

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 27, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 44

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

God of our days, last Tuesday we celebrated the longest day of the year. Let not this day feel that way as we race toward the completion of the items needing our attention before we break for summer recess. Open our eyes to see that we are always surrounded by miracles but most times blind as moles.

Grant us the good sense to savor every moment of every day, lest it be our last. Let us fill our days not with things to be checked off a to-do list, but with joy, love, honest dialogue, laughter. Forgive us the real skepticism of living on the surface skimming along overlooking or just getting by.

We are lulled by the illusion of the familiar. Tip us off balance. Etch in our souls the absolute truth that we are all tourists. We take so much for granted; overlook what is right before our jaded eyes. When familiarity evokes a yawn and we settle down to blindness, give us the chance and the will to see anew with tourist eyes all the wonder that is around us, including the saint beside and the sinner within.

So as we wind up our time together, may we be willing to stop our feverish activities and listen to what one another has to say, hearing and seeing with new eyes that have been opened by You, the God of awe. 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 26, 2006, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print: Wednesday, February 1, and Monday, February 6, 2006. Without objection, those Journals will be approved.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 901, PN 3978**; and **HB 2457, PN 3569**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2376, PN 4310**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

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

HB 901, PN 3978

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lighting on motorcycles.

HB 2457, PN 3569

An Act redesignating the bridge carrying section A80 of the East Side Access Highway, SR 4034, over Fourmile Creek and the Wintergreen Gorge in Harborcreek Township, Erie County, as the Sergeant Donald S. Oaks Memorial Bridge.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2843 By Representatives COHEN, BELFANTI, DeWEESE, VEON, BEBKO-JONES, BISHOP, BLACKWELL, BUXTON, CALTAGIRONE, CASORIO, CORRIGAN, COSTA, CRUZ, DALEY, DeLUCA, DERMODY, DONATUCCI, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, JAMES, JOSEPHS, LEACH, LEDERER, MANDERINO, McGEEHAN, OLIVER, PETRONE, STABACK, READSHAW, SIPTROTH, SOLOBAY, STURLA, TANGRETTI, WALKO and YOUNGBLOOD

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wage.

Referred to Committee on LABOR RELATIONS, June 27, 2006.

No. 2844 By Representatives STERN, HESS, THOMAS, NICKOL, CALTAGIRONE, GOOD, PICKETT, McILHATTAN, TANGRETTI, PYLE, CAPPELLI, R. MILLER, BENNINGHOFF, HERSHEY, HENNESSEY, SAYLOR, CLYMER, E. Z. TAYLOR, PHILLIPS, LEVDANSKY, BOYD, CREIGHTON and DENLINGER

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for miscellaneous property held for or owing to another.

Referred to Committee on FINANCE, June 27, 2006.

No. 2845 By Representatives T. STEVENSON, ADOLPH, BOYD, CAPPELLI, DALEY, DeWEESE, FABRIZIO, GOOD, KILLION, KOTIK, LaGROTTA, NICKOL, RAPP, ROSS, J. TAYLOR, THOMAS and WILT

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, deleting provisions relating to special needs trusts.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 27, 2006.

No. 2846 By Representatives CASORIO, COHEN, BEBKO-JONES, BUXTON, CALTAGIRONE, CAPPELLI, CRAHALLA, DALEY, FRANKEL, GOOD, GOODMAN, MUNDY, MYERS, O'NEILL, PALLONE, PAYNE, PETRONE, READSHAW, RUBLEY, SATHER, SHANER, SIPTROTH, STABACK, WANSACZ, WATSON and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful sale of dog or cat.

Referred to Committee on JUDICIARY, June 27, 2006.

No. 2847 By Representatives SCHRODER, McILHATTAN, BENNINGHOFF, BOYD, CAPPELLI, CAUSER, CREIGHTON, DALLY, DeLUCA, GINGRICH, GOODMAN,

GRELL, GRUCELA, HARHAI, HARPER, HARRIS, HUTCHINSON, MARSICO, METCALFE, MUSTIO, NAILOR, PETRARCA, RAPP, ROHRER, RUBLEY, SAYLOR, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE and KAUFFMAN

An Act restricting the ability of the General Assembly to convene as a body for voting purposes from the general election through November 30.

Referred to Committee on RULES, June 27, 2006.

No. 2848 By Representatives D. EVANS, BUNT, COHEN, DALEY, FABRIZIO, GEORGE, JAMES, JOSEPHS, LEACH, LEDERER, MANN, MELIO, PARKER, PETRONE, STURLA, TANGRETTI, THOMAS and WHEATLEY

An Act providing for the establishment of programs throughout this Commonwealth using the resources of this Commonwealth and conferring incentives on employers to encourage employees to live near their worksites; establishing a tax credit program for employer; and imposing additional powers and duties on the Pennsylvania Housing Finance Agency and the Department of Revenue.

Referred to Committee on LABOR RELATIONS, June 27, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 813 By Representatives SCHRODER, McILHATTAN, BENNINGHOFF, BOYD, CAPPELLI, CAUSER, CREIGHTON, DALLY, DeLUCA, GINGRICH, GOODMAN, GRELL, GRUCELA, HARHAI, HARPER, HARRIS, HUTCHINSON, MARSICO, METCALFE, MUSTIO, NAILOR, PETRARCA, RAPP, ROHRER, RUBLEY, SAYLOR, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE and KAUFFMAN

A Resolution amending House Rule 21.

Referred to Committee on RULES, June 27, 2006.

No. 815 By Representatives BARRAR, ARGALL, BALDWIN, BEBKO-JONES, BELFANTI, BENNINGHOFF, BEYER, BUNT, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, CREIGHTON, CRUZ, FAIRCHILD, FLAHERTY, GINGRICH, GOOD, GRUCELA, HARHART, HERSHEY, HICKERNELL, JAMES, KENNEY, MARSICO, McILHATTAN, MUSTIO, MYERS, O'NEILL, PALLONE, PARKER, PETRARCA, PETRI, RAMALEY, RAPP, RAYMOND, REICHLEY, RUBLEY, SAINATO, SATHER, SCAVELLO, R. STEVENSON, TIGUE, TRUE, WALKO, WATSON, WOJNAROSKI, YUDICHAK, SURRA, MUNDY, STABACK, FREEMAN and YOUNGBLOOD

A Concurrent Resolution establishing a task force to conduct an in-depth investigation into gasoline prices, oil companies' gasoline pricing formulas, oil companies' record profits and their effects on the citizens of this Commonwealth and the Commonwealth's economic performance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 27, 2006.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move the following bill be taken off the table: SB 1205.

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

BILL ON SECOND CONSIDERATION

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

SB 1205, PN 1869.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be recommitted to the Committee on Appropriations: SB 1205.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1903 be recommitted to the Rules Committee.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 884, PN 1264**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and for disposition of surplus funds.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 884 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 884 be taken off the table.

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

* * *

The House proceeded to third consideration of **SB 868, PN 1332**, entitled:

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 868 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 868 be taken off the table.

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

RULES COMMITTEE MEETING

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

**RESOLUTION ON CONCURRENCE
REPORTED FROM COMMITTEE**

HR 795, PN 4233 By Rep. S. SMITH

A Concurrent Resolution designating December 19, 2006, as Coal Miner's Day in Pennsylvania in appreciation, honor and remembrance of the accomplishments and sacrifices of coal miners in this Commonwealth.

RULES.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 248, PN 4277 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for legislative review of State highway transfers and for allocation of proceeds from taxes for highway maintenance and construction.

RULES.

HB 496, PN 4210 By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of the destruction of a survey monument; further providing for actions relating to land surveying; and making an editorial change.

RULES.

HB 2317, PN 4338 By Rep. S. SMITH

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects and for special provisions for certain redevelopment assistance capital projects; and making appropriations.

RULES.

BILLS REREPORTED FROM COMMITTEE

HB 534, PN 582 By Rep. S. SMITH

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

RULES.

HB 2757, PN 4208 By Rep. S. SMITH

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.

RULES.

SB 1201, PN 1735 By Rep. S. SMITH

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

RULES.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1403, PN 4381 (Amended) By Rep. FAIRCHILD

An Act establishing procedures in State buildings regarding missing or lost children.

INTERGOVERNMENTAL AFFAIRS.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 804, PN 4288 By Rep. FAIRCHILD

A Resolution urging the Department of Public Welfare to file a State Medicaid plan amendment with the Department of Health and Human Services under Title XIX of the Social Security Act for the purpose of establishing a State Long-Term Care Partnership Program.

INTERGOVERNMENTAL AFFAIRS.

BILLS ON SECOND CONSIDERATION

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

HB 534, PN 582; HB 2757, PN 4208; and SB 1201, PN 1735.

BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee: HB 534 and HB 2757.

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

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1201 be recommitted to the Environmental Resources Committee.

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the day for the gentelady from Chester County, Mrs. RUBLEY. Without objection, the leave is granted.

And the Chair recognizes the minority whip, who requests a leave of absence for the day for the gentleman from Allegheny County, Mr. LEVDANSKY; the gentleman from Philadelphia County, Mr. DONATUCCI; and the gentleman from Luzerne County, Mr. YUDICHAK. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Donatucci	Rubley	Wilt	Yudichak
Levdansky			

LEAVES ADDED—2

Forcier	Preston
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LEAVES CANCELED—3

Donatucci	Rubley	Yudichak
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GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Cassandra Coleman, serving as a summer intern for Representative Mundy. She is a guest of Representative Phyllis Mundy and is located to the left of the Speaker. Please rise and be recognized.

We have with us this morning Lindsay Bish, who is serving as a guest page. She is an intern for Representative Dan Surra's St. Marys district office. Please rise and be recognized.

The Chair also welcomes Alen Beljin, who works for Representative Karen Beyer's district office in Allentown. Alen is the guest of Representative Karen Beyer, who is located in the back of the House floor. Please rise and be recognized.

The Chair welcomes to the hall of the House Ted Waddelow, a guest of Representative Pat Fleagle. Ted attends Greencastle Antrim High School and is a summer intern for Representative Fleagle in his district office. Ted is seated at the rear of the House. Please rise and be recognized.

Serving as guest page today is Marisa Dunigan. She will be an eighth grader at Hershey Middle School this fall, and she is the guest of Representative John Payne. Please rise and be recognized.

As a guest of Representative Mauree Gingrich, we are pleased to welcome Alyssa Anderson, an intern in her district office and a senior at Cedar Crest High School, as well as Alex Sharkey, also an intern in the district office and a sophomore at Kutztown University. Please rise and be recognized.

The Chair welcomes Annie Rosellini, Miss Pennsylvania Outstanding Teen America of 2005. Miss Rosellini has competed and won or finished runner-up in many competitions, including her first contest at age 2. This year she won the inaugural competition as an at-large candidate, and Annie is the guest of Representative Brian Ellis from Butler County. She is located in the rear of the House. Please rise and be recognized.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who requests a Capitol leave for the gentleman, Mr. REICHLEY. Without objection, the Capitol leave is granted.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Amy Powell, Scott Novack, and Kent Zwickl, all interns in Representative Jennifer Mann's district office. Kent's father, Kurt, is a former member of the House, and they are located at the back of the hall. Please rise and be recognized.

The Chair also welcomes Nathaniel DeCarlo, who is serving as a guest page and is the guest also of Mauree Gingrich and is located in the front row. Please rise and be recognized.

Also guest paging with us today from Representative Bev Mackereth's district is Scott Elicker. He graduated from Spring Grove Area High School and will be attending Penn Tech in Williamsport, Pennsylvania, in the fall. For the summer he will be interning in Representative Mackereth's district office. Please welcome him to the floor of the House.

As a guest of Chairman Dennis O'Brien, Christina Hud is a summer intern in his district office. Christina is involved with the Government Club, College Republican Club, and Student Alumni Association, and on the National Honor Society. Christina is a member of the Plast, Ukrainian Scouting Organization and is fluent in Ukrainian. In her spare time she is a water sports camp counselor and after college plans on attending law school. Please rise and be recognized, Christina.

Here today as guests of Representative David Argall are Hannah Miller and Sarah Wommer. Hannah and Sarah reside in Tamaqua, Schuylkill County. They are serving as guest pages on the floor of the House today. Please rise and be recognized.

The Chair also welcomes Michael Peters, intern in the district office of Representative Merle Phillips and is located to the left of the Speaker. Welcome. Please rise and be recognized.

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

HB 2546, PN 4382 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of registration upon sixth unpaid parking violation in cities of the first class; and providing for passing stopped authorized and emergency vehicles.

TRANSPORTATION.

HB 2619, PN 3934

By Rep. ADOLPH

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

ENVIRONMENTAL RESOURCES AND ENERGY.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 594, PN 668

By Rep. ADOLPH

An Act providing for the creation of a trust for the benefit of certain owners of interests in oil and gas; authorizing trustee to enter into leases of interests in oil and gas under terms and conditions authorized by the court of common pleas; providing for the administration of the trust and for payment of moneys to the trustee; and imposing penalties for nonpayment.

ENVIRONMENTAL RESOURCES AND ENERGY.

CPL. LUKE LEVENGOOD PRESENTED

The SPEAKER pro tempore. At this time we welcome to the dais Representative Sheila Miller, Representative Pete Zug, and Representative Paul Semmel for a citation presentation. And, ladies and gentlemen, this is a very special guest that we have with us this morning. If the members would kindly take their seats and clear the aisles, we would appreciate that.

Mrs. MILLER. Thank you, Mr. Speaker.

Yesterday we adopted HR 797, sponsored by Representative Kathy Rapp, to honor the life of United States Supreme Court Justice Robert Jackson, who was appointed by President Harry Truman to serve as the United States chief counsel at the International War Crimes Tribunal in Nuremberg, Germany, in 1945. It was noted how Justice Jackson distinguished himself at Nuremberg by helping draft the charter establishing the legal basis for the tribunal and serving as prosecutor during the trial.

Today, Mr. Speaker, it is my distinct honor to join with my Pennsylvania Dutch colleagues, Representative Paul Semmel, chairman of the House Veterans Affairs and Emergency Preparedness Committee, and Representative Pete Zug of Lebanon County in honoring a very special person, Cpl. Luke Lee Levengood, for his service to our country during World War II and the Nuremberg War Trials.

Having reached the ripe old age of 18 years old in 1944, Luke Levengood left his home in Kleinfeltersville, Lebanon County, to enlist in the United States Army to help end that war

that was claiming the lives of too many young Americans. The youngest in a family of six children, Private Levensgood's military journey took him to Fort Blanding, Florida, for 8 weeks of basic training, followed by 9 weeks in advanced training, to become part of the 709th Unit of the military police.

Mr. Speaker, Private Levensgood was immediately deployed to France to join his fellow soldiers in the European Theatre and combat with the German Armed Forces. After landing—

The SPEAKER pro tempore. Would the gentlelady please suspend.

Members, please take their seats. We are honoring a World War II decorated veteran who participated in the Nuremberg Trials.

Thank you.

Mrs. MILLER. Thank you, Mr. Speaker.

After landing in the port of LeHavre in Normandy, he was assigned to provide military police patrol protection for the Army's 2d Division, which was fighting a fierce offensive in the Ardennes. It was the fall of 1944 and Levensgood was thrust into the decisive campaign in World War II, the Battle of the Bulge. Private Levensgood was hit in the left leg by shrapnel at Bastogne but was able to remain with his unit. It was at Bastogne while on night patrol that he was captured by 12 German soldiers impersonating American soldiers and was taken to a German POW (prisoner of war) camp west of Berlin.

At Stalag III-D, Private Levensgood was interrogated several times a day. German intelligence personnel knew that Pennsylvania had a settlement of German-speaking immigrants whose descendants kept the German culture and language alive through the centuries. Although Private Levensgood understood the Pennsylvania Dutch dialect as well as his captors were saying, he did not offer any information to the enemy during his incarceration.

Upon liberation from the POW camp, Private Levensgood was ordered to Paris and again worked with his military police unit, specifically to guard the Eiffel Tower. This is where he was on V-E Day, May 8, 1945, when the Allies formally celebrated the end of World War II. Private Levensgood witnessed the jubilation and parades through the streets of Paris that signaled victory over Adolf Hitler's Third Reich.

In November 1945 Private Levensgood was among a select few military police chosen to guard the 22 German defendants at the Nuremberg War Crimes Trial. He had, and I quote, "seen what Hitler did," end quote, and knew of the atrocities in the concentration camps. He wanted to participate in the trials because he, and I quote again, "felt that our presence there would indicate that nowhere in the world are we going to submit to a country that does not accept human rights," end quote.

Private Levensgood's assignment during the trials was to escort the defendants, one by one, from the jail where they were kept to courtroom 600 in the Palace of Justice where the proceedings took place. His job in the courtroom was to keep order among the defendants as well as protect all the people in the packed courtroom from any radical groups that were sympathetic to the prisoners.

At age 19 Private Levensgood participated in a historic event where for the first time an international tribunal worked together in the prosecution of those who conspired to commit heinous crimes against humanity. The Nuremberg Trials were significant since the defendants who were tried represented the highest ranking officials and leaders in Adolf Hitler's regime:

Goering, Hess, Streicher, Speer, Keitel, von Runstedt, von Ribbentrop, Jodl, and others. The deliberations and judgments at Nuremberg concluded in October 1946, 60 years ago.

Levensgood was promoted to corporal after his outstanding service at Nuremberg and honorably discharged from the United States Army in October 1946. He was awarded a Purple Heart and a Prisoner of War Medal. Luke Lee Levensgood returned to work and lived in Lebanon County, where he continues to reside. On August 17 of this year, this World War II veteran and lifelong Pennsylvanian will celebrate his 80th birthday, six decades after he participated in one of the military's and judicial history's most profound and triumphant events, the Nuremberg Trials.

At this time, members of the House, I would like to turn the podium over to Representative Pete Zug, who will introduce the family and friends of Luke Levensgood who have joined us here today, and he will be followed by Representative Paul Semmel and Adj. Gen. Jessica Wright, who will join me and join all of us in saluting this wonderful Pennsylvania veteran. Pete.

Mr. ZUG. Thank you, Representative Miller.

Representative Miller and I have a citation from the House that we will present to Mr. Levensgood in a moment. He, as you probably know, is seated directly behind me. With him today are his wife, Alice, to my left, if you could stand; his daughter, Donna Levensgood Horst; another daughter, Brenda Levensgood Wetzel; a son-in-law, Terry Wetzel; up on the podium, Dale Weik, a grandson; Jamie Wetzel, a grandson; and Phyllis Wasserman, a niece.

I will present the citation. I will go back to Mr. Levensgood. If we could give him a nice House welcome and thank you, I think it would be appreciated.

Mr. SEMMEL. Hello, colleagues. At this time it gives me great pleasure to introduce the Adjutant General of the Commonwealth of Pennsylvania. Maj. Gen. Jessica L. Wright was named the 50th Adjutant General and Commander of the Pennsylvania National Guard February 3, 2004, and sworn in by the Governor March 5, 2004.

In this Cabinet position she is responsible for the command, control, and supervision of all the Air and Army National Guard units across the Commonwealth, also the six State-owned veterans' homes, Scotland School for Veterans' Children, and programs for the 1.3 million veterans in the Commonwealth of Pennsylvania.

At this time please join in welcoming Maj. Gen. Jessica L. Wright.

MAJOR GENERAL WRIGHT. Mr. Speaker, members of this great House of democracy, Corporal Levensgood, and his family, thank you for having me here today.

The word is "legacy" and the man is Luke Lee Levensgood. We owe so much to Mr. Levensgood and the hundreds and thousands of World War II veterans who fought against tyranny so many years ago. Like the majority of the remaining of our World War II veterans, Mr. Levensgood will soon celebrate his 80th birthday. We lose over 1,000 of these patriots every day. Time grows short to thank them for keeping America this great country that it is.

It takes a great deal of personal courage for soldiers to keep this country great, and I see it every day in the soldiers of our Pennsylvania Army and Air National Guard. The dates, the stories, the places, the enemies, they may all change, but the

results are always the same. America will give everything to protect their family, their country, and the way that we live here.

Franklin Roosevelt knew it when the Japanese decided to bomb Pearl Harbor, and thus, he drew the ire of his powerful country. Harry Truman knew it when he released the terrible atomic bomb on Japan that followed the surrender of Japan. John Kennedy knew it when thousands of Russians installed missiles 90 miles off our coast during the crisis of 1962, and Cpl. Luke Levengood knew it when he was chosen to guard those high-ranking leaders of the Third Reich at Nuremberg during the War Trials.

These 22 tyrants had every intention of exporting their brand of terrorism across the face of the earth and to include America, but they were stopped by the strength of American soldiers like Luke Levengood.

As a prisoner of war, Corporal Levengood saw firsthand what was going on. It was only fitting that he was chosen to secure the courtroom at Nuremberg. Now 60 years later Saddam Hussein is standing trial in his own country for atrocities against his own people. No doubt he is being guarded by soldiers just like Corporal Levengood. Their mission is to protect the defendants and the people in the courtroom and that justice will proceed so the truth will be told. In the end the Iraqi people can put this terrible reign of Saddam Hussein behind them and take their first steps towards democracy and freedom. That democracy will happen. It will not happen quickly, but it will happen.

It is fitting and just to acknowledge Cpl. Lee Levengood's bravery and service during World War II with a citation that he was just presented today by this great House. It is fitting and just for all Pennsylvanians to honor the 1.3 million veterans and to support our soldiers no matter where or when or why they served, because without these veterans, there would be no freedom; without these veterans, there would be no America.

Thank you all, all the World War II veterans, part of our greatest generation. Americans are forever in your debt. Thank you for inviting me here today to this great House where democracy lives. It is proof of our dedication to what George Washington called The Great Experiment.

Finally, thank you, Corporal Levengood, thank you for your example to all of us. You are a great Pennsylvanian and a true American patriot. I wish you Godspeed.

Thank you.

The SPEAKER pro tempore. The Chair thanks the ladies and gentlemen.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the majority whip requests a leave of absence for the remainder of the day for the gentlelady, Mrs. FORCIER. Without objection, the leave of absence is granted.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER pro tempore. And the Chair notes the presence on the floor of the House of the gentleman, Mr. Reichley, who will be canceled from legislative leave.

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up **HR 744, PN 4011**, entitled:

A Resolution designating the week of September 17 through 23, 2006, as "Adult Day Services Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Donatucci	Levdansky	Wilt	Yudichak
Forcier	Rubley		

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

* * *

Mrs. TAYLOR called up **HR 745, PN 4012**, entitled:

A Resolution commemorating on September 14, 2006, the 192nd anniversary of the writing of the poem by Francis Scott Key that became known as “The Star Spangled Banner.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Donatucci	Levdansky	Wilt	Yudichak
Forcier	Rubley		

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

* * *

Mrs. TAYLOR called up **HR 746, PN 4013**, entitled:

A Resolution recognizing September 23, 2006, as “National Hunting and Fishing Day.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Donatucci	Levdansky	Wilt	Yudichak
Forcier	Rubley		

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

* * *

Mr. PISTELLA called up **HR 806, PN 4316**, entitled:

A Resolution designating September 24, 2006, as “American Gold Star Mothers’ Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Donatucci	Levdansky	Wilt	Yudichak
Forcier	Rubley		

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

* * *

Mr. ALLEN called up **HR 810, PN 4348**, entitled:

A Resolution designating September 17, 2006, as “Unity Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

Corrigan	Hershey	Petri	Tigue
Costa	Hess	Petrone	True
Crahalla	Hickernell	Phillips	Turzai
Creighton	Hutchinson	Pickett	Veon
Cruz	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	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Eachus	Leach	Rieger	Youngblood
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Donatucci	Levdansky	Wilt	Yudichak
Forcier	Rubley		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 258, PN 4313**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for pharmaceutical modification statement.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

Mr. Vitali, do you seek recognition?

Mr. VITALI. Yes, Mr. Speaker, I do.

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

Mr. VITALI. I was just looking for a brief explanation of this, HB 258.

The SPEAKER pro tempore. Will the maker of the bill, Mr. Kenney, agree to a brief description of the bill? The gentleman has agreed, and you may proceed.

Mr. KENNEY. I am sorry, Mr. Speaker. I did not hear the question.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is seeking a brief description of the legislation.

Mr. KENNEY. This legislation would require that prior to the submission to the Federal government for approval of a waiver, an amendment to the State plan, or amendment to a waiver where it would cause an expenditure of over \$20 million to the Commonwealth, the Department of Public Welfare must first submit the proposal to the independent regulatory review process and obtain the commission approval. And I know that sounds like, what does that mean?

Every State in the nation has a State plan that they submit to the Federal Center for Medicare and Medicaid. It is our State plan, how we are going to take care of those recipients on medical assistance, the Medicaid population. So this legislation would say, anytime we go to amend the State plan where we are going to expend any more than 20 million more State dollars – because every time we spend new State dollars, that draws down new Federal dollars – anytime we go to expend more than \$20 million, that the department must come back to the legislature through the IRRC (Independent Regulatory Review Commission) process to get approval.

The SPEAKER pro tempore. The gentleman, Mr. Vitali?

Mr. KENNEY. And if I could just add, this same language was contained in HB 2699 that was adopted with 161 votes yesterday. The same language was contained in there.

Mr. VITALI. My follow-up question would be, has the administration expressed a position one way or the other on this bill?

Mr. KENNEY. I have not heard of any official position from the department, personally.

Mr. VITALI. Thank you; thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair at this time recognizes the gentelady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

The department is opposed to this bill, because it ties their hands and does not allow them to save money in the Medicaid budget, and by tying the hands of this legislature, this administration, and future administrations, we are almost surely costing additional dollars in our State budget, as I said yesterday on the House floor with regard to this same issue and the same bill that we – well, a slightly different bill, but the same effect, yesterday. All this additional spending and all this causing the administration to spend additional money, I can only hope that every single member who votes for this is going to line up to pay these bills.

If you are going to vote for this, you are going to have to pony up for additional dollars for the Medicaid budget or be willing to limit some of the other spending that I see being proposed on this House floor day after day after day.

So let us be responsible. Let us allow the administration to do what it needs to do to control Medicaid costs.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentelady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. I would like to ask to interrogate the maker of this bill; just one question, please.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, is this bill aimed at, would it make it more difficult for the Department of Public Welfare to effectuate what we call the pharmaceutical cutout from the regular Medicaid or the capitated Medicaid programs?

Mr. KENNEY. This legislation would only affect those programs when the department submits a change to the State plan; then the process, the review process, goes in place. This does not prevent the department from doing anything, but we as legislators hopefully want to know what they are doing, because, and I will use the nursing home reimbursement situation as an example. What happened? They went and did something. It came back to the legislature, because we reacted to what they did. This is only saying, department, you have every right to make a change to the State plan; just put it in front of the legislative process so we can review it, and if we want to step in, we can step in; if we do not, we do not have to.

Ms. JOSEPHS. Mr. Speaker, if I might comment?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I believe the maker of this bill sidestepped the question. It will make it more difficult for us, for the administration, for the Department of Public Welfare, to carve out the pharmaceutical benefits and thus save money. What the department does is not done in secret. Regulations are passed; plans are publicized. We are not kept in the dark about what the department does. There is no need to bring back, to make cumbersome what the executive is trying to do, only to save the taxpayer money. I certainly hope that everybody who votes for this bill is also going to reject any idea of caps on State spending.

Thank you, Mr. Speaker

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise in opposition to HB 258 for once again the similar reasons that I rose yesterday.

The focus of today's discussion and the intent of this bill is to delay through an IRRC process decisions that are budgetary in nature. The IRRC process will take between 12 and 18 months. That process takes us through the next budget cycle on decisions that could relate in a lack of ability to be innovative in cost savings in this next budget year. We all know, those of us who work in health-care policy, that the Medicaid budget will be extremely challenging in the 2007-2008 budget. This bill delays the ability to have a formal discussion, and it takes the authority out of the legislature and the Department of Public Welfare's hands in order to make the innovations and the cost savings that are necessary in order to make our budget balanced.

I ask for a negative vote on HB 258.

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I do not understand. This bill is being painted as one that ties the hands of DPW and it makes it sound, at least the comments have made it sound like this is something that is

surreptitiously trying to move the process into some nebulous area.

I think what we are trying to do – and of all times when the press is crying for and all these reformers are crying for an open process – what this would do is put any kind of issue like this in front of the Independent Regulatory Review Commission and also before the Health and Human Services Committees of both the House and the Senate. That would be us, Mr. Speaker, and I think that is fair, that is open, and surely an open process, more open than it is now.

So I disagree with some of the previous speakers as to what this bill would do. I think it is a good bill, and I commend the chairman of the House Health and Human Services Committee for bringing it before us, and I am certainly going to be a positive vote on this bill.

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

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, we have a separation of powers in this government. We have a responsibility as the legislature to review issues of important public policy. We also have a budgetary responsibility, and it has been asserted here that this will just save us money and we are supposed to let the administration make that decision for us, make that review for us, and decide in a vacuum if that in fact is the case. That is not appropriate for our form of government. We in the legislature should not abrogate or give up our powers to review important policy changes like this, and we should not just assume that the administration will automatically choose ways that will ultimately save us money.

There were serious questions about some of these policies where we might find out that they actually cost us money, and we owe it to the constituents that we represent and the public at large in the Commonwealth of Pennsylvania to exercise our review capacity on this legislation and to agree with policy changes, not just let the administration make them by themselves.

So I think that this is an entirely appropriate bill, and I urge a "yes" vote.

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

Mr. KENNEY. Thank you, Mr. Speaker.

As the previous speaker just mentioned, this simply says that we in the legislature get to look at any change made to our State plan through the independent regulatory review process. It is a very simple piece of legislation. It allows us as legislators to participate in the policymaking and delays nothing, and I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Wheatley, you are recognized.

Mr. WHEATLEY. Thank you.

Mr. Speaker, I was wondering if I can interrogate the maker of this bill?

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

Mr. WHEATLEY. Mr. Speaker, I am in the Health and Human Services Committee where this bill was first presented, and I asked the same question, so I am going to ask it here for the knowledge of all of the membership. How was the dollar figure arrived at of \$20 million? Was that done under some

analysis of how the department makes its decisions now or how we as a body feel the importance of a decision begins at \$20 million compared to \$5 million or \$10 million?

Mr. KENNEY. Thank you, Mr. Speaker.

As I stated in committee and to the members, the \$20 million is not a magic number. It was just arbitrarily decided. We thought it was a reasonable figure, but there is no magic to that number.

Mr. WHEATLEY. So do we know how many decisions would be required to come before this process based off of this dollar figure? Do we know if we increase the amount of the dollar figure, would that increase the amount of decisions that would have to come here or decrease the amount of decisions that would have to come before the regulatory process?

Mr. KENNEY. I do not think we know the answer, but something we are seeking, if there is a dollar figure over \$20 million, that the department must come back to the minority and majority chairmen of the Health and Human Services Committee and its membership and lay out what they are trying to do. That is all this says.

As I said, the number \$20 million was an arbitrary number. There are 11 waivers in effect now. If they go to change our State plan, that they just show us what they are doing if it impacts our budget over \$20 million.

Mr. WHEATLEY. Do we know, Mr. Speaker, what the cost of this is over time to the Commonwealth?

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

Mr. WHEATLEY. Do we know over time what this will cost the Commonwealth? Will this add any additional cost to the Commonwealth?

Mr. KENNEY. No. Understand, this does not cost the Commonwealth anything. This is allowing us as members of the General Assembly to know what the department is doing when it seeks a waiver to our State plan. It has nothing to do with us raising taxes or lowering or budgeting or anything. This just says, department, if you are making a change to our State plan that costs over \$20 million in State dollars, that you tell us what you are doing through the independent regulatory review process. That is all it says.

Mr. WHEATLEY. No.

Mr. KENNEY. We do not make dollars-and-cents decisions, only if we react to what they are doing. This allows us to know what they are doing.

Mr. WHEATLEY. Mr. Speaker, if I could, I am looking at the fiscal note attached to this piece of legislation, and the fiscal impact, at least from what I am looking at, says, "Enactment of this legislation could result in the elimination or delay in any state savings associated with any cost containment measures or in any state costs associated with any expansion of services proposed as a part of a Governor's budget request...." And it goes on to say, "For example, according to the department, based on the Governor's budget proposal for fiscal year 2006-07, there is a potential cost in...06-07 of \$112 Million based on cost containment measures that may not be realized if the department is required to obtain" the regulatory "approval for these measures; however, this estimate assumes \$68 Million in state funds for hospital payments that would be eliminated...."

So there is a potential cost at least from the fiscal analysis, and I guess what I am trying to get to is, if we are pulling out arbitrary numbers and we are pulling out arbitrary numbers without looking at an analysis to try to get to some

understanding of how we can both have the will of the General Assembly imposing any new requests that the State may be making as it relates to its programs, that is one thing, and I support that. I will look for us to try to figure out how we can as Representatives represent our constituencies, but we also should in a time of fiscal constraint be making sure we are doing the most prudent thing in doing that, and I am not sure in this bill— I signed on, before it was amended in committee, I signed up for this bill because I do understand what we are trying to accomplish here, but just to pull a number out – \$20 million – without knowing what that will do as it relates to the cost or as it relates to the process of allowing the department to have some leeway in making decisions, I think that is a little derelict in our duties and we need to be careful about that.

So I would ask the members to vote "no" on this bill, and let us work further for a better option, a better process for us to infuse our will.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 258 CONTINUED

The SPEAKER pro tempore. Anyone else seeking recognition?

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—151

Adolph	Fabrizio	Lederer	Reichley
Allen	Fairchild	Leh	Rieger
Argall	Feese	Lescovitz	Roberts
Armstrong	Fichter	Mackereth	Rohrer
Baker	Flaherty	Maher	Rooney
Baldwin	Fleagle	Maitland	Ross
Barrar	Flick	Major	Ruffing
Bastian	Gabig	Markosek	Sainato
Bebko-Jones	Gannon	Marsico	Sather
Belfanti	Geist	McGeehan	Saylor
Benninghoff	George	McGill	Scavello
Beyer	Gillespie	McIlhattan	Schroder
Biancucci	Gingrich	McIlhinney	Semmel
Birmelin	Godshall	McNaughton	Smith, B.
Blaum	Good	Metcalfe	Smith, S. H.
Boyd	Goodman	Micozzie	Solobay
Bunt	Grell	Millard	Sonney
Buxton	Gruitza	Miller, R.	Stairs
Caltagirone	Haluska	Miller, S.	Steil
Cappelli	Hanna	Mustio	Stern
Casorio	Harhai	Nailor	Stevenson, R.
Causer	Harhart	Nickol	Stevenson, T.
Cawley	Harper	O'Brien	Tangretti
Civera	Harris	Oliver	Taylor, E. Z.

Clymer	Hasay	O'Neill	Taylor, J.
Cornell	Hennessey	Pallone	Tigue
Costa	Herman	Payne	True
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Waters
Cruz	Hickernell	Phillips	Watson
Dally	Hutchinson	Pickett	Wojnaroski
DeLuca	Kauffman	Pistella	Wright
Denlinger	Keller, M.	Pyle	Yewcic
Dermody	Keller, W.	Quigley	Youngblood
DiGirolamo	Kenney	Rapp	Zug
Diven	Killion	Raymond	
Donatucci	Kirkland	Readshaw	Perzel,
Ellis	LaGrotta	Reed	Speaker
Evans, J.			

NAYS—46

Belardi	Gerber	Myers	Siproth
Bishop	Gergely	Parker	Staback
Blackwell	Grucela	Petrone	Sturla
Cohen	James	Preston	Surra
Corrigan	Josephs	Ramaley	Thomas
Curry	Kotik	Roebuck	Veon
Daley	Leach	Sabatina	Vitali
DeWeese	Manderino	Samuelson	Walko
Eachus	Mann	Santoni	Wansacz
Evans, D.	McCall	Shaner	Wheatley
Frankel	Melio	Shapiro	Williams
Freeman	Mundy		

NOT VOTING—1

Stetler

EXCUSED—5

Forcier	Rubley	Wilt	Yudichak
Levdansky			

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.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grucela, for Capitol leave.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I request Capitol leave for the gentleman from Lawrence County, Mr. LaGROTTA.

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

Mr. GRUCELA. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER pro tempore. As a guest of Representative Grucela, we have in the gallery with us Mayor Joseph Capozzola of Bangor and his daughter, Julianna. Please rise and be recognized.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 446, PN 485**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

My first question would be an explanation of the bill.

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

Mr. PETRI. Thank you, Mr. Speaker.

This bill will continue the reforms that have been instituted by this House and by Chairman Newman. Specifically, it would help modernize the shipping techniques used by the PLCB (Pennsylvania Liquor Control Board) in providing wine and spirits to our State stores.

The State needs to take advantage of its buying power, and this bill will start that process. Hopefully the end result will be that Philadelphia in particular will become the port of choice for the entire eastern seaboard when it comes to wine and spirit shipping. It should decrease the time period necessary for shipments to reach the State stores. It should ultimately reduce the costs of those shipments and provide reduction to our consumers, and most importantly, it is projected that it would increase the number of jobs available in the Philadelphia ports by at least 400 jobs.

Thank you.

Mr. VITALI. Okay. I am trying to get at what this bill does, and tell me if I am correct or not, but right now let us say we get wine from France or England, not England but France or Italy or Spain or Australia, and right now it could come in through New York, it could come in through Baltimore, it could come in through Philly, it could come in through wherever and be trucked, let us say, from New York down to Philly or from Baltimore up to Philly. This says if you are a country in Europe shipping wine that is going to be in Pennsylvania State stores, you cannot ship it through New York anymore; you cannot ship it through Baltimore; you have to ship it directly to Philly. Is that what this does?

Mr. PETRI. That is correct, Mr. Speaker, and there is a very good reason for that. Currently most of the shipments come into north Jersey or New York ports. The security rating for these ports is extremely high because of the nature of the times we live in, and as a result, many times those shipments are delayed. They then have to be warehoused somewhere in New York or New Jersey and shipped to our consumers.

We already have a warehouse in Philadelphia. Why are we not using it to its maximum? It is time that the bureaucrats in

the PLCB move aside and let Chairman Newman do what he needs to do to make this a modern, efficient, prosperous process.

Mr. VITALI. Maybe you could help me through this, because on the surface it kind of smacks of protectionism and opens ourselves up to reciprocity.

Do other States do the same thing, like, for example, New York? Do they have this requirement that if liquor is going to be sold on New York shelves, then it cannot go through Philly?

Mr. PETRI. I do not know the answer to that, Mr. Speaker, but quite frankly, I do not care. I was elected to represent the residents of Bucks County in Pennsylvania.

Mr. VITALI. Well, let me ask you this: Would you care if New York enacted that and then that hurt Philadelphia ports because that business formerly going to Philly had to go through New York? That was a rhetorical question.

Mr. Speaker, I have concluded my interrogation. I would just like to speak on the bill.

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

Mr. VITALI. Thank you, Mr. Speaker.

I am not an expert on this subject, but, I mean, I have some concerns with this approach. Again, I think it does smack of protectionism saying that a product, be it liquor or another product, if you are going to sell it on Pennsylvania shelves, it has to come through Pennsylvania ports. I mean, I am concerned – you know, we are in a global economy – I am concerned that if other States took that attitude right up and down the northern seaboard, how is that going to affect us?

I also think that – you know, I have talked to some people – this potentially could drive up the costs to consumers. I know, for example, it is opposed by the Distilled Spirits Council of the U.S. I am not sure, but it is supposed that the Capitol Wine & Spirits would oppose it.

I think this idea, I do not know if this has had a series of committee hearings. Perhaps if it has, the gentleman when he speaks on the issue again could discuss that. I am just concerned that this just smacks of protectionism and opens us up to reciprocity if other States take this same approach.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

If the gentleman would stand for some interrogation, please.

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

Mr. PAYNE. Mr. Speaker – and I believe I know part of this answer but not all of it; that is why I want to ask it – Pennsylvania is the largest purchaser of liquors and wines in the world. Is that correct?

Mr. PETRI. That is correct.

Mr. PAYNE. Okay. So if we are the largest purchasers of wine and liquor in the world, everything that is not produced in the U.S. and trucked to Pennsylvania comes in through New York or do other ports get it?

Mr. PETRI. Presently our information indicates that a substantial portion comes in through New York. Now, interestingly enough, since this bill was initially introduced, the PLCB has made some headway and we have a new vendor providing consolidation services, and in that RFP (request for

proposal) the LCB requires that the shipper try to maximize contacts with the Commonwealth of Pennsylvania, and here comes the important part. If we can get product delivered into Philadelphia, there is a substantial likelihood that the other States will follow through. Whether they be controlled States or in more open markets, other supplies will come into Philadelphia, which could make us the port of preference up and down the eastern seaboard, and that would really be a substantial benefit to our consumer.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, I mean, you indicated that the longshoremen in New York right now unload the ships, obviously, not Pennsylvania workers, and if those same shipments came into the port in Philadelphia, our longshoremen, our workers, at the ports would unload them, our people would put them in the warehouse, and our truckers would truck that liquor. I guess the question has to be – and I am a little confused by my colleague across the aisle, why he is supporting New York; we have all been elected by Pennsylvanians – why would we not want to do this? Why would we not want to create those jobs in the Philadelphia port and have our trucking firms and our warehouse firms warehouse our liquor? Is there a downside to this?

Mr. PETRI. I do not know of any downside. The administration is concerned that initially there would be some startup costs and the like, but remember, we already have a facility in Philadelphia. We could easily move that facility. It is located near the airport. We could easily have one right at the port and make this a real modern-day transportation system. It is the one area that we have left to really explore cost savings for the consumer. And you are correct; it would create a tremendous number of jobs for Pennsylvanians.

Mr. PAYNE. Mr. Speaker, I would like to just go in that vein, if I may, for a moment. It has been suggested that our port in Philadelphia cannot accommodate the ships or cannot accommodate the unloading. If you could address that, please, Mr. Speaker.

Mr. PETRI. Yes. We have the infrastructure and the facilities within the port to do that and to make that very efficient. We already have certain ratings even from the Federal government that suggest that we are very efficient in the port, and then there is the security issue, which I mentioned before, in that the New York ports are usually on a much higher alert and therefore the cargoes take a lot longer to come through the port.

Addressing the protectionism issue that was raised by the previous speaker, I do not believe it is a concern, because the big distinction is Pennsylvania is a controlled State, and going back to your point, why should the consumer not get an advantage as a result? I do not understand why we would not want to help out our consumers.

Mr. PAYNE. Thank you, Mr. Speaker.

On a follow-up on that, it clearly would seem to me that there would be a cost savings to the consumer, not an increase in cost, because if it could be brought into Philadelphia and stored and trucked to Pennsylvania from Philadelphia rather than New York, it has got to be cheaper.

Mr. PETRI. You are correct. The initial inclination by the administration and by the LCB was that we would have to have these tankers stopped twice, but obviously you understand the goal is that they not stop in New York or New Jersey at all, that they are going to come to Pennsylvania and let our workers

truck the shipments up to New York. That is a much better deal for Pennsylvania.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, if I can talk on the bill?

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

Mr. PAYNE. Thank you, Mr. Speaker.

I would find it hard to believe why anybody in this chamber would want to vote against a bill that is going to bring liquor into the Port of Philadelphia instead of New York, would create hundreds if not thousands of new jobs in Philadelphia, not New York, and would clearly present a cost savings to the consumers just in mileage alone and fuel costs alone from driving from New York to the Commonwealth instead of being in the Commonwealth.

And while I do not represent Philadelphia and while I do not have a port on the Susquehanna River, I would have to tell you that while I have opposed many, many moves of sending money to Philadelphia for schools, for highways, for bridges, and everything else, the more we can do to make Philadelphia prosperous, the better it is for me in central Pennsylvania, and the more we can do to lower the cost of liquor to our consumers, the better it is for me in central Pennsylvania.

So, Mr. Speaker, I support the bill wholeheartedly, and I would ask my colleagues to vote “yes” on the bill. Thank you.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the sponsor of the bill if he would stand for interrogation, please.

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

Mr. TIGUE. Mr. Speaker, my first question is, one of the questions that came up, has anyone looked into the possibility – I hope not; on the surface it seems to be a good bill – but on the possibility of this being an infringement upon the interstate commerce clause?

Mr. PETRI. The 22d Amendment of the Constitution allows States to control the importation of wine and spirits, so I believe it is specifically exempted.

Mr. TIGUE. Okay. And the only other question I have really is – it has been brought up a couple of times – the previous speaker mentioned it over that this would be a cost savings; has anyone talked to either the importers or the wine makers themselves? I would think that there is a possibility it would cost more for me to ship because now I would have to ship, if I was a wine maker in France, I would have to split my cargo and I would have to send it on at least two different ships.

Mr. PETRI. There have been discussions in that regard, and of course, it is very difficult to predict where that will go, because as you correctly point out, it is up to the shipper. However, the current RFP that has been issued by the Liquor Control Board requires that the shipper that has that contract maximize their contacts with Pennsylvania. We are already paying for the warehousing and transportation in New York. So I think at a minimum it is going to be a wash, but I see the future being a savings.

There are a lot of other controlled States that are partially controlled that I think could take advantage of our buying power once we have it so that those cargoes are coming into the Port of

Philadelphia. I think we can get the savings for our consumer and pass it on to other States and other locales.

Mr. TIGUE. Thank you, Mr. Speaker.

I conclude my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. Returning to leaves of absence, the majority whip is recognized, who requests a Capitol leave for the gentleman, Mr. STAIRS. Without objection, the Capitol leave is granted.

CONSIDERATION OF HB 446 CONTINUED

The SPEAKER pro tempore. The gentleman from Northampton County, Mr. Samuelson, is recognized.

Mr. SAMUELSON. Thank you.

I would like to rise to interrogate the prime sponsor.

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

Mr. SAMUELSON. The previous speaker, the gentleman from Bucks, and also the gentleman from Dauphin talked about cost savings to the consumers. I just want to reconcile that with something that is written in the fiscal note written by our Appropriations Committee, and it says in the fiscal note right at the bottom, “...the LCB estimates that costs could increase by as much as \$1,200,000 for increased inventory carrying costs to \$4,500,000 for increased vendor costs passed through to the LCB. Then the next sentence says, “These costs would be passed on to consumers and may result in lower sales at State Stores.”

So the fiscal note seems to say the LCB costs would go up and then the cost to consumers would go up. I just want to ask the sponsor from Bucks County two questions. How do you reconcile that with the cost savings, and also, how many bottles are we talking about? If there is an increased cost of \$4.5 million and there are 4.5 million bottles, are we talking about a dollar per sale? Just seeking additional information on the cost savings that you alluded to.

Mr. PETRI. Thank you.

Yes, Mr. Speaker. Actually, the information that is in the fiscal note, of course, came from the PLCB. Now, understand and I made the comment earlier that certain people in the administration of the PLCB may not be in favor of modernizing the system for whatever reason they may have, but more importantly, the e-mail also includes this statement: The impact of the proposed language on the PLCB is difficult to quantify as it would be dependent upon the response of the affected vendor community in complying with the proposed language. So even the PLCB admits they really do not know what the impact of this legislation would be.

To your second question, we are not talking about shipping one bottle at a time. When these shipments come over, they are consolidated. The PLCB uses a vendor that submits an RFP request and receives the contract, and under that contract, they are paid to take all of these shipments and combine them and bring them over into one very, very large container or group of containers on a ship. That ship then proceeds to the

United States and currently goes into New York and New Jersey ports primarily. What we want to do is have that shipment come up the C&D Canal (Chesapeake & Delaware Canal) and into the Philadelphia port for distribution into a modernized system and then truck it out from there to New York and other places.

So I still say that there is an ultimate savings. To calculate how much that will be, we do not know. What we have to do, though, is tell the world and the European growing community and the distillery business, Philadelphia is the place you want to bring your shipment, and here is why: It is more efficient; it will not be sitting in the port, baking in the hot sun; it will ultimately be more cost-effective, and we will be going and joining with other States like North Carolina that is a controlled State in saying, would you like to take advantage of our tremendous buying power?

You know, for years we have talked about the PLCB system and it being archaic. Now is the chance to modernize it once again, to take one more step to make this a better system, much more like your own business. No business in the world that I know of that is located in Pennsylvania would say, send all your shipments to New York so I can pay to store them up in New York, I can pay all the New York workers, who, by the way, have a higher wage than our workers, and then ship it down and have this tremendous delay. No business that I know of would operate that way. They would say, deliver it to my doorstep, and that is where I am paying for the product, and that is what this bill tries to force the administration to do.

Mr. SAMUELSON. Just a follow-up to my second question. I was not seeking the individual bottle. I was asking for an aggregate total.

Do you know what the volume of imports is into our State? How many are currently shipped to Philadelphia? How many are shipped to other locations? What are we talking about in the aggregate? If we have that number, then we can figure out whether there are increased costs, whether they will be passed on, or whether there are savings, whether those will be passed on to the consumer.

Mr. PETRI. The best numbers I have are from 2004, and they indicate 1,641 containers of product were received. Of this, 872, which would be just about half, were shipped into Pennsylvania ports, and 740 containers were shipped to New York, 27 to Baltimore, and 1 to Virginia.

Mr. SAMUELSON. And each container contains hundreds, thousands?

Mr. PETRI. Yes. Each container will be different, but, yes, it would be hundreds of thousands of bottles of wine and distillery product.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the gentleman, Mr. Grucela, is recognized, who requests a leave of absence for the gentleman from Allegheny County, Mr. PRESTON. Without objection, the leave is granted.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. Mr. Grucela requests a Capitol leave for the gentleman, Mr. ROEBUCK. Without objection, that leave is granted.

CONSIDERATION OF HB 446 CONTINUED

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Philadelphia County, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I finally get a chance to talk about something that I know a little bit about. I actually come from the Port of Philadelphia, and we are talking about cost. Right now shippers will go to different ports depending on the cargoes that those ports happen to attract.

No matter what you are going to bring to the Port of Philadelphia, shippers will stop in New York, they will stop in Baltimore, all along the eastern seaboard, but the one advantage that the Port of Philadelphia has over all of those ports is we have the best distribution point once the ship is unloaded. We can get to any port of call or any delivery spot on the east coast, including Canada, quicker than any delivery in any port in this country. We have the best port distribution point in this country.

In terms of costs, you are not going to add to your cost. In fact, you are going to decrease your cost because the way they ship the containers, they are all earmarked for certain areas. So whatever goes to New York is going to continue to go to New York, whatever goes to Baltimore is going to continue to go to Baltimore, because there are certain cargoes that are earmarked for that particular port.

So there is not going to be an added cost. They come up and down the same channel. In fact, because of it being able to come to the Port of Philadelphia, it is going to decrease the shippers' costs and you are going to get better workers. I know because they are former workers of mine.

So we are going to get two bangs for our buck. So let us help the Port of Philadelphia. In addition, while we are helping the Port of Philadelphia, we are bringing revenue into the State, into the Commonwealth of Pennsylvania. If we want to create jobs, Mr. Speaker, this is the way to do it.

Thank you very much. I support HB 446 wholeheartedly.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Keller, do you seek recognition?

The gentleman, Mr. Keller, is recognized.

Mr. W. KELLER. Thank you, Mr. Speaker.

I would like to commend the gentleman from Bucks County. This is a bill that we have been trying to get out for years, and as my colleague both down on the waterfront and in Harrisburg knows, it is an age-old question in the shipping business, do you attract the cargo first or do you attract the ship first?

This bill will make the Wine and Spirits Association, who has been controlling all the wine and liquor imported into Pennsylvania, probably the single largest buyer of wine and spirits, forcing that cargo into New York – why? they live in New York; we live here – I believe this bill will go a long way in making them come, talk to us, get distributorships into Philadelphia, into the Commonwealth of Pennsylvania.

I would like to commend the maker of this bill. I believe we should vote on this. This is very important. It will send a message to the rest of the shippers that we are now serious in this House about making the Port of Philadelphia what it should be

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members, the gentleman, Mr. Petri, is recognized.

Mr. PETRI. Just briefly, when Representative Keller and I began the investigation of this issue a number of years ago, we were both quite disturbed by the fact that the Pennsylvania port was not treated as favorably as New York and New Jersey, and it was interesting to find out that the vendor that had the RFP at that time was located in Reston, Virginia. Now, that is fine; it was an open-bid process, but then when you looked at the board of directors of that organization, you found out most were from New York and New Jersey, only a few from Virginia, and absolutely none from Pennsylvania. So you had a nonprofit agency that seemed to want to direct the shipments to New York and New Jersey. Maybe that was the market condition. We have an opportunity to impact that market condition in a way that is positive for Pennsylvania, and I request your support.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Forcier	Preston	Wilt	Yudichak
Levdansky	Rubley		

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.

PARLIAMENTARY INQUIRY

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

Mr. MYERS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MYERS. Mr. Speaker, I would like to inform the House of my intent to call up discharge resolutions. May I do that?

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

ANNOUNCEMENT BY MR. MYERS

Mr. MYERS. Mr. Speaker, in accordance with the rules of the House, I hereby provide notice of the intent to call up Discharge Resolutions 6, 7, 8, 9, and 10 for a vote on Thursday, June 29, 2006.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Barbara Spencer of Centre County, who is the guest of Representative Lynn Herman and is located to the left of the Speaker. Please rise and be recognized.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Fleagle, for an Appropriations Committee announcement.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Upon the call of recess, the House Appropriations Committee will meet in the back of the House. Please note that it is not in our normal meeting place. We will meet at the back of the House upon the call of recess.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At the call of the recess, the House Appropriations Committee will meet in the rear of the House.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, who asks for an immediate meeting in the rear of the House for a meeting of the Judiciary Committee.

COMMITTEE MEETING POSTPONED

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

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Relations Committee meeting that was supposed to be held at this break has been delayed to later this afternoon. Thank you. There will be no meeting right now at the back of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GAME AND FISHERIES COMMITTEE MEETING

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

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

There will be an immediate meeting of the Game and Fisheries Committee at the rear of the House chamber immediately. This meeting is in lieu of the meeting scheduled for tomorrow morning. The meeting for tomorrow morning will be canceled. So I would like all the Game and Fisheries members to meet me at the rear of the House for a brief meeting.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Game and Fisheries Committee will meet in the rear of the House for a brief meeting.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Thank you, Mr. Speaker.

The Health and Human Services Committee will meet in room 205 of the Ryan Office Building at 12:50; room 205, Ryan Office Building at 12:50.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

A meeting of the Health and Human Services Committee will be held in the Ryan Office Building in room 205 at 12:50.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the declaration of recess, the Republican Caucus will meet at 1:15; 1:15 in the caucus room.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democratic Caucus will meet immediately upon the call of the recess for both informal discussions and to go over the growing number of bills that have been added to the calendar and one or two bills that we have not had time to caucus on that we had notice of yesterday.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. Representative Thaddeus Kirkland would like the members to join him in recognizing his guests from Chester, Pennsylvania. They are the young ladies of the Chester Pageant. They are accompanied by their advisers and parents – Ms. Desiree Potts, Ms. Katie Argro, and Mrs. Juanita Miller. They are seated in the balcony. Please rise and be recognized.

RECESS

The SPEAKER pro tempore. This House does now stand in recess until 2:15; 2:15.

AFTER RECESS

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

LABOR RELATIONS COMMITTEE MEETING

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

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

The House Labor Relations Committee will meet immediately in room 39 of the East Wing to discuss SB 1179 and SB 1090; immediately in room 39, East Wing.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

To repeat the chairman of the Labor Relations Committee's announcement, there will be an immediate meeting of the Labor Relations Committee immediately in room 39, East Wing.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be no reason for the members to report to the floor of the House at this time as the recess has been extended. There will be at least an extension of 30 minutes, if not more. We will be making an announcement at a later time.

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

HB 222, PN 4390 (Amended) By Rep. HESS

An Act establishing the Long-Term Care Quality Improvement Council; and providing for a system for data collection, for benchmarking and dissemination of long-term care provider quality performance reports, for annual reports to the General Assembly and for publication of reports for public use.

AGING AND OLDER ADULT SERVICES.

HB 1448, PN 4385 (Amended) By Rep. SEMMEL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing a tax credit for a member of a volunteer emergency service organization who purchases fire equipment with personal income.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2178, PN 4391 (Amended) By Rep. HESS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, regulating the solicitation of insurance to certain elders; and prescribing penalties.

AGING AND OLDER ADULT SERVICES.

HB 2312, PN 4386 (Amended) By Rep. SEMMEL

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for specific powers of boroughs relating to emergency services.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2313, PN 4387 (Amended) By Rep. SEMMEL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for specific powers relating to emergency services.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2314, PN 4388 (Amended) By Rep. SEMMEL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for the establishment of fire and emergency medical services.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

BILLS REREPORTED FROM COMMITTEE

HB 956, PN 4166 By Rep. FEESE

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 power.

APPROPRIATIONS.

HB 1082, PN 4167 By Rep. FEESE

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 power and for limitations on rates of specific taxes.

APPROPRIATIONS.

HB 1809, PN 2382 By Rep. FEESE

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

APPROPRIATIONS.

HB 2746, PN 4302 By Rep. FEESE

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying certain highway right-of-way situate in Cresson Township, Cambria County.

APPROPRIATIONS.

SB 809, PN 1020 By Rep. FEESE

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

APPROPRIATIONS.

SB 810, PN 1021

By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development.

APPROPRIATIONS.

RECESS

The SPEAKER pro tempore. This House now stands in recess until the call of the Chair, which we believe will be at least another 30 minutes.

AFTER RECESS

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

SENATE BILLS FOR CONCURRENCE

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

SB 439, PN 1797

Referred to Committee on JUDICIARY, June 27, 2006.

SB 506, PN 1883

Referred to Committee on JUDICIARY, June 27, 2006.

SB 655, PN 1911

Referred to Committee on PROFESSIONAL LICENSURE, June 27, 2006.

SB 1000, PN 1900

Referred to Committee on CONSUMER AFFAIRS, June 27, 2006.

SB 1104, PN 1920

Referred to Committee on CONSUMER AFFAIRS, June 27, 2006.

SB 1115, PN 1639

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1116, PN 1890

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1117, PN 1824

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1118, PN 1825

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1119, PN 1826

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1120, PN 1912

Referred to Committee on JUDICIARY, June 27, 2006.

SB 1237, PN 1842

Referred to Committee on STATE GOVERNMENT, June 27, 2006.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grucela, for a Capitol leave request.

Mr. GRUCELA. Thank you, Mr. Speaker.

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

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

Mr. GRUCELA. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentlelady, Mrs. Rubley, and she will be added to the master roll.

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE**HB 2667, PN 4315**

By Rep. S. SMITH

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

RULES.

HB 2687, PN 4083

By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful procurement, sale or receipt of telephone records.

RULES.

HB 2741, PN 4179

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reports and removal of abandoned vehicles within the boundaries of a city of the first class.

RULES.

HB 2799, PN 4274

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, further providing for neighborhood assistance tax credits.

RULES.

BILLS ON SECOND CONSIDERATION

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

HB 2667, PN 4315; HB 2687, PN 4083; HB 2741, PN 4179; and HB 2799, PN 4274.

BILLS RECOMMITTED

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

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

HB 2667;
HB 2687;
HB 2741; and
HB 2799.

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

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 492, PN 3526**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Yudichak, on the floor of the House, and his name will be added to the master roll.

CONSIDERATION OF HB 492 CONTINUED

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

Evans, J.	Mackereth	Ross	Perzel,
Fabrizio	Maher	Rubley	Speaker
Fairchild			

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

* * *

The House proceeded to third consideration of **HB 2802, PN 4290**, entitled:

An Act amending the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, further providing for definitions and for State registration requirements.

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

Mr. **NAILOR** offered the following amendment No. **A08507**:

Amend Bill, page 5, line 4, by striking out all of said line and inserting

Section 2. If this act takes effect after July 1, 2006, the amendment of section 4 of the act shall apply retroactively to July 1, 2006.

Section 3. This act shall take effect immediately.

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

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Forcier	Levdansky	Preston	Wilt
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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?

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

The following roll call was recorded:

YEAS-199

Adolph	Feese	Maitland	Ruffing
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Saylor
Bastian	Gabig	McGeehan	Scavello

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Forcier Levdansky Preston Wilt

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

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

* * *

The House proceeded to third consideration of **HB 2631, PN 4039**, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "commercial property"; and further providing for disclosure at initial interview.

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

Mr. **STURLA** offered the following amendment No. **A08122**:

Amend Sec. 1 (Sec. 201), page 1, line 16, by inserting after "property."

Any of the following:

Amend Sec. 1 (Sec. 201), page 2, lines 5 through 11, by striking out all of said lines and inserting

accommodation. This paragraph does not include property which consists of less than five residential dwelling units.

(2) Any vacant land offered for sale or lease, or held, for the purpose of constructing or locating thereon a building, structure or facility, or portion thereof, which is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation. This paragraph does not include construction or location of less than five residential dwelling units.

Amend Sec. 2, page 2, lines 13 and 14, by striking out "608(a) of the act, amended June 22, 2000 (P.L.371, No.47), is amended and the section" and inserting

608 of the act

Amend Sec. 2 (Sec. 608), page 2, lines 17 through 30; page 3, lines 1 through 30; page 4, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 608), page 4, line 12, by striking out "(b)." and inserting

(b) and

Amend Sec. 2 (Sec. 608), page 4, line 13, by striking out "and (d)"

Amend Sec. 2 (Sec. 608), page 4, line 14, by removing the period after "transactions" and inserting

unless the buyer or lessee is an individual who is not represented by an agent.

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

The SPEAKER pro tempore. Mr. Vitali, you are recognized. Mr. VITALI. Thank you.

Just looking for a brief explanation of this.

The SPEAKER pro tempore. Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this clarifies a little bit of language about what is considered vacant property and also adds a little consumer protection in terms of representation with an agent for buyers.

It is an agreed-to amendment and has the support of the Realtors Association.

Mr. VITALI. So could I continue with my interrogation?

The SPEAKER pro tempore. Does the gentleman agree to an interrogation?

Mr. STURLA. Yes.

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

Mr. VITALI. What I am trying to make sure of is that residential purchasers are protected, and if you have a lot being used for five residential homes and they are being purchased by people who are going to use that property for residential homes, would this preclude them from protections and notices?

Mr. STURLA. Mr. Speaker, five residential homes is not considered a small residential property. It is not currently protected under the disclosure law, and all the disclosure law really does is notify the potential buyer of any other relationship that an agent might have, to assume that someone who is purchasing five residential homes is in the commercial business.

Mr. VITALI. Would this notice extend to things beyond the disclosure of the realtor's relationship? Would it extend to defects in the home or property?

Mr. STURLA. No, Mr. Speaker. It has nothing to do with that.

Mr. VITALI. Okay. Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

As the other gentleman said, this is an agreed-to amendment, and I urge the members to vote "yes."

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

Evans, J.
Fabrizio
Fairchild

Mackereth
Maher

Ross
Rubley

Perzel,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Forcier

Levdansky

Preston

Wilt

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?

Mr. Freeman, are you seeking recognition? You are recognized, sir.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Gannon, stand for a brief period of interrogation?

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Stairs, on the floor of the House, and he will be canceled from legislative leave.

CONSIDERATION OF HB 2631 CONTINUED

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, as I understand this legislation, we are doing away with requirements regarding consumer disclosure. Could you please outline for us what requirements of disclosure are being done away with and between which parties?

Mr. GANNON. This eliminates the requirement for consumer disclosures where there is a commercial transaction.

Mr. FREEMAN. And would that be in all cases, Mr. Speaker?

Mr. GANNON. No, it would not. It would only be in special cases where there are corporations doing transactions with each other and also only certain types of property. It would have to be five or more residences involved in the transaction or it was a property that was going to be used for a commercial purpose.

Mr. FREEMAN. And if I am correct, Mr. Speaker, with the adoption of the Sturla amendment, if an individual is not represented by an agent, they would still be covered by the consumer protections. Is that correct?

Mr. GANNON. Correct.
 Mr. FREEMAN. Okay. Could the gentleman please give us a more detailed understanding of what those consumer protections entail that this legislation would remove?

Mr. GANNON. Just bear with me one second, Mr. Speaker. The existence of the Real Estate Recovery Fund, the zoning of the property—

Mr. FREEMAN. I am sorry, Mr. Speaker. I cannot quite hear. Mr. Speaker, can we have some order. Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct. Members, please kindly take your seats. There is entirely too much noise on the floor of the House. Please take your conversations outside the hall if you must congregate.

Mr. FREEMAN. Thank you, Mr. Speaker.
 Mr. GANNON. How the property is zoned; a description of the business relationships that the broker/salesperson may have, including dual agency; information regarding the act itself; and the existence of the Real Estate Recovery Fund.

Mr. FREEMAN. Okay. Thank you, Mr. Speaker.
 Mr. Speaker, I have concluded my interrogation. If I could make a few brief remarks.

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

Mr. FREEMAN. Thank you.
 Mr. Speaker, I understand that the Realtors Association supports this legislation, that it is viewed as something between two different groups of professionals and, in their view, is not considered necessary.

I, however, will be voting against this legislation, and that is with no disrespect to the prime sponsor, whom I have great admiration for. It is simply that I do not think it is a step in the right direction to remove consumer protections, even if most of the parties that will be dealing in this realm have a good appreciation and understanding about how that world operates.

The reason we put consumer protections in place, whether they be for the average individual or for major businesses, is to guarantee that proper notice and understanding is there, and I think there is always the possibility that a party will come to the table who may not be as aware of how we do business here in Pennsylvania or may not be aware of all the “t’s” that need to be crossed and the “i’s” that need to be dotted in such an exchange. Therefore, I think it is in the best interests of all consumers, whether they be the average consumer or the average individual or a business entity, to have these kinds of protections, and therefore, I will be voting “no” on this legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members seeking recognition? Mr. Gannon would like to be recognized last.

Mr. GANNON. Yes. Just a little clarification, Mr. Speaker. This does not eliminate the requirement of notice entirely. The notice would still be required once the agency relationship is established. I am not a realtor, I am not a real estate agent, but these commercial transactions can get quite complex, and this just simplifies the very beginning of the process. Later on in the process, once an agency relationship is established, these notices would be transferred among the parties.

So that is just for clarification, and I urge a “yes” vote on the bill as amended, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
 Shall the bill pass finally?
 The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

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

NAYS—2

Freeman Steil

NOT VOTING—0

EXCUSED—4

Forcier Levdansky Preston Wilt

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

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

BILL REPORTED AND REREFERRED TO COMMITTEE ON JUDICIARY

HB 2788, PN 4263 By Rep. ALLEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, extending the right of child support to estate of decedent.

LABOR RELATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1179, PN 1950 (Amended) By Rep. ALLEN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for applicability and exemptions.

LABOR RELATIONS.

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

HB 2824, PN 4328 By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the fees, powers and duties, rules and regulations and records of issuing agents; and making an editorial change.

GAME AND FISHERIES.

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mr. DeWEESE called up **HR 795, PN 4233**, entitled:

A Concurrent Resolution designating December 19, 2006, as Coal Miner’s Day in Pennsylvania in appreciation, honor and remembrance of the accomplishments and sacrifices of coal miners in this Commonwealth.

On the question,
Will the House adopt the resolution?

Mr. DeWEESE offered the following amendment No. **A08270**:

Amend First Whereas Clause, page 1, line 7, by striking out “31,166” and inserting
31,116

Amend Eighth Whereas Clause, page 2, lines 21 and 22, by striking out “December 19 of each year” and inserting
December 19, 2006,

Amend Ninth Whereas Clause, page 2, line 25, by striking out “December 19 of each year” and inserting
December 19, 2006,

Amend Tenth Whereas Clause, page 2, lines 28 and 29, by striking out “, annually,”

Amend Tenth Whereas Clause, page 2, line 29, by inserting after “19”
, 2006,

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Forcier Levdansky Preston Wilt

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 adopt the resolution as amended?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Forcier Levdansky Preston Wilt

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

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

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 248, PN 4277**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for legislative review of State highway transfers and for allocation of proceeds from taxes for highway maintenance and construction.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Hess, that the House concur in the amendments inserted by the Senate.

On that question, the gentleman, Mr. Vitali, is recognized.
Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. At the outset, could we just have a brief explanation of the bill?

Mr. HESS. Mr. Speaker, this is an agreed-to amendment between the House and the Senate and the administration. Basically, all this bill does is raise the amount of money that goes back to the township for the turnback highways, raising it from \$2500 to \$4,000. It was amended in the Senate at the request of the administration.

Mr. VITALI. Yeah, that increase in reimbursement was what caught my eye. What is going to be the fiscal impact of that?

Mr. HESS. There is no increase in taxes for this.

Mr. VITALI. Now, if you are increasing the per-mile payment to townships by \$1500 per mile, I guess it is going to cost some money. I am just wondering, what is going to be the cost to the Commonwealth for this increase?

Mr. HESS. There is not going to be any increase in taxes on this particular program because there is a surplus in the fund right now. That is the reason for the increase, because the surplus is there. This was recommended by the Governor.

Mr. VITALI. Thank you.

Mr. HESS. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.
 Mr. Speaker, I would strongly urge the members to concur in the amendments inserted by the Senate on HB 248. The original amount of the Turnback Program was \$2500 per mile of roads that would be turned back from State control to local control. This money is in a restricted account, and there is a surplus of revenues in that restricted account. The administration, namely the Governor, recognized that it was important to further incentivize local governments to turn back roads to the Commonwealth. Therefore, because the money was available in this restricted account, the Governor urged the Senate to increase that amount to \$4,000. This bill does that. It is a great program for our local governments, and I would urge the members to concur in the amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
 Will the House concur in Senate amendments?
 The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—198

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

Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Mackereth	Ross	Speaker

NAYS—1

Ruffing

NOT VOTING—0

EXCUSED—4

Forcier	Levdansky	Preston	Wilt
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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 were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 496, PN 4210**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of the destruction of a survey monument; further providing for actions relating to land surveying; and making an editorial change.

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

The SPEAKER pro tempore. Moved by the gentlelady, Miss Cornell, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the lady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this legislation and encourage my colleagues to vote for concurrence. One of the provisions in this legislation is to give landowners some protections if they feel that a professional land surveyor in fact has improperly placed a surveying marker on land that is not part of the survey that is being done. Mr. Speaker, the Senate also took out some of the provisions where natural markers that are many times pointed out in especially old deeds, if they are removed, that this would no longer come under the prosecution possibilities under this legislation, and therefore, I think it is an improved piece of legislation and one that will protect the landowners and also the surveying professionals.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Seeing no one else seeking recognition, those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

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

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Forcier	Levdansky	Preston	Wilt
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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 were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2317, PN 4338**, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects and for special provisions for certain redevelopment assistance capital projects; and making appropriations.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Feese, that the House concur in the amendments inserted by the Senate.

Mr. HANNA, do you seek to be recognized for a motion?

Mr. HANNA. Mr. Speaker, I understand that I would have to move to suspend the rules for consideration of my amendment?

The SPEAKER pro tempore. That is correct.

Mr. HANNA. I had some discussions with representatives of the Appropriations Committee about this amendment. Is there any opportunity to go over this bill until I have a chance to further discuss it with them?

The SPEAKER pro tempore. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we would ask for a negative vote on—

The SPEAKER pro tempore. Mr. Argall, the gentleman, Mr. Hanna, has asked if there is any possibility of going over the bill.

Mr. Argall.

Mr. ARGALL. Mr. Speaker, I believe we have reached a consensus and we can move ahead.

The SPEAKER pro tempore. Mr. Hanna.

Mr. HANNA. Mr. Speaker, I withdraw that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—184

Adolph	Fabrizio	Maher	Sabatina
Allen	Fairchild	Maitland	Sainato
Argall	Feese	Major	Samuelson
Armstrong	Fichter	Manderino	Santoni
Baker	Flaherty	Mann	Sather

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

NAYS—15

Creighton	Kauffman	Nickol	Saylor
Ellis	Mackereth	Rapp	Stevenson, R.
Gillespie	Metcalfe	Rohrer	Turzai
Hutchinson	Miller, R.	Ruffing	

NOT VOTING—0

EXCUSED—4

Forcier	Levdansky	Preston	Wilt
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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 were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 256, PN 2210**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for health services.

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

Mr. **GRUCELA** offered the following amendment No. **A08598**:

Amend Title, page 1, line 5, by inserting after "thereto," " providing for educational impact fee and assessment in certain school districts; and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding an article to read:

ARTICLE II-A

EDUCATIONAL IMPACT FEE AND ASSESSMENT

Section 201-A. 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:

"Affordable housing." Housing for low-income and moderate-income families and individuals whose rents or mortgage payments are subsidized or are capped.

"Developer." Any person or legal entity undertaking development.

"Educational impact assessment." A report required of all applicants for subdivision plan approvals and building permits which report includes an assessment of the impact the plan approval or building permit would have on the school district in which the subdivision or building is located.

"Educational impact fee." A charge or fee imposed by a school district against new residential development in order to enable that school district to develop such programs and facilities as may be necessary to accommodate increased student enrollment.

"Governing body." The council in cities, boroughs and incorporated towns, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

"National Energy Star rating." Energy rating which is determined and published in accordance with guidelines provided by the United States Environmental Protection Agency or the Department of Energy.

"Older adult housing." Housing built to house individuals in compliance with regulations promulgated by the Department of Aging pertaining to older adult daily living centers under 6 Pa. Code Ch. 11 (relating to older adult daily living centers).

"Open space uses." Include, but are not limited to, the following:

- (1) Parks.
- (2) Playgrounds.
- (3) Golf courses.
- (4) Wildlife preserves.
- (5) Land use for drainage or flood control.
- (6) Other recreation purposes permitted by the municipal governing body.

(7) Land used for buffer zones between residential and commercial or industrial uses.

"Residential dwelling." Dwelling units constructed for single-family or multifamily occupation to be either leased or owned.

"School board." The board of directors of the school district in which a subdivision is proposed or a building permit is being sought.
Section 202-A. Educational impact fee.

(a) Authority to levy fee.—

(1) The board of directors of a school district may levy an educational impact fee on each subdivision plan and building permit issued for the construction of new residential units located within its geographic boundaries in accordance with this section. Prior to the adoption of an educational impact fee, the school board shall give public notice of its intention to adopt such fee and entertain public comments. The educational impact fees shall be collected by the school district.

(2) No subdivision plan approval or building permit may be issued without the applicant providing proof that the educational impact fee has been paid in full.

(b) Amount of fee for subdivision plans.—The amount of the educational impact fee levied on each proposed subdivision plan shall be a fixed fee. The fee may not exceed \$7,500 for each residential dwelling in a proposed subdivision plan. The fee shall be \$2,500 imposed upon each bedroom in excess of one for each separate proposed residential dwelling unit in the subdivision plan.

(c) Amount of fee for building permits.—The amount of the educational impact fee levied on each building permit for new residential construction shall be a fixed fee. The fee shall be \$2,500 imposed upon each bedroom in excess of one for each proposed residential dwelling for which the building permit is issued.

(d) Exemptions of deductions from impact fee.—

(1) A school district may reduce or eliminate the educational impact fee on affordable housing units for low-income and moderate-income individuals.

(2) A school district shall waive the educational impact fee for building permits issued for the replacement of existing dwelling units, even if the permits are nonconcurrent.

(3) A school district shall waive the educational impact fee for subdivision plans or building permits for residential dwellings built for older adult housing.

(4) A school district may provide a \$500 deduction from the impact fee owed if the developer shows that each home being constructed meets or exceeds the National Energy Star rating.

(5) A school district may provide a \$1,500 deduction for each acre of land preserved within the proposed development for open space uses by the community.

(6) A school district may provide a \$1000 deduction from the impact fee owed if the developer provides for a designated school bus loading area and an area for a school bus turnaround if necessary.

(7) A school district may provide a \$500 deduction from the impact fee owed for each house in the subdivision which has a stone or brick front on the facade of the house.

(8) A school district may provide a \$500 deduction from the impact fee owed for each house in the subdivision which uses porous materials for the driveway and sidewalks. Each school district, in consultation with the local governing body, shall define what constitutes porous materials in the resolution imposing the impact fee.

(e) Deposit and restricted use of fee.—The school district shall deposit the educational impact fees collected into a separate school account. The moneys in that account may only be used for new construction for additional classrooms or renovation of existing buildings to expand classrooms or classroom space and any additional personnel costs to cover an increase in student enrollment.

Section 203-A. Educational impact assessment.

For a subdivision located in a school district that imposes an educational impact fee, the subdivision plan shall include an educational impact assessment, a copy of which must be filed with the school district. No subdivision plan may be accepted which does not include an educational impact assessment. The assessment must include the following information:

(1) The name and location of the proposed subdivision.

(2) The number and type of dwelling units proposed for the subdivision, including the target population that will be residing in the dwelling units.

(3) The approximate sales cost of each type of dwelling unit.

(4) The primary access roads to the proposed subdivision.

(5) The time frame for construction of the dwelling units.

(6) An estimate of the number of school-age children who can reasonably be expected to be residing in the dwelling units based on the demographic characteristics of similar housing located within the school district.

Section 204-A. School district facility expansion.

If a school district determines after reviewing an educational impact assessment that it will be necessary to expand school facilities as a result of the impact of the proposed development, the school district may offer the developer of the development the option to pay twice the impact fee owed in return for the option of having naming rights for any expansion required to be constructed.

Section 2. Section 1401 of the act is amended by adding a definition to read:

Amend Sec. 2, page 2, line 27, by striking out “2” and inserting
3

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

Section 4. This act shall take effect as follows:

(1) The addition of Article II-A of the act shall take effect in 90 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Crahalla, from Montgomery County.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

While I agree very much with the content of the gentleman from Northampton County’s amendment, I do not believe it belongs in this Public School Code. Better it should be a part of the Municipalities Planning Code, because developers, this would cover what developers look for. They do not check out the Public School Code before they begin a development, and I would ask my colleagues for a “no” vote on this and then hope that it would be eventually put in the right area. I do not believe it is germane.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McNAUGHTON. Mr. Speaker, on numerous occasions the gentleman has offered a similar amendment to the School Code bill, and the amendment has been defeated on germaneness on numerous occasions. I was wondering, does that precedent apply, or is it a germaneness vote for each and every time this is offered?

The SPEAKER pro tempore. Germaneness can vary with each bill, so it is appropriate that that issue be raised accordingly.

GERMANENESS QUESTIONED

Mr. McNAUGHTON. Then, Mr. Speaker, I would suggest that the gentelady who spoke previously is correct, that this issue is a Municipalities Planning Code issue, it is not a School Code issue, and therefore, I would suggest that it is not germane to the subject matter of the bill before us, and I would like to ask that it be defeated on germaneness, please.

The SPEAKER pro tempore. Mr. McNaughton, you are raising the question of germaneness?

Mr. McNAUGHTON. Yes, sir, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. McNaughton, has raised the question of whether amendment A08598 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, first to correct the gentleman from Dauphin County. I did not lose this particular amendment on a germaneness vote. In fact, this one never came up for a germaneness vote; it was another one which was withdrawn.

I do believe it is germane in the Public School Code, and I would ask the members to have sympathy for those of us in growing districts. This amendment, again, I believe is germane. It deals with the schools. The developers are wreaking havoc in the growing districts. I think it is only fair. This amendment actually is a bill, 2550, that I also have, and that also actually was arrived at with my discussions with some of my friends who are developers, in fact some of my former students that are developers back in the Lehigh Valley.

I do believe it is germane. I would like to see a vote on it, and I would ask those of you to make it germane so we can put it in this School Code. It is not a mandate; it is an amendment that would allow school districts to, if they want to, impose the fee. They do not have to. It also for the first time has incentives for developers to have the fee reduced. I think it is fair and I think it is germane, and I would ask the members for a vote to make it germane so that we can vote on the issue and that those of you will help us that have growing school districts. Those of you that do not have growing school districts, it is probably even more germane for you, because those of us being inundated by the developers, it is probably too late, but for those of you who fear that your districts will not grow, you will be a lot better prepared for smart growth when and if it happens. These developers are causing property tax increases in the districts. There is no doubt about that. Every new home is a loss, it is a loss to the school districts, and the other individuals, especially the seniors, are paying higher property taxes.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The lady, Mrs. Crahalla, is recognized.

Mrs. CRAHALLA. Thank you again, Mr. Speaker.

Once again, I have just found out that this bill has not been considered by the Education Committee, so that is another problem here. But as much as I agree with the gentleman from Northampton about property tax reform and growing school districts, I do believe that this does definitely belong in the Pennsylvania Municipalities Planning Code and not under the Public School Code, because again, developers will not look to the Public School Code for their information but they consider the Municipalities Planning Code their bible.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Anyone else seeking recognition? The gentleman, Mr. Argall.

Mr. ARGALL. Mr. Speaker, thank you.

I am somewhat sympathetic to the cause. I do believe that it is an issue that needs to be fully aired. But I agree with my colleague that we do not believe that this is the right time, and I would support a negative vote on the question of germaneness.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—75

Bebko-Jones	Freeman	Miller, S.	Shapiro
Belardi	George	Mundy	Siptroth
Belfanti	Gerber	Myers	Smith, B.
Biancucci	Grucela	Oliver	Solobay
Bishop	Gruitza	Parker	Staback
Blackwell	Haluska	Petrone	Steil
Blaum	Hanna	Pistella	Sturla
Caltagirone	James	Ramaley	Surra
Cawley	Josephs	Readshaw	Tangretti
Cohen	Keller, W.	Rieger	Thomas
Corrigan	Kirkland	Roberts	Tigue
Costa	LaGrotta	Roebuck	Vitali
Cruz	Leach	Rooney	Wansacz
Curry	Lederer	Sabatina	Waters
Daley	Mackereth	Samuelson	Williams
Donatucci	Manderino	Santoni	Wojnaroski
Evans, D.	McCall	Scavello	Youngblood
Fabrizio	McGeehan	Schroder	Yudichak
Flaherty	Melio	Shaner	

NAYS—124

Adolph	Fairchild	Leh	Reed
Allen	Feese	Lescovitz	Reichley
Argall	Fichter	Maher	Rohrer
Armstrong	Fleagle	Maitland	Ross
Baker	Flick	Major	Rubley
Baldwin	Frankel	Mann	Ruffing
Barrar	Gabig	Markosek	Sainato
Bastian	Gannon	Marsico	Sather
Benninghoff	Geist	McGill	Saylor
Beyer	Gergely	McIlhattan	Semmel
Birmelin	Gillespie	McIlhinney	Smith, S. H.

Boyd	Gingrich	McNaughton	Sonney
Bunt	Godshall	Metcalfe	Stairs
Buxton	Good	Micozzie	Stern
Cappelli	Goodman	Millard	Stetler
Casorio	Grell	Miller, R.	Stevenson, R.
Causar	Harhai	Mustio	Stevenson, T.
Civera	Harhart	Nailor	Taylor, E. Z.
Clymer	Harper	Nickol	Taylor, J.
Cornell	Harris	O'Brien	True
Crahalla	Hasay	O'Neill	Turzai
Creighton	Hennessey	Pallone	Veon
Dally	Herman	Payne	Walko
DeLuca	Hershey	Petrarca	Watson
Denlinger	Hess	Petri	Wheatley
Dermody	Hickernell	Phillips	Wright
DeWeese	Hutchinson	Pickett	Yewcic
DiGirolamo	Kauffman	Pyle	Zug
Diven	Keller, M.	Quigley	
Eachus	Kenney	Rapp	
Ellis	Killion	Raymond	Perzel,
Evans, J.	Kotik		Speaker

NOT VOTING—0

EXCUSED—4

Forcier	Levdansky	Preston	Wilt
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

Mr. SURRA offered the following amendment No. A08494:

Amend Title, page 1, line 5, by inserting after “thereto,” ” providing for conditional certification of persons by the Department of Education; and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1109.3. Conditional Certification.—(a) A person who has earned a baccalaureate or graduate degree in education from a Commonwealth-approved teacher-preparation institution and meets the requirements of 22 Pa. Code § 49.12 (relating to eligibility) but has not passed all nonsubject matter tests required by 22 Pa. Code § 49.18 (relating to assessment) may apply for a Conditional Teacher Certificate with the department.

(b) An applicant who receives a Conditional Teacher Certificate will be eligible to enter into a contract with a school district to teach for up to two school years. A conditional certification may only be issued one time to an eligible applicant.

(c) During the two-year period, the school district will assess and evaluate the contracted employe on planning and preparation, classroom environment, instructional delivery and professionalism. Upon satisfactory recommendation by the school district, the department shall issue an Instructional I Certificate based on the school district’s evaluation under subsection (b) and the requirements of 22 Pa. Code § 49.12.

(d) The department’s responsibilities with regard to this section shall be to:

(1) Establish and process a Conditional Teacher Certificate and have it accessible on the Department of Education’s Internet website.

(2) Establish a conditional teacher evaluation form similar to an employe evaluation form for Instructional I teachers. This form shall be used by school districts to evaluate conditional teachers as noted in subsection (c).

(e) A Conditional Teacher Certificate applicant with regard to this act shall:

(1) Apply for a Conditional Teacher Certificate with the department.

(2) Apply for a criminal background check as provided for in section 111 and a child abuse clearance prior to applying for a Conditional Teacher Certificate as provided for in 23 Pa.C.S Ch. 63 Subch. C.2 (relating to background checks for employment in schools).

(3) Apply for a teaching position in the same manner as a Pennsylvania-certified teacher.

(f) Persons with a Conditional Teacher Certificate employed under a two-year contract with a school district will not be able to use this time toward teacher tenure with the school district under section 1121(c). Persons applying for a position with the school district who have a Conditional Teacher Certificate shall not be discriminated against if applying for the same position as a person holding an Instructional I Certificate.

(g) (1) As used in this section “department” means the Department of Education of the Commonwealth.

(2) As used in this section “Conditional Teacher Certificate” means a two-year temporary certificate for a recent graduate of a teacher preparation institution seeking a teaching position in any of the 501 school districts, but has not met all the necessary requirements in testing for Pennsylvania Teacher Certification.

Section 2. Section 1401 of the act is amended by adding a definition to read:

Amend Sec. 2, page 2, line 27, by striking out “2” and inserting
3

Amend Sec. 3, page 3, line 10, by striking out “3” and inserting
4

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

Mr. SURRA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Surra is recognized. Thank you for your enthusiasm.

Mr. SURRA. Oh, you are welcome, sir.

Amendment 8494 is the same language to an amendment that we passed in this House approximately 2 weeks ago with a pretty overwhelming vote, and it deals with the conditional certificate legislation for prospective teachers. It is something that is necessary, and obviously a vast majority of the members felt that was important 2 weeks ago, and I would appreciate an affirmative vote once again.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you again, Mr. Speaker.

I oppose this amendment, again because – for several reasons. First of all, I would not say necessarily, it is not a germane issue this time, but this one would cost \$500,000 in the first year of taxpayers’ money. Now, while it is an important amendment, what I think we need to do is to have hearings on this first and get more input. I do not know if there have been any or not, but it is quite expensive and I think it needs a lot more discussion. So I would ask for a negative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment from my good friend from Elk County. This amendment did pass the House recently, a few weeks ago. The cost analysis at that time was not a factor. It is attached to another bill that is in the Senate right now. I believe it ought to be attached again.

As the debate went on several weeks ago, we are losing good teachers because there is no alternative to the Praxis test. Thirty years of experience in the classroom, maybe 20 student teachers, several members in this chamber have had classroom experience and were teachers, and you know that that is when you can tell, when you have a student teacher, someone in the classroom, beyond the test. We are not saying the test is not important; we are not saying knowledge is not important. What we are saying is that if you can come close to the test, then you ought to have an alternative certification method.

This is not Mr. Grucela; this is not Mr. Surra; this is not parents; this is not even the students. We heard this throughout the State when we had hearings from principals; we have heard it from superintendents who are losing good, excellent teachers. If our goal in education is to have good teachers in front of the classroom, then this is an extremely important amendment that ought to be added to every education bill, if not passed as a bill itself.

I encourage, as you did a few weeks ago, to vote “yes” on this particular amendment. Thank you, Mr. Speaker.

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

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I have learned that this matter, this proposal, has not been reviewed by the committee, by the Education Committee. And it is in the Senate; it has apparently passed the House and in the Senate. I would suggest that it stay and perhaps it will pass there, but for the time being, I ask that this be a “no” vote on this amendment.

Thank you.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I really do support the gentlelady’s legislation, and this amendment would make it a better piece of legislation. I have had the bill in committee and I have tried to get it moved out of the committee, and I have not been able to; that is correct. But this House spoke 2 weeks ago, after very long debate, as we debated and argued this issue, and the vast majority of members have all run into this situation. It is a problem that we need to address. I have had an assurance from the Senate Education Committee people that we should continue to amend this legislation and put this amendment into many bills so we can finally get it through the process, and that is what I intend to do.

I do not want to mess up your bill; I want to make your bill a better bill. I want to address a problem, as do many of you, that many of our prospective teachers are facing. So let us just do what we did a couple of weeks ago and vote “yes.” Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we did it once. I really do not think it is necessary to do it 5, 10, 15 times, and so I would ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

With all due respect to the majority whip, I went over to the Senate and I talked to several of the Senators. In fact, the Senator that is the chairman of the Education Committee whom the majority whip, I know, also knows, and in talking to that Senator who is, by the way, very supportive of this particular alternative certification, however, he had mentioned to me that he did not believe the bill that we attached this amendment to would be brought up in the Senate, and he suggested that I tell Representative Surra that perhaps we ought to amend several other bills that would find their way to the Senate and that this could become in fact part of any other bill and become law. So with all due respect to the majority leader, I did talk to, I believe, his Senator, who is the Senator of the Education Committee, and he said, in due respect, that we should amend other bills.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members seeking recognition, the question recurs, will the House adopt the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—116

Bebko-Jones	Evans, D.	Manderino	Sainato
Belardi	Fabrizio	Mann	Samuelson
Belfanti	Flaherty	Markosek	Santoni
Benninghoff	Frankel	Marsico	Scavello
Beyer	Freeman	McCall	Shaner
Biancucci	George	McGeehan	Shapiro
Bishop	Gerber	McIlhattan	Siptroth
Blackwell	Gergely	Melio	Solobay
Blaum	Gillespie	Mundy	Staback
Buxton	Good	Myers	Steil
Caltagirone	Goodman	Nailor	Stern
Casorio	Grucela	Oliver	Stetler
Causer	Gruitza	O’Neill	Sturla
Cawley	Haluska	Pallone	Surra
Cohen	Hanna	Parker	Tangretti
Cornell	Harhai	Payne	Thomas
Corrigan	Harhart	Petrarca	Tigue
Costa	Hasay	Petrone	Veon
Cruz	James	Pistella	Vitali
Curry	Josephs	Ramaley	Walko
Daley	Kauffman	Readshaw	Wansacz
Dally	Keller, W.	Reichley	Waters
DeLuca	Kirkland	Rieger	Wheatley
Dermody	Kotik	Roberts	Williams
DeWeese	LaGrotta	Roebuck	Wojnaroski
DiGirolamo	Leach	Rooney	Wright
Diven	Lederer	Rubley	Yewcic
Donatucci	Leh	Ruffing	Youngblood
Eachus	Lescovitz	Sabatina	Yudichak

NAYS—83

Adolph	Fleagle	Maitland	Rohrer
Allen	Flick	Major	Ross
Argall	Gabig	McGill	Sather
Armstrong	Gannon	McIlhinney	Saylor
Baker	Geist	McNaughton	Schroder

Baldwin	Gingrich	Metcalfe	Semmel
Barrar	Godshall	Micozzie	Smith, B.
Bastian	Grell	Millard	Smith, S. H.
Birmelin	Harper	Miller, R.	Sonney
Boyd	Harris	Miller, S.	Stairs
Bunt	Hennessey	Mustio	Stevenson, R.
Cappelli	Herman	Nickol	Stevenson, T.
Civera	Hershey	O'Brien	Taylor, E. Z.
Clymer	Hess	Petri	Taylor, J.
Crahalla	Hickernell	Phillips	True
Creighton	Hutchinson	Pickett	Turzai
Denlinger	Keller, M.	Pyle	Watson
Ellis	Kenney	Quigley	Zug
Evans, J.	Killion	Rapp	
Fairchild	Mackereth	Raymond	Perzel,
Feese	Maher	Reed	Speaker
Fichter			

NOT VOTING—0

EXCUSED—4

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

On the question,

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

The SPEAKER pro tempore. Mr. Pallone, we are assuming that with the adoption of the Surra amendment, you are withdrawing your amendment. Thank you, sir.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

Blackwell	Godshall	Miller, S.	Sonney
Blaum	Good	Mundy	Staback
Boyd	Goodman	Mustio	Stairs
Bunt	Grucela	Myers	Steil
Buxton	Gruitza	Nailor	Stern
Caltagirone	Haluska	Nickol	Stetler
Cappelli	Hanna	O'Brien	Stevenson, R.
Casorio	Harhai	Oliver	Sturla
Causar	Harhart	O'Neill	Surra
Cawley	Harper	Pallone	Tangretti
Civera	Harris	Parker	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Herman	Petri	Tigue
Corrigan	Hershey	Petrone	True
Costa	Hess	Phillips	Turzai
Crahalla	Hickernell	Pickett	Veon
Cruz	Hutchinson	Pistella	Vitali
Curry	James	Pyle	Walko
Daley	Josephs	Quigley	Wansacz
Dally	Kauffman	Ramaley	Waters
DeLuca	Keller, M.	Rapp	Watson
Denlinger	Keller, W.	Raymond	Wheatley
Dermody	Kenney	Readshaw	Williams
DeWeese	Killion	Reed	Wojnaroski
DiGirolamo	Kirkland	Reichley	Wright
Diven	Kotik	Rieger	Yewcic
Donatucci	LaGrotta	Roberts	Youngblood
Eachus	Leach	Roebuck	Yudichak
Ellis	Lederer	Rohrer	Zug
Evans, D.	Leh	Rooney	
Evans, J.	Lescovitz	Ross	Perzel,
Fabrizio	Mackereth	Rubley	Speaker

NAYS—5

Creighton	Maher	Metcalfe	Stevenson, T.
Grell			

NOT VOTING—0

EXCUSED—4

Forcier	Levdansky	Preston	Wilt
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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.

PARLIAMENTARY INQUIRY

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

Mr. MYERS. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MYERS. Well, actually, I think it is more of a parliamentary inquiry.

The SPEAKER pro tempore. I would think so. The gentleman will state his parliamentary inquiry.

Mr. MYERS. Earlier today I had made known my intentions to call up these discharge resolutions, five of them, and I said that I wanted to do that on Thursday, June 29. However, I was since then told if I lock myself into June 29 and for some reason it does not move, then I could not do it any other day. So therefore, I wanted to know if that is true, and secondly,

I want to amend what I said and say June 29, 30, or any other applicable day.

The SPEAKER pro tempore. The Chair has been advised that you would not have to amend it. It would be assumed that it would be called up on the 29th or any day thereafter.

Mr. MYERS. All right. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any announcements? Are there any announcements?

There will be no further votes.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER pro tempore. I would like to remind the members that there will be a Labor Relations Committee meeting at 10 a.m. tomorrow.

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

HB 2625, PN 3956 By Rep. O'BRIEN

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

JUDICIARY.

HB 2666, PN 4050 By Rep. O'BRIEN

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

JUDICIARY.

HB 2749, PN 4396 (Amended) By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for bail intercept; further providing for relatives' liability and procedure; and repealing provisions relating to guardian.

JUDICIARY.

HB 2765, PN 4397 (Amended) By Rep. O'BRIEN

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for policy and for DNA sample required; providing for collection from persons accepted from other jurisdictions; and further providing for procedures for withdrawal, collection and transmission of DNA samples and for expungement.

JUDICIARY.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 74, PN 1951 (Amended) By Rep. O'BRIEN

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

JUDICIARY.

RECESS

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

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1090, PN 1957 (Amended) By Rep. ALLEN

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, giving effect to Federal changes in wage rates; providing for preemption; and making editorial changes.

LABOR RELATIONS.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

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

Mr. SABATINA. Mr. Speaker, I move that this House do now recess until Wednesday, June 28, 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 28, 2006, the House recessed.