has passed this House on a previous occasion, as you asked me, that would provide a telecommunication access tax credit to serve our Pennsylvania guardsmen serving overseas, Mr. Speaker.

The SPEAKER. Would the gentleman, Mr. Turzai, please come to the rostrum.

(Conference held at Speaker’s podium.)

The SPEAKER. The Chair at this time recognizes the gentleman from Berks, Mr. Leh.

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

I would rise to oppose the gentleman’s amendment, although certainly not on its merits. The merits are very laudable, a tax credit for telecommunications for National Guardsmen. However, I would remind this body that this House passed such language into HB 472 and it is now in the Senate Finance Committee, and therefore, there is actually no need of any redundancy of this language. So I would ask, respectfully ask the members to vote against the gentleman’s amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TURZAI. I would agree with the Finance chairman. I would ask the members to please vote down this amendment. We want to send it over clean. I certainly recognize that we have already passed it, and I have been in support of it, but we would appreciate if there would be a “no” vote to keep the bill clean.

Thank you very much.

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

Mr. SURRA. Thank you, Mr. Speaker.

With all due respect to my colleagues, we often pass more amendments, an amendment multiple times in a number of pieces of legislation. That is how the process works. Obviously,

there is a bill sitting in the Senate with this language that we have already passed, and I think that we should push this issue to make sure that the Senate does address it and put it into every piece of legislation that we can. While we have guardsmen serving overseas, Mr. Speaker, this would go a long ways to helping their burden, where they would be provided access to computers, cell phones, Internet services, at no cost to them and a tax break to the providers that provide the service.

I think we owe it to our guardsmen and our troops, Mr. Speaker, and I would just ask that the members vote as they did the last time, in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Surra amendment. For the life of me, Mr. Speaker, I certainly would not want to be on this side of the aisle standing up to oppose a bill that would help National Guardsmen and women serving overseas. Not only would that be political suicide, Mr. Speaker, it would be wrong, immoral, and unethical. Those men and women who are overseas, Mr. Speaker, and they are fighting for our country, many of them coming back without legs and arms that we do not see, Mr. Speaker, and they are over there protecting us, we need to provide them with this Surra tax credit, Mr. Speaker, that would allow them some telecommunications services that they have not been given, just like they have not been given the protective armor and other necessities in the battle of war.

Again, Mr. Speaker, to oppose the Surra amendment that would provide a tax credit for telecommunications carriers that offer services to our National Guard members that have been active under Federal or State service at no cost, Mr. Speaker, I cannot for the life of me find a reason why we would oppose this. Our men and women deserve better. They deserve better from the other side of the aisle and they deserve better from this chamber, and I would ask that you stand up for our men and women over in Iraq and Afghanistan and places throughout the world and pass the Surra amendment, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise also in support of the Surra amendment. This is not a Republican-Democrat issue. This is not an issue that is controversial for the people of Pennsylvania. This is nothing more than, again, an opportunity to help the people, the men and women, who are brave soldiers defending our country and our freedoms. We all, if not all at least many of us have a National Guard unit that hails from our own home districts. I am sure that we all have a friend or a family member or a neighbor or someone from one of the communities that we represent in the National Guard. This is for the people of Pennsylvania, for the National Guardsmen in Pennsylvania that are defending our country and our freedoms. This will not harm or hurt the bill in chief. This is nothing more than collateral information, a collateral opportunity to benefit the people.

I implore you to support the Surra amendment. Help the men and women that are fighting for our freedoms.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I, too, rise to support the Surra amendment. I am a little confused by the gentleman from Allegheny County's explanation that he asks us to oppose this because they want to send a clean bill to the Senate. I am not sure what that means. Why? Why do we have to send a clean bill to the Senate? I would remind everybody that there are a number of bills over there, not the least of which is a life insurance bill that has been sitting in the Senate, and they have not moved it. Maybe we need to send a message that we in the House will provide the kinds of protections and the kinds of benefits that those people who are serving, representing this country in Iraq and Afghanistan, deserve.

Every day it seems, at least every week, we are having a memorial service, a memorial resolution for someone who has lost their life in the defense of our country, and I think it is disingenuous to suggest that the reason we do not want to do this is to run a clean bill. What is that about? We need to do this. We need to remind the Senate of these people who are serving over there, and we need to pass the Surra amendment now.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Would the maker of the amendment stand for interrogation?

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

Mr. MAHER. In the language of this amendment, it speaks to the credit being calculated for services assigned by the telecommunications carrier to someone on active duty. Is there a definition of what "assigns" means? I could not spot one, and I am just trying to verify.

Mr. SURRA. Well, go ahead and respond.

Mr. MAHER. I am sorry? Is there a definition there of what it means to assign service?

Mr. SURRA. I would suggest to the speaker that to assign a service is the service of Internet access, cell phone access, computer access – assign those services to our servicemen overseas, Mr. Speaker.

Mr. MAHER. So is the answer then that there is no definition other than the way the word "assigns" would have otherwise been used in our telecommunications acts?

Mr. SURRA. Maybe you are having problems with the word "assigns," but I tried to explain what I think the word "assigns" means, Mr. Speaker.

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

However well intended this amendment is, it is badly drafted. As drafted, a telecommunications carrier could claim a credit simply for assigning a telephone number to someone who happens to be in the National Guard and happens to be on active duty, even if they are charging for that line. I am certain that the intent of the maker of this amendment is not to allow telephone companies to claim tax credits for selling telephone service to the National Guard members, but this amendment would do that.

MOTION TO TABLE AMENDMENT

Mr. MAHER. Since it is badly drafted, Mr. Speaker, and recognizing the admirable intent of the maker of the amendment, I am going to move that we table this amendment in the hopes that it can be more correctly drafted to accomplish the intent of the maker.

On the question,

Will the House agree to the motion?

The SPEAKER. The motion to table is only debatable by the floor leaders.

AMENDMENT WITHDRAWN

The SPEAKER. The amendment has been withdrawn. The Chair thanks the gentleman.

Mr. SURRA. Mr. Speaker?

Mr. Surra. The Chair recognizes the gentleman.

Mr. SURRA. I want to thank my colleague, Representative Sam Smith, for making a commitment to run my legislation as a bill, and hopefully we can get this telecommunications credit for our active serving members. But I do want to make note, Mr. Speaker, that this House passed the same legislation unanimously.

So really in an effort to help out Representative Turzai in running a clean piece of legislation, I will respectfully withdraw it and wait to have the bill moved. Thank you.

The SPEAKER. The Chair thanks the gentleman, and the Chair thanks the gentleman for the kind comments for the majority leader, the gentleman, Mr. Smith.

The gentleman, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, I would like to thank my colleague, Representative Surra. I am 100 percent supportive of his bill and appreciate the opportunity. I would also appreciate the support of my colleagues in passing this legislation.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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	Feese	Major	Sabatina
Allen	Fichter	Manderino	Sainato
Argall	Flaherty	Mann	Samuelson
Armstrong	Fleagle	Markosek	Santoni
Baker	Flick	Marsico	Sather
Baldwin	Forcier	McCall	Saylor
Barrar	Frankel	McGeehan	Scavello

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

NAYS-0

NOT VOTING-1

Rooney

EXCUSED-4

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

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

RESOLUTION

Mr. MARSICO called up **HR 585, PN 4032**, entitled:

A Resolution directing the Bureau of Drug and Alcohol Programs of the Department of Health to establish a parent panel to study and address family and community access to alcohol and drug abuse and addiction treatment services.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-1

Rooney

EXCUSED-4

Cruz	Gergely	Harper	Leach
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

RESOLUTIONS PURSUANT TO RULE 35

Mr. BAKER called up **HR 782, PN 4168**, entitled:

A Resolution honoring the 200th anniversary of the plotting and establishment of the Borough of Wellsboro, Tioga County.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—4

Cruz Gergely Harper Leach

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

* * *

Mr. MYERS called up **HR 785, PN 4175**, entitled:

A Resolution designating the third Saturday of June 2006 as “Juneteenth National Freedom Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Fabrizio
Fairchild

Maher
Maitland

Rubley
Ruffing

Perzel,
Speaker

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—4

Cruz

Gergely

Harper

Leach

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

BILLS SIGNED BY SPEAKER

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

HB 1834, PN 3169

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for electronic access to driver records to confirm organ donor status.

SB 986, PN 1317

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for personal property.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Sophie Hutchinson and Paige Loll. They are from Oil City and are serving as guest pages today of Representative Scott Hutchinson. They are seated in front of the Speaker. Would those two guests please rise and be recognized by the House.

RULES COMMITTEE MEETING

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

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Taylor, for the purpose of a committee announcement. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

The Urban Affairs Committee will meet at the rear of the hall at the recess.

The SPEAKER. The Chair thanks the gentleman.

The Urban Affairs Committee will meet at the recess in the rear of the hall.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh, for the purpose of an announcement.

Mr. LEH. Thank you, Mr. Speaker.

I would like to remind the members that the House Finance Committee will meet in room 205 immediately at the call of the break.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet in room 205 immediately at the break.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the House Appropriations Committee will meet at 12:30 – that is about 10 minutes from now – for the purpose of considering one bill. That is at 12:30, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at 12:30.

ANNOUNCEMENT BY MR. FLEAGLE

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, my wife, Jane, and I have some joyous news. We were blessed with our fourth grandchild – I know I do not look that old – on Saturday, who arrived at Lehigh Valley Hospital. Colin Michael Young is like his granddaddy, long and sinewy and very athletic looking, at 19 1/4 inches long and 5 pounds 15 ounces. He joins his brother, Willie, in Easton, Pennsylvania, and his cousins, Bigs and Bertie Pearl Geesaman, in Waynesboro. Colin's parents are my daughter, Emily, and her husband, Justin Young.

I will note that with this addition, I am still far behind Representative Micozzie, but I think I am ahead of my archrival, Tom Tangretti, and that is really what counts.

So I would like to say to all four of my grandchildren, Pappy Fleagle loves you, and I will see you soon, babes.

ANNOUNCEMENT BY MR. SURRA

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

Mr. SURRA. Just for an announcement, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. SURRA. Mr. Speaker, I want to bring to the attention of the House that my wife, Vicki, and I had a pretty good week last week. At a couple minutes after 5 a.m., Thursday morning, June 8, my daughter-in-law, Kelli, and our son, Dom, brought our first grandchild into the world. Thank you. And I have got to tell you, when you hold your child's child in your arms, that is quite a feeling, and I have been smiling inside ever since.

She was 6 pounds 15 ounces, a little baby girl. Her name is Gianna Nazerinna Surra.

Thank you.

ANNOUNCEMENT BY MR. PISTELLA

The SPEAKER. The gentleman, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker. For the purpose of making an announcement.

The SPEAKER. The gentleman is in order.

Mr. PISTELLA. I would like to invite the committee chairmen, again to remind them, that there is a lunch meeting that is being conducted and held by the Penn State University Institute of State and Regional Affairs. There will be presentations by both the public administration faculty and graduate students. It will be in room 39, East Wing, and we invite you all to attend.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Argall, for the purpose of an announcement.

Mr. ARGALL. No grandchildren announcement here, Mr. Speaker.

Mr. Speaker, the House Republican Caucus will begin an informal caucus immediately upon the declaration of recess. We will turn to formal caucus at 1 o'clock, with the goal of returning to the floor at 4 p.m.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

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

The House Democrats will meet immediately for caucus, 12:30; 12:35, a budget briefing, Chairman Evans and the Appropriations Committee; 1 o'clock, property taxes. House Democrats, caucus immediately. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

SB 157, PN 1822 (Amended)

By Rep. S. SMITH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; further providing for collection of and restricted use of certain taxes; and making editorial changes.

RULES.

The SPEAKER. Any further announcements?

RECESS

The SPEAKER. This House is in recess until 4 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2443, PN 4193**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL REREPORTED FROM COMMITTEE

HB 700, PN 917

By Rep. FEESE

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for provisions relating to lobby regulation and disclosure; making an appropriation; and making a related repeal.

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

HB 700, PN 917.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 251, PN 1315

By Rep. LEH

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

FINANCE.

HB 252, PN 1316

By Rep. LEH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for disposition of the Budget Stabilization Reserve Fund.

FINANCE.

HB 1075, PN 1234

By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing a tax credit for telecommunication carriers that offer telecommunication services to Pennsylvania National Guard members ordered to active Federal or State service.

FINANCE.

HB 2545, PN 3751

By Rep. J. TAYLOR

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in parking authorities, for purposes and powers and for competition in award of contracts.

URBAN AFFAIRS.

HB 2742, PN 4180

By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in corporate net income, for the definition of "taxable income."

FINANCE.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Without objection, the Chair returns to leave of absence and notes the presence of Representative Harper on the House floor and asks that she be added to the master roll.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER pro tempore. The Chair also notes the presence of Mr. Boyd and asks that he be canceled from legislative leave.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LABOR RELATIONS****HB 2695, PN 4098**

By Rep. GANNON

An Act providing for recognition and registration of professional employer organizations; conferring powers and duties on the Department of Labor and Industry; and imposing penalties.

PROFESSIONAL LICENSURE.

The SPEAKER pro tempore. The Chair asks that the gentleman, Mr. O'Brien, from Philadelphia County, please come to the rostrum; the gentleman, Mr. O'Brien, please come to the rostrum.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 2699, PN 4132**

By Rep. KENNEY

An Act authorizing and directing the Department of Public Welfare to establish and maintain a managed health care program for medical assistance recipients; requiring actuarially sound rates for certain managed care organizations; providing for the right of appeal and approval by the General Assembly of changes to the Commonwealth medical assistance plan and associated waivers; and repealing inconsistent portions of other acts.

HEALTH AND HUMAN SERVICES.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON
AGRICULTURE AND RURAL AFFAIRS****HB 2724, PN 4141**

By Rep. KENNEY

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for requirements of public eating and drinking places.

HEALTH AND HUMAN SERVICES.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 235, PN 1261**

By Rep. GANNON

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for continuing nursing education.

PROFESSIONAL LICENSURE.

SB 707, PN 1821 (Amended)

By Rep. GANNON

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations; and substituting the term "salon" for the term "shop" throughout the act.

PROFESSIONAL LICENSURE.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader asks for an immediate meeting of the Rules Committee at his desk; immediate meeting of the Rules Committee.

**RESOLUTION ON CONCURRENCE
REPORTED FROM COMMITTEE****SR 308, PN 1806**

By Rep. S. SMITH

A Concurrent Resolution proclaiming May 22, 2006, as "Pennsylvania Ports Day" in Pennsylvania.

RULES.

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Casorio, for an update on the leaves of absence.

Mr. CASORIO. Thank you, Mr. Speaker.

I would like to place the gentleman, Mr. LaGROTTA, from Lawrence County; the gentleman, Mr. OLIVER, from Philadelphia; and the gentleman, Mr. RUFFING, from Allegheny all on Capitol leave, sir.

The SPEAKER pro tempore. Without objection, the leaves are granted.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who puts the gentleman, Mr. KOTIK, on leave for the remainder of the day.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1479 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 1479, PN 1797.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I now move that HB 1479 be recommitted to the Committee on Appropriations.

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

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair recognizes that Mr. Rooney is now on the House floor and asks that he be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Argall, who asks that the gentleman, Mr. ARMSTRONG, from Lancaster County be put on leave for the remainder of the day.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who asks that the gentleman, Mr. PERZEL, be put on Capitol leave. Without objection, the leave is granted.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The gentlemen Cruz, Gergely, and Leach are all back on the House floor and ask that they be added to the master roll as members.

The Chair asks that the gentleman, Mr. Caltagirone, please report to the Speaker's desk; the gentleman, Mr. Caltagirone, please report to the Speaker's desk.

SUPPLEMENTAL CALENDAR B**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following **SB 157, PN 1822**, as further amended by the House Rules Committee:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; further providing for collection of and restricted use of certain taxes; and making editorial changes.

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair interrupts the proceedings to recognize the gentleman, Mr. Grucela, for a request for a leave. Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request Capitol leave for the minority leader, Mr. DeWEESE.

The SPEAKER pro tempore. The Chair thanks the gentleman, and without objection, the request is granted.

Mr. GRUCELA. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence of Mr. Armstrong on the House floor and asks that he be added to the master roll.

CONSIDERATION OF SB 157 CONTINUED

The SPEAKER pro tempore. The question recurs, will the House concur in the amendments inserted by the Senate to the House amendments as amended by the Rules Committee?

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

This is listed as a concurrence vote on SB 157, but about 6 hours ago, the Rules Committee made some changes. It was reported from Rules as amended. I wonder if anybody could discuss with us what changes the Rules Committee made or whether this is in substantially similar form to what the Senate had already passed?

The SPEAKER pro tempore. The somebody that you are seeking, we believe, is Mr. Adolph. Is that correct, Mr. Adolph, that you would answer the interrogation? The gentleman is in order and may proceed with his questions.

Mr. SAMUELSON. Thank you.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. SAMUELSON. What changes did the Rules Committee make?

Mr. ADOLPH. The first change that was made, which I think was a significant change that I think will help a lot of our part-time workers, whether they are high school students or college students or retired seniors, is that there is going to be a mandated \$12,000 annual exemption. Okay? So if you go in to your employer and you have a part-time job or a full-time job that pays less than \$12,000 a year, you will fill out an exemption certificate and you will give that exemption certificate to the employer and they will not withhold the \$52 tax. Okay? This will save an awful lot of paperwork for both the employer, save a lot of paperwork for the municipality, and also save the part-time worker, the high school student, the college student, or the retiree from paying this \$52 tax. Okay? That was one of the changes.

The other change, which is a very significant change, and really, I think most, I think all of the members of the House are going to be happy with this, is that when this bill passed the House before, I think everybody thought it was earned income. Okay? However, later on we found out that if you have a senior citizen who made \$5,000 or \$6,000, okay, and did not think he was going to owe the tax, all of a sudden he found out that they also have to include their unearned income, their Social Security and pension income. Well, one of the changes we made is we defined that this income is only earned income, so it is only whether you are employed by someone, no unearned income.

The other changes, they renamed the tax, all right, renamed the emergency municipal tax to the local services tax. Okay? Because a lot of people were under the impression that all the money raised by this new tax was going to go to municipal services for emergency purposes, but 25 percent of that revenue has to be used. So it is going to be called the local services tax.

Last but not least is the amount of withholding that is going to come out of people's pay. As you remember, a lot of our

folks were hit with a \$52 withholding on their very first pay, and no matter how much money you make a week, \$52 at one shot is a lot of money. So this bill will make it \$1 a week. Now, if you worked 52 weeks, then you get the \$52. If you get hired during the course of the year, they just prorate that, and if you get hired on July 1, it would be like \$2 a week till the end of the year.

I believe that that is all the changes that were made in the House Rules, Mr. Speaker.

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

Mr. Samuelson, you had taken your seat, and I had assumed you were no longer seeking to be recognized. Are you seeking to continue?

PARLIAMENTARY INQUIRY

Mr. SAMUELSON. Just a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state it.

Mr. SAMUELSON. On many of the computers, the older version of this bill is the one that is listed, PN 1803, but just a clarification, we are voting on the final version, PN 1822?

The SPEAKER pro tempore. That is correct.

Mr. SAMUELSON. Thank you. I just ask that that change be made on the computer screens.

The SPEAKER pro tempore. We will work on that.

The gentleman, Mr. Cappelli, is recognized.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 157 as amended in the Rules Committee on concurrence.

Clearly the issue of the emergency municipal services tax, as we enacted not quite 2 years ago, brought with it some unintended negative consequences for employees and employers, and I do believe the changes made in the Rules Committee were the exact remedies that we need to make this tax fair to all those who have to collect it and to pay it. Specifically, ensuring that all municipalities who levy it adhere to the same \$12,000 annual exemption threshold is very, very important. To have one municipality exempting those under \$12,000 while other municipalities may set to borrow much lower at \$3,000 or \$4,000 is quite unfair and needed remedied. Allowing our young workers, those who are working summer months when not in college, to declare up front that they will not earn \$12,000 that year, and so not be subject to any withholding, was very important.

And last but not least, Mr. Speaker, the issue of senior citizens and subjecting them or subjecting their pension and Social Security income to the "all income" definition under Act 511 was grossly unfair. We know many seniors are working part-time to pay bills and buy groceries and pay their taxes. They should not be penalized under this act simply because they are retired and working part-time.

So I once again ask the members to concur with SB 157 as amended in the Rules Committee. Thank you.

The SPEAKER pro tempore. The Chair would ask members to take their seats. There are several conferences going on, on the floor. Members, please take your seats. Members, please take your seats.

The Chair recognizes the gentleman, Mr. Yewcic.

Mr. YEWCIC. Thank you, Mr. Speaker.

Brief interrogation, if I may?

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

Mr. YEWCIC. Thank you.

Just real briefly, I received a number of phone calls from a lot of parents last week and this week concerned about their kids working part-time in retail. They are not going to make more than a couple thousand bucks this year, and they took out \$52, so their paycheck was virtually zero. When will this take effect, and how will that impact kids working this summer?

Mr. ADOLPH. The effective date of this legislation that was just put in is January 1, 2007. Okay? Unfortunately, for those high school kids or senior citizens, they are going to have to go back, if the local municipality had an exemption, they will have to go back and ask for a refund for 2006, if the locals had an exemption amount.

Mr. YEWCIC. Wait; can you state— I missed that part. They can or cannot go back for a refund? If the local municipality has \$52, under this legislation, they can go back for a refund in 2007?

Mr. ADOLPH. This \$52 exemption starts January 1, 2007.

Mr. YEWCIC. All right.

Mr. ADOLPH. Okay? If your local municipality had an exemption figure in their local ordinance, say it was \$5,000, and that high school student or college student does not make the \$5,000, at the end of the year, that high school student has to go back and get a refund, and that is what we are trying to eliminate with this new legislation.

Mr. YEWCIC. All right. Thank you, Mr. Speaker. That concludes my interrogation. On the bill?

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

Mr. YEWCIC. Mr. Speaker, I think this is a very good piece of legislation that ought to be supported. As you have already heard, it really negatively impacts young people who are working part-time over the summer, who do not make a lot of money. I have received numerous phone calls from not only the students but their parents saying that, you know, our kids are working; they come home with a \$20 paycheck because their employer or their township they work in took \$52 out, and it is really unfair to young people and those that are making less than \$12,000 a year.

So it is a good piece of legislation, and I certainly ask for its support. Thank you, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Scavello, for the purpose of making a motion.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I would like to suspend the rules in order to present an amendment, to offer an amendment.

The SPEAKER pro tempore. Would you please give us the amendment number?

Mr. SCAVELLO. A07974.

The SPEAKER pro tempore. The gentleman, Mr. Scavello, requests a suspension of the rules for the purpose of offering amendment 07974.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The gentleman, Mr. Smith, do you defer to Mr. Scavello to speak on your behalf on this amendment? You prefer to retain that? The gentleman, Mr. Smith, is recognized.

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

I apologize for the delay. I needed to just get up to speed as to exactly what the impact of the motion and the amendment was.

Mr. Speaker, the main context of SB 157 is to clean up the timelines and such, as was discussed earlier, relative to a local tax. I think it is important that we try to do this. This is something that lingered on from the end of last calendar year. It is something I think that would be the responsible thing to do so that the local municipalities, as they start to craft their budget later this fall and into the October-November months, that they will know what the new rules are, that they will understand what the law is relative to the collection of this local tax, and I would regretfully have to ask the members to vote against the motion to suspend.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, speaking on behalf of the minority leader, is recognized.

Mr. LEVDANSKY. Mr. Speaker, the changes that have been incorporated in SB 157 are a product of lengthy bipartisan negotiations and work over the past year. These changes to the municipal services law, municipal services tax law, that we put in place will make technical changes to the administration of this law to deal with the legitimate issues that had been raised, you know, by municipalities and by our citizens. So this bill will make those technical adjustments and fixes that we have worked out in a bipartisan fashion, but to, in essence, to offer an amendment to repeal and to undo this law is just unjust, it is unwarranted, and it is inappropriate at this time, especially given the fact that there were bipartisan negotiations to create the municipal services tax and implement it, and in addition, we have had municipalities now implement this and adopt the present budget that they are in and last year's budget as well.

So the existing law has been in effect for two budget cycles for our municipalities. It is inappropriate to then undo this law and take away this source of revenue, and you know, I do not want to even harbor the thought that that could happen, but even if it were, all it would do would be to shift, shift the responsibility at the local level to come up with a replacement tax, which is most likely going to be an increase in municipal property taxes. That is the last thing we want to be doing, is to be undoing a system that is going to force a municipality to raise property taxes. And again, municipalities have budgets in place based on the existing statute and the existing system, and to undo that after bipartisan cooperation to put the law in place, you know, last year and now to make the adjustments and corrections to it that we have done in a bipartisan fashion is inappropriate, and thus, I would ask for a "no" vote on the motion to suspend the rules.

The SPEAKER pro tempore. The Chair would remind the members that this is a nondebtable motion, other than the floor leaders and their designees.

Mr. Scavello, for what purpose do you rise?

Mr. SCAVELLO. Unanimous consent.
 The SPEAKER pro tempore. The Chair hears some objections to unanimous consent.
 Mr. SCAVELLO. Who? Who, sir?
 The SPEAKER pro tempore. Would anyone like to identify themselves? We have Representative Eachus who has objected.
 Mr. Scavello, do you have any other requests of the Chair?
 Mr. SCAVELLO. I just wanted to get an opportunity to explain what is happening here and the opportunity to, but it is obvious that no one wants to eliminate this tax.
 The SPEAKER pro tempore. Mr. Scavello, we thank you.
 Mr. SCAVELLO. You are welcome.

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

The following roll call was recorded:

YEAS—73

Allen	Gabig	McIlhattan	Sainato
Baker	Gillespie	McNaughton	Scavello
Benninghoff	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Millard	Semmel
Bunt	Grell	Miller, S.	Shaner
Caltagirone	Hanna	Nailor	Stairs
Casorio	Harhart	O'Brien	Stern
Causer	Herman	Payne	Stevenson, R.
Cornell	Hickernell	Petrarca	Stevenson, T.
Crahalla	Hutchinson	Phillips	Taylor, J.
Creighton	Kauffman	Pickett	True
Dally	Keller, M.	Pyle	Vitali
Denlinger	Kenney	Quigley	Wilt
DiGirolamo	Lederer	Rapp	Wright
Diven	Leh	Reed	Zug
Ellis	Maher	Reichley	
Fairchild	Major	Rohrer	
Fichter	Marsico	Rubley	Perzel,
Forcier	McGill	Ruffing	Speaker

NAYS—129

Adolph	Fabrizio	Levdansky	Sabatina
Argall	Feese	Mackereth	Samuelson
Armstrong	Flaherty	Maitland	Santoni
Baldwin	Flagle	Manderino	Sather
Barrar	Flick	Mann	Saylor
Bastian	Frankel	Markosek	Shapiro
Bebko-Jones	Freeman	McCall	Sipthoth
Belardi	Gannon	McGeehan	Smith, B.
Belfanti	Geist	McIlhenny	Smith, S. H.
Biancucci	George	Melio	Solobay
Birmelin	Gerber	Micozzie	Sonney
Bishop	Gergely	Miller, R.	Staback
Blackwell	Good	Mundy	Steil
Blaum	Goodman	Mustio	Stetler
Boyd	Grucela	Myers	Sturla
Buxton	Gruitza	Nickol	Surra
Cappelli	Haluska	Oliver	Tangretti
Cawley	Harhai	O'Neill	Taylor, E. Z.
Civera	Harper	Pallone	Thomas
Clymer	Harris	Parker	Tigue
Cohen	Hasay	Petri	Turzai
Corrigan	Hennessey	Petrone	Veon
Costa	Hershey	Pistella	Walko
Cruz	Hess	Preston	Wansacz
Curry	James	Ramaley	Waters
Daley	Josephs	Raymond	Watson
DeLuca	Keller, W.	Readshaw	Wheatley
Dermody	Killion	Rieger	Williams
DeWeese	Kirkland	Roberts	Wojnaroski
Donatucci	LaGrotta	Roebuck	Yewcic

Eachus	Leach	Rooney	Youngblood
Evans, D.	Lescovitz	Ross	Yudichak
Evans, J.			

NOT VOTING—0

EXCUSED—1

Kotik

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair returns to the debate on SB 157 and recognizes the gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Could I interrogate the maker of the amendment?

The SPEAKER pro tempore. Mr. Gabig, we are on a Senate bill on concurrence in Senate amendments. Is that what you are seeking to interrogate on? We are on final passage, but it is on concurrence by the Senate in their amendments.

Mr. GABIG. On final passage?

The SPEAKER pro tempore. On final passage.

Mr. GABIG. I just wanted to ask Mr. Adolph a couple questions, if he—

The SPEAKER pro tempore. Hold on for a second, please.

Members of the House, please take your seats. Please, take your seats. You are in for a long night, and it is going to be a lot longer if we do not cooperate and allow the discussions to take place. Members, take your seats.

Mr. GABIG. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gabig, you have not been recognized yet.

Members need to take their seats. If you have a conversation, please take it outside of the hall of the House.

The gentleman, Mr. Adolph, has agreed to interrogation. Mr. Gabig, you may begin.

Mr. GABIG. Thank you again, Mr. Speaker.

Number one, I would like to thank the gentleman from Delaware County for the hard work he did in trying to work on this amendment. As the gentleman might recall, I voted against the original bill, and I think he has done a lot of good work here to try to clean up what was, in my opinion, initially a very bad bill, but I still have some questions on it. I am probably going to support the gentleman, but I just want to get clarified in my mind a couple of issues, and I appreciate the gentleman taking the time to answer them for me. I really do.

The \$12,000 figure that we have that is a cutoff between those that can be subjected to the tax and those that are exempted from the tax, how is that figure arrived at? Does the gentleman know the answer to that? I do not mean to put him on the spot.

Mr. ADOLPH. The \$12,000 figure was a figure that was a compromise that we thought was necessary so our part-time high school students that work over the holidays, during the summer, college students during the summer, during the holidays, would not be subject to this tax, and we have many

working seniors that go out and get a job to supplement their Social Security and so forth, and we felt that a \$12,000 figure was fair.

Mr. GABIG. So then, if I understood that, that was a policy decision to make? Somebody, for example, that works full-time, that is not a student, that is making their living and is making \$12,001 or \$13,000, they are subjected to the \$52 tax? Even with the good work that you have done—

Mr. ADOLPH. Yes.

Mr. GABIG. —they are subjected to it?

Mr. ADOLPH. Yes.

Mr. GABIG. Okay. That concludes my interrogation. I want to thank the gentleman again.

I would like to make some comments on concurrence.

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

Mr. GABIG. Thank you, Mr. Speaker.

I want to again commend the gentleman from Delaware County, Mr. Adolph, and those that had worked hard to try to clean this up. I do want to say, though, that I still have some major concerns about this tax. It is \$52 on somebody that makes \$12,000.01, I guess, if I understand it correctly, and it is \$52 on somebody who makes \$120,000. It is \$52 on somebody who makes \$300,000. It is what I would call a head tax, other than the exemption that is given for those that are making under \$12,000.

A head tax, as I understand it, is the most regressive tax we can have here in the Commonwealth of Pennsylvania, the most regressive tax. It is not a rate. It has nothing to do with your ability to pay like a sales tax that is an equal percentage. If you spend more money, you are going to pay more tax, like an income tax that has a rate. It is the most regressive tax you could have in Pennsylvania, this head tax. For example – and I am just doing rough numbers here; I am not an accountant; I know we have some terrific C.P.A.s (certified public accountants) in this House that I admire their work; especially on the budget that we have coming up, they have done a lot of good work, and the Appropriations people – but it is about .5 percent for somebody making \$12,000, about a half a percent, .5, roughly. It is a little less. But if you make \$120,000, it is .05 percent, and it continues to go down. The more you make, the lower your tax rate is. Now, how fair is that? That is simply not fair to those that are out there trying to make a living, just because they might not have the earning capacity that some others do, and it does not take into account, it does not take into account people's obligations. What if they are trying to support a family on \$12,001 versus this being their second or third income? Of course it is a local option. I understand that, and I understand in some of my areas that some of the locals have adopted this. In fact, some of the locals in my area have pushed this, lobbied for this, bought into it with the League of Cities, and I oppose that, but you know, it passed over my objection here.

So I would just like to say that I do appreciate the gentleman's work on this, and I am going to support it, because I think it cleans up a lot of the messes that were in the original bill, but I still have some concerns about the original bill and really the impact of this, but again, I want to thank Mr. Adolph for the work he has put into it.

Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali. The gentleman waives off.

The gentleman, Mr. Costa, is recognized.

Mr. COSTA. Thank you, Mr. Speaker.

Is it possible to interrogate the good chairman, Mr. Adolph?

The SPEAKER pro tempore. It is possible. Would you like to?

Mr. COSTA. May I?

The SPEAKER pro tempore. Yes.

Mr. COSTA. Thank you.

The SPEAKER pro tempore. Mr. Adolph is going to agree to interrogation, so you may begin.

Mr. COSTA. Thank you, Mr. Speaker.

Mr. Speaker, earlier when you were interrogated, you said that if you knew or you had a pretty good feeling you were not going to make \$12,000, you could sign a waiver. That is correct?

Mr. ADOLPH. An exemption certificate.

Mr. COSTA. An exemption. I am sorry. Okay. What would happen if you do work a part-time job and you happen to work overtime and you exceed that \$12,000? There is no penalty or anything like that? You would just have to pay the \$52?

Mr. ADOLPH. The week that you earn more than \$12,000, the employer would then be required to start withholding the tax at a rate that would end up reaching the \$52 by the end of that calendar year.

Mr. COSTA. But there is not a penalty associated with it?

Mr. ADOLPH. There will be no penalty; that is correct.

Mr. COSTA. Okay. Thank you; thank you.

Mr. Speaker, now on the bill?

The SPEAKER pro tempore. The gentleman is in order.

Mr. COSTA. Again, I would also like to thank Chairman Adolph and all the other people that worked on this bill.

My daughter who works at a dry cleaners, the first time she worked, a couple weeks, she got her first paycheck and there was only \$8 left in it because they took out \$52, and she called me and cried, and I did tell her for 2 years we have been working on this bill and we are trying to resolve it. I am glad it is finally here that we are going to get this, hopefully get this to the Governor and we can get this bill signed, and people like my daughter and other ones that do make under \$12,000 will not be responsible for paying for this.

Mr. Speaker, thank you, and I would appreciate if everyone would vote positive on this bill. Thank you.

The SPEAKER pro tempore. I hope, Mr. Costa, that you had not voted for this.

The gentleman, Mr. Cawley, from Lackawanna County is recognized.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate the gentleman from Delaware, please.

The SPEAKER pro tempore. The gentleman indicates he is willing to stand for interrogation. You may begin.

Mr. CAWLEY. Before I thank the gentleman as the other speakers did, I would like if you would answer my question.

Do we have language in this bill that will allow the wage earners to pay the \$52 in quarterly installments instead of all at once?

Mr. ADOLPH. The language that is in this SB 157 as amended in the House Rules Committee is that starting the first pay of the New Year, no more than \$1 a week will be taken out of your pay. The employer then collects the \$1 on a weekly basis and submits that money to the municipality on a quarterly basis, and that is language in this Senate bill.

Mr. CAWLEY. Thank you for the explanation, and based on your explanation, on behalf of my constituents, I would like to thank you for all your hard work, your seriousness with this issue, and this is going to help a lot of the persons that I represent and many other people represent who had \$52 taken out at once.

So thank you so much, and I ask for its support.

Mr. ADOLPH. Thank you.

The SPEAKER pro tempore. The question recurs, will the House concur in the amendments inserted by the Senate to the House amendments as amended by the Rules Committee?

Moved by the gentleman, Mr. Smith, that the House do concur in these amendments.

On the question recurring,

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

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The gentleman, Mr. FEESE, should be put on leave.

CONSIDERATION OF SB 157 CONTINUED

On the question recurring,

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—3

Good	Hanna	Maher
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NOT VOTING—0

EXCUSED—2

Feese	Kotik
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments as amended by the Rules Committee were concurred in.

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

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, is requested to come to the Speaker's desk.

(Conference held at Speaker's podium.)

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2467, PN 3716**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; and prescribing sentences for offenses committed against law enforcement officer.

On the question,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone, for the purpose of a motion. Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, I would like to make a motion to suspend to have an amendment offered. It has been agreed to.

The SPEAKER pro tempore. Would the gentleman please give us the number of the amendment. The Chair is in receipt of an amendment with your name on it that is 8038. Is that correct, Mr. Caltagirone?

Mr. CALTAGIRONE. It is, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Caltagirone, moves that we suspend the rules for the purpose of offering amendment 8038 to HB 2467.

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

The SPEAKER pro tempore. The gentleman, Mr. Smith, defers to the gentleman, Mr. O'Brien.

Mr. O'BRIEN. I support the motion to suspend the rules, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Caltagirone, did you wish to speak on the motion?

Mr. CALTAGIRONE. I would defer to Chairman O'Brien.

The SPEAKER pro tempore. Apparently this is agreed to.

Mr. O'Brien, I cannot hear you. You will need to speak into the microphone.

Mr. O'BRIEN. Does the Chair wish me to give a brief explanation of the amendment?

The SPEAKER pro tempore. That is what I thought Mr. Caltagirone was going to do, but if you would like to do it for him, you may proceed.

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

This is an agreed-to amendment. Very simply, it clarifies the definition of "law enforcement officer." It removes the mandatory minimums for reckless endangerment and simple assault of a police officer, and it is a technical amendment. We are plugging in the same definition of second-degree murder in place of the felony murder involving an officer definition that is currently in the bill.

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—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Feese Kotik

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. CALTAGIRONE offered the following amendment No. **A08038**:

Amend Sec. 2 (Sec. 2507), page 3, lines 26 through 29, by striking out all of said lines and inserting

(d) Definitions.—A used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Law enforcement officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

“Perpetration of a felony.” As defined in section 2502(d) (relating to murder).

Amend Sec. 2 (Sec. 2702.1), page 4, lines 17 through 19, by striking out “is by law given the” in line 17, all of lines 18 and 19 and inserting
by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

Amend Sec. 3 (Sec. 9719.1), page 5, lines 3 through 5, by striking out all of said lines

Amend Sec. 3 (Sec. 9719.1), page 6 lines 4 through 6, by striking out “is by law given the” in line 4, all of lines 5 and 6 inserting
by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Caltagirone, are you seeking recognition?

The gentleman, Mr. O’Brien.

Okay. Is there anyone else seeking recognition? The gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Would Mr. O’Brien stand for brief interrogation?

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

Mr. VITALI. I just want to be clear. HB 2467, you mentioned the Caltagirone amendment removes the minimum mandatory provisions that are in HB 2467?

Mr. O’Brien. Not all of them. It removes the mandatory minimums for reckless endangerment and simple assault of a police officer.

Mr. VITALI. Okay. Are there any other minimum mandatorics in 2467 that it does not deal with?

Mr. O’Brien. Yes.

Mr. VITALI. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair asks that the clerk put the gentleman, Mr. DeWEESE, on regular leave.

CONSIDERATION OF HB 2467 CONTINUED

The SPEAKER pro tempore. Anyone else seeking recognition? If not—

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Flaherty	Manderino	Sabatina
Allen	Fleagle	Mann	Sainato
Argall	Flick	Markosek	Samuelson
Armstrong	Forcier	Marsico	Santoni
Baker	Frankel	McCall	Sather
Baldwin	Freeman	McGeehan	Saylor
Barrar	Gabig	McGill	Scavello
Bastian	Gannon	McIlhatten	Schroder

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

On the question,

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

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 Chair recognizes the gentleman, Mr. O’Brien.

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

This bill is all about protecting those who protect us. First, it establishes the crimes of criminal homicide and assault of law enforcement officers and it defines those crimes. Second, it creates mandatory minimum prison terms for those who intentionally or recklessly kill or seriously injure police officers who are acting in the line of duty. The mandatory minimum jail time will depend on the gravity of the harm and the state of mind of the perpetrator.

HB 2467 will subject offenders who intentionally kill police officers to a first-degree murder conviction and will impose a maximum penalty of life imprisonment without parole, without the need to prove premeditation. The bill will impose a mandatory minimum sentence of 10 years against anyone whose reckless or grossly negligent conduct causes the death of a law enforcement officer or who intentionally, knowingly, or recklessly inflicts serious bodily injury on an enforcement officer. It will also impose a minimum 10-year jail term on anyone who intentionally causes bodily injury to a law enforcement officer. Finally, the bill creates a misdemeanor offense with a penalty of up to 5 years' imprisonment but no mandatory minimum against those whose conduct places or may place law enforcement officers in danger of death or serious bodily injury.

Our men and women in blue put their lives and physical well-being at risk for us every time they stop a car for a traffic violation, every time they engage in a car chase, every time they respond to a domestic violence complaint, and every time they attempt to apprehend a suspect, especially a violent felon. Every single day, and sometimes several times a day, law enforcement officers must engage in encounters with people whose reactions are entirely unpredictable and sometimes violent. When something goes horribly wrong, that police officer dies or suffers a serious injury, which can cripple or impair that officer for the rest of his or her life.

The risk is high and the danger is real. At least 678 police officers have been killed in the line of duty in Pennsylvania alone. Thousands of other law enforcement officers have been victims of criminal violence as a direct result of simply doing their job on behalf of the public. Police must deal with the most vicious, least scrupulous, and angriest elements of our society as a basic and inescapable part of their job, and many pay a terrible price, sometimes the ultimate price, for their role in preserving public safety. The trauma and the tragedy that results from such an explosive act of criminal violence or malignantly reckless behavior also shatters that officer's family, and the lives of the surviving loved ones will never, ever be the same again.

This is what law enforcement officers do for us. What can we do for them? The very least we can do is give our law enforcement officers the benefit of the time-tested principle that deterrence works. We must send a loud and clear message that violence or reckless criminal behavior which harms or endangers a police officer is simply not worth the punishment that will follow. These tough new penalties will not deter every violent or reckless criminal or rage-filled individual who confronts a police officer. However, this bill will deter some conduct that leads to the death and injury of so many brave law enforcement officers. Every life that is saved is a family that is spared. Moreover, this bill will put those who flout this message away where they will be unable to harm anyone for a long time. Passage of this bill will also express the deep appreciation of this House of Representatives for our

law enforcement community that does so much to secure the safety of our constituents.

I ask for a "yes" vote on HB 2467.

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—199

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

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—3

DeWeese Feese Kotik

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 SPEAKER pro tempore. The House will be at ease.

RECESS

The SPEAKER pro tempore. This House stands in recess to the call of the Chair. However, do not leave your seats. We are going into special session.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****LETTER SUBMITTED FOR THE RECORD**

Mr. PALLONE submitted the following letter for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

June 13, 2006

Mr. Clancy Myer
Parliamentarian
Pennsylvania House of Representatives
Room 113-Main Capitol
Harrisburg, PA 17120

Dear Clancy:

This is to inform you that on June 5, 2006, I was on Official Leave on the Master Roll due to a meeting with constituents within my legislative district. I arrived in the Capitol Building approximately at 3:30 p.m. on June 5, 2006 and asked to be taken off Official Leave at that time. The House was in Recess and did not come back into Session until Tuesday, June 6, 2006.

I would like to be recorded as present on June 5, 2006 on the Master Roll. If you have any questions or require additional information, please contact me at any time.

Very truly yours,
John E. Pallone

LETTER SUBMITTED FOR THE RECORD

Mr. VEON submitted the following letter for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

June 13, 2006

Roger Nick, Chief Clerk
Pennsylvania House of Representatives
Room 129
Main Capitol Building
Harrisburg, PA 17120

Dear Roger:

On June 7, 2006, my office was advised to place Rep. Frankel on leave for the day on June 12, 2006. On June 12, 2006 we neglected to request that he be placed on leave for that day. I am requesting that a copy of this letter be inserted in the House Journal to accurately reflect Rep. Frankel's requested status for the session day of June 12, 2006.

In accordance with Rep. Frankel's request to be placed on leave for June 12th, I am also requesting that a per diem payment for June 12th not be processed for Rep. Frankel.

Thank you for your attention to this matter.

Sincerely,
Representative Mike Veon
Minority Whip
14th Legislative District

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over.

RECESS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Sabatina.

Mr. SABATINA. Mr. Speaker, I move that this House do now recess until Wednesday, June 14, 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., Wednesday, June 14, 2006, the House recessed.