

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 28, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 45

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

The SPEAKER. The prayer today will be offered by Stephen Drachler, director of public relations for the United Methodist Communications.

Members and guests will please rise.

MR. STEPHEN DRACHLER, Guest Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Before I pray, I just want to tell you that I am honored to be here today as a former staff person from this great institution. You know, this place gets into your blood, and I get a little rush in my heart as I walk through the door and as I drive across the river coming back to Harrisburg. So I am eternally grateful for the 8 years that I spent here serving you and serving with you.

And you need to know that I am still in politics but on a different plane. My wife and I live in Nashville, Tennessee, where I serve as director of media relations for the United Methodist Church. So you think politics here are tough; you ought to try working with 160 bishops around the world.

My prayer today is adapted from prayers offered by George Washington and Thomas Jefferson. They embody the principle that we are indeed a nation under God, whose representatives are committed to the people who elect them.

Shall we pray:

O creator God, as Your servants, we look to You for guidance. You are our teacher and our example. Your commandments offer us a pathway to serve.

Keep our hearts and our minds open to do what is right in Your eyes. Help us to work together, and when we must, to disagree agreeably. We pray for Your wisdom as we make difficult decisions, affecting millions of people.

Help us, O God, to act in ways that build rather than tear down. Help us to act in ways to serve the people's interests and not our own. And lead us to seek peace and justice in all that we do.

We are grateful for the privilege of living in these United States and for a system of government that allows us the

freedom to speak without fear, and for those who have sacrificed so much, that we may assemble here.

In Your name, O God, we pray. 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 Tuesday, June 27, 2006, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER. The Journal for Tuesday, February 7, 2006, is in print and, without objection, stands approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2849 By Representative GODSHALL

An Act imposing a duty on the Department of Health to provide bone marrow and living organ donor education.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 28, 2006.

No. 2850 By Representatives GANNON, MANDERINO, FRANKEL, CAPPELLI, FAIRCHILD, LEVDANSKY, LEDERER, HARPER, OLIVER, SONNEY, BAKER, RUBLEY, BELFANTI, MUNDY, McILHATTAN, LEH, STERN, ROSS, WATSON, TANGRETTI, GINGRICH, SANTONI, MYERS, THOMAS, HERMAN, TRUE, J. EVANS, BEBKO-JONES, REICHLEY, CALTAGIRONE, KILLION, BUXTON, FLAHERTY, WALKO, HENNESSEY, NICKOL, CURRY, STURLA, GOODMAN, LEACH, DERMODY, WOJNAROSKI, MCGILL, ADOLPH, FLEAGLE, J. TAYLOR, MAJOR, O'NEILL, KENNEY, GOOD, SURRA, ARGALL, MELIO, E. Z. TAYLOR, SIPTROTH, BARRAR, RAYMOND, RAMALEY, PRESTON, PETRONE, SATHER, DeLUCA, BLAUM, LESCOVITZ, KOTIK, EACHUS, MARKOSEK, FREEMAN, GRUCELA, SOLOBAY, O'BRIEN, BEYER, COSTA, SAMUELSON, BUNT, NAILOR, YOUNGBLOOD, DiGIROLAMO, STETLER, MAITLAND, FEESE, CASORIO, READSHAW,

BENNINGHOFF, WANSACZ, HARHART, VEON, JAMES, MANN, GERGELY, CIVERA, ROBERTS, BIANCUCCI, B. SMITH, COHEN, PISTELLA, WILLIAMS, BISHOP, YEWIC, ROEBUCK, SHAPIRO, FABRIZIO, REED, PALLONE, JOSEPHS, CORNELL, KAUFFMAN, DENLINGER, T. STEVENSON and MUSTIO

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing, in quality health care accountability and protection, for behavioral health services; and further providing, in quality health care accountability and protection, for procedures.

Referred to Committee on INSURANCE, June 28, 2006.

No. 2851 By Representatives STERN, BUNT, CAPPELLI, NICKOL, CREIGHTON, SAYLOR, MUSTIO, TURZAI, LEH, BELFANTI, REICHLEY, GINGRICH, YOUNGBLOOD, SATHER, ROHRER, CLYMER, GEIST, SIPTROTH, HICKERNELL, MUNDY, PALLONE, GOOD and ROSS

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, defining "official notice"; requiring the Department of State to establish a certain Internet website; further providing for advertisements by domestic business corporations, by foreign business corporations, domestic nonprofit corporations, foreign nonprofit corporations and domestic cooperative corporation ancillaries and for fictitious name registration; and making an editorial change.

Referred to Committee on COMMERCE, June 28, 2006.

No. 2852 By Representatives STERN, CREIGHTON, BUNT, CALTAGIRONE, GODSHALL, R. MILLER, CAPPELLI, DENLINGER, SONNEY, SAYLOR, TURZAI, LEH, HALUSKA, BELFANTI, KOTIK, GINGRICH, REICHLEY, SATHER, CRAHALLA, CLYMER, GEIST, DALEY, BOYD and HESS

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for definitions; further providing, in registered limited liability partnerships, for ownership of certain professional partnerships, for scope, for definitions, for limitation on liability of partners, for liability of withdrawing partner, for foreign registered limited liability partnerships, for annual registration; further providing, in general partnerships, for definitions, for rules of construction; providing, in limited partnerships, for advertisement; further providing, in limited partnerships, for assignment of partnership interest and for changes and amendments; further providing, in limited liability companies, for definitions and index of definitions; providing, in limited liability companies, for validation of prohibitions of assignments; further providing, in limited liability companies, for operating agreement, for management, for limitation on dissociation or assignment of membership interest and for dissolution; providing, in limited liability companies, for advertisement; further providing, in limited liability companies, for distribution of assets upon dissolution and for certificate of dissolution; further providing, in business trusts, for liability of trustees and beneficiaries; further providing, in names, for definitions; and further providing, in corporate and other association names, for register establishment.

Referred to Committee on COMMERCE, June 28, 2006.

No. 2853 By Representatives SHAPIRO, JOSEPHS, FRANKEL, COHEN, MANN, TRUE, TIGUE, CALTAGIRONE, SANTONI, LEACH, GRUCELA, PARKER, FREEMAN, STEIL, MANDERINO, YOUNGBLOOD,

PISTELLA, THOMAS, BEYER, JAMES, DeWEESE and GINGRICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for a voters' guide.

Referred to Committee on STATE GOVERNMENT, June 28, 2006.

No. 2854 By Representatives MUSTIO, BUNT, FAIRCHILD, M. KELLER, MARKOSEK, McILHATTAN, NAILOR, READSHAW, SAYLOR, SCAVELLO, SOLOBAY, TRUE, TURZAI and YEWIC

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Referred to Committee on RULES, June 28, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 1158, PN 1661

Referred to Committee on LOCAL GOVERNMENT, June 28, 2006.

SB 1230, PN 1952

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 28, 2006.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1632, PN 4284**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1574 be taken off the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1574 be placed on the table.

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

CALENDAR**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 957, PN 1958**, entitled:

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 957 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 957 be taken off the table.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table: SB 594 and SB 1179.

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

BILLS ON SECOND CONSIDERATION

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

SB 594, PN 668; and SB 1179, PN 1950.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations: SB 594 and SB 1179.

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

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 248, PN 4277

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.

HB 496, PN 4210

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.

HB 2317, PN 4338

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.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to thank Stephen Drachler for the prayer this morning, but he has with him his wife, Michelle, and his daughter, Stephanie. Would they please stand and be recognized by the House of Representatives.

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1632, PN 4284 By Rep. S. SMITH

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "abuse," "unfair methods of competition" and "unfair or deceptive acts or practices."

RULES.

HB 2376, PN 4310 By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for sale of malt or brewed beverages by liquor licensees, for restrictions on purchases and sales of malt and brewed beverages by retail dispensers, for permit renewals and for possession or transportation of liquor or alcohol; and prohibiting the use of alcohol vaporizing devices.

RULES.

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

HB 696, PN 4409 (Amended) By Rep. STAIRS

An Act establishing the Keystone Scholars Award to recognize and reward excellence in academic achievement and performance among graduating seniors in this Commonwealth's public secondary schools.

EDUCATION.

HB 2297, PN 3221 By Rep. STAIRS

An Act establishing the Older Pennsylvanian Higher Education Program; and permitting institutions of higher education to offer higher education courses to older adults without charge of tuition.

EDUCATION.

HB 2584, PN 4410 (Amended) By Rep. KENNEY

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

HEALTH AND HUMAN SERVICES.

HB 2642, PN 3996 By Rep. STAIRS

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

EDUCATION.

HB 2661, PN 4411 (Amended) By Rep. KENNEY

An Act exempting continuing care retirement communities from the medical assistance bed approval process and allowing nursing facilities operated by continuing care retirement communities to obtain medical assistance certified beds under limited terms and conditions.

HEALTH AND HUMAN SERVICES.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentlelady from Chester, Mrs. TAYLOR; the gentlelady from Lancaster, Mrs. TRUE; the gentleman from Chester, Mr. HENNESSEY; and the gentlelady from Crawford, Mrs. FORCIER, for the week. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the remainder of the week for the gentleman from Allegheny, Mr. LEVDANSKY; for the remainder of the week, the gentleman from Fayette, Mr. SHANER; and for the day, the gentleman from Philadelphia, Mr. RIEGER. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

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

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

ADDITIONS—1

Ruffing

NOT VOTING—0**EXCUSED—8**

Forcier	Levdansky	Shaner	True
Hennessey	Rieger	Taylor, E. Z.	Wilt

LEAVES ADDED—5

Allen	Goodman	O'Brien	O'Neill
Argall			

LEAVES CANCELED—2

Hennessey	True
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GUESTS INTRODUCED

The SPEAKER. We have a special guest visiting the Capitol today, as the guest of Representative John Payne, Kieran Dowling, a summer intern in Representative Payne's Hershey office. He will be a senior this fall at Hershey High School. Kieran is seated to the left of the Speaker. Would he please rise and be recognized.

The Chair would like to welcome today special guests of Representative Stetler. They are Whitney Moyer of York, who is a summer intern in his Harrisburg office, and Anna Walker of Rossville, who is a summer intern in his district office. Those guests are seated on the floor. Would they please rise and be recognized.

SAMANTHA SANTORO PRESENTED

The SPEAKER. The Chair at this time recognizes Representative Gordon Denlinger for the purpose of a citation.

Mr. DENLINGER. Thank you, Mr. Speaker.

Today, colleagues, I have the pleasure of recognizing an outstanding athlete that lives in my legislative district. Samantha Santoro, who will be a junior at Ephrata High School, has recently completed her second season on the varsity bowling team with an average of 210, the highest female average in the league. Samantha also won the Lancaster/Lebanon High School Individual Championship in February of 2006. At this event she rolled her first 300 game and her first 800 series of 813.

In March of 2006 she finished second in the State during the Pennsylvania High School Girls' State Singles Championship and was selected for the Girls' All-State Tournament Team. Samantha has recently won the Pennsylvania State U.S. Bowling Congress Girls Singles Scratch Championship with a score of 728.

Samantha will be traveling to Fort Lauderdale, Florida, in July to bowl in the U.S. Bowling Congress Junior Gold National Championships, and she will have the opportunity to win scholarships and the chance to earn a spot on the Junior Team USA for 2007.

To her great credit, Samantha has been named one of the top 50 high school female bowlers in the nation. After graduation, Samantha plans to attend college and major in accounting and business administration. She would also like to bowl at the collegiate level and hopes to become a professional bowler.

Samantha is currently a summer intern in the House Judiciary Committee, and she is joined today by her parents, Nicholas and Marci Santoro.

It is with great pleasure that I present Samantha a citation from the House of Representatives in recognition of her many achievements in the sport of bowling, and I ask my fellow colleagues to help honor her with a round of applause. Thank you.

LEAVE OF ABSENCE

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request a regular leave for the gentleman from Schuylkill, Mr. GOODMAN.

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

Mr. GRUCELA. Thank you, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. McILHINNEY called up **HR 811, PN 4352**, entitled:

A Resolution designating Monday, September 25, 2006, as "Family Day - A Day to Eat Dinner with Your Children" in Pennsylvania.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

Does the gentleman wish to be recognized?
 Mr. McILHINNEY. Thank you, Mr. Speaker.
 Mr. Speaker, before I get going, I want to send my thoughts out to the many families in Pennsylvania that are undergoing the flooding that we are seeing all around, both on the Susquehanna and the Delaware and the various tributaries today. Our thoughts are with them, and along those lines, I would like to offer a resolution declaring September 25, 2006, as “Family Day – A Day to Eat Dinner with Your Children.”

Mr. Speaker, could I have attention?
 The SPEAKER. The gentleman is correct. Would the conferences in the rear of the chamber please break up. The gentleman is entitled to be heard.

Mr. McILHINNEY. Thank you, Mr. Speaker.
 September 25, 2006, is being declared “Family Day – A Day to Eat Dinner with Your Children.” It is well known that the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of our children in the United States. Surveys that have been conducted by the National Center on Addiction and Substance Abuse have consistently found that more often children and teenagers that eat dinner with their families are less likely to begin to smoke, drink, and use illegal drugs.

GUESTS INTRODUCED

Mr. McILHINNEY. It is an important step that we take part in this; it is a national day, and with me today are both Stacey and Melissa Mulholland. Stacey is a township supervisor in Plumstead Township, which is a community that lives along the Delaware River and is undergoing some of the flooding that we are seeing here today. I would like to have them both stand and be recognized at this point.

Stacey brought this issue to my attention, and I think it is an important one as we begin to deal with a lot of the decisions we are taking up here in the House in Pennsylvania about the future of our government.

So with that, I would like to call for an affirmative vote on HR 811. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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Mr. HERSHEY called up **HR 812, PN 4371**, entitled:

A Resolution designating the month of August 2006 as “Pennsylvania Produce Month.”

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather

Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

* * *

Mr. GEIST called up **HR 814, PN 4373**, entitled:

A Resolution designating the month of July 2006 as "United States Cycling Federation Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1090 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 1090, PN 1957.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1090 be recommitted to the Committee on Appropriations.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2588, PN 4314**, entitled:

An Act requiring a circulating nurse in certain operating rooms.

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

Mr. **REICHLEY** offered the following amendment No. **A08493**:

Amend Sec. 4, page 3, line 12, by striking out "THE FOLLOWING"

Amend Sec. 4, page 3, line 13, by striking out "WHEN SUCH PROCEDURES" and inserting
that

Amend Sec. 4, page 3, lines 15 through 19, by striking out all of said lines and inserting
facility.

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

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

Mr. **REICHLEY**. Thank you, Mr. Speaker.

This is an amendment to clarify the scope of the impact of this legislation. This is to require nurse circulators to be registered nurses. During the committee hearing, there was a concern that the number of specific surgical procedures that do not use general anesthesia was too limited, so as a result, this amendment removes the limitations and generally refers to the

lack of a requirement for a nurse circulator to be used for any procedure that does not use general anesthetic, particularly for our ambulatory surgical centers, and I ask the entire House for an affirmative vote.

Thank you very much.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

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

The Chair recognizes the gentleman, Mr. Vitali.
Mr. VITALI. Thank you, Mr. Speaker.
I have attended most but not all of caucus, but I just want to double-check whether we in fact caucused on this bill. I am wondering if we could just double-check that.

The SPEAKER. The Speaker's calendar is marked that it was caucused by both caucuses.

Mr. VITALI. Okay. Thank you, Mr. Speaker.
Mr. Speaker, could I interrogate the maker of the bill?
The SPEAKER. The gentleman, Mr. Reichley, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Could I just have a brief explanation of the bill?

Mr. REICHLEY. Thank you, Mr. Speaker.
The intent of this legislation comes about as a suggestion from a registered nurse in my district who was concerned that at times, as a cost-cutting procedure, hospitals are utilizing surgical assistance instead of having the properly qualified personnel in an operating theater to perform these surgical procedures. As a result, with the support of the nursing association here in Pennsylvania and with the agreement or acquiescence, I will say, of the Hospital Association, the Medical Society, we are implementing here requirements that registered nurses with perioperative training, which is natural within their course of education and training, would be the only individuals who could perform the tasks of a circulating nurse, who more or less goes around the operating room making sure that patient safety is a prime condition as well as do doctors and all the other medical personnel. This is certainly not to demean the care which doctors have for their patients.

There currently are some regulations compiled by the Centers for Medicaid Services, but there is some information that they will be eliminating those regulations. So this statutory definition would be necessary to ensure patient safety in operating rooms. Thank you, Mr. Speaker.

Mr. VITALI. Okay. If I am hearing you correctly, what the bill does is for certain tasks performed in a hospital, only a registered nurse could do them. Could you just tell me some of the things we are talking about and who is performing them now? Other than registered nurses.

Mr. REICHLEY. Well, Mr. Speaker, I think my answer really addressed it. Obviously, the surgeon is performing the surgery, an anesthesiologist is administering the application of anesthesia, there are surgical technical assistants within the operating room, but the circulating nurse would sort of be a supervisory person who is able to move about the operating room and ensure that the patient's safety is being maintained. That person does not have to worry about handing over a scalpel or forceps or something like that to the surgeon at the time. This person is able to go through the operating room and make sure that a patient's vital signs are adequately being registered and that everything is being done to enhance the patient's safety.

Mr. VITALI. Now, if I am hearing you correctly, are you saying that this would preclude people with more training than registered nurses, such as surgeons and other doctors, it would preclude them from doing certain tasks in a hospital and force people with lesser training to do them?

Mr. REICHLEY. No, Mr. Speaker. This is setting a threshold for the kind of training that would be provided from these individuals. It is not to imply somehow that the doctors would not be qualified. I think, Mr. Speaker, as the gentleman knows, the doctor is occupied performing the surgery. If I could be more specific for the questioner, Mr. Speaker, the circulating nurse's duties are performed outside the sterile field. The circulating nurse is responsible for managing nursing care within the operating room, observing the surgical team, assisting the team, creating a safe, comfortable environment for the patient's surgery. The perioperative R.N. (registered nurse) is dedicated to one patient during that patient's entire intraoperative experience to serve as the patient advocate.

This legislation has been approved in 30 States for purposes of the hospital—

Mr. VITALI. Wait, if I could just interrupt. I am not sure you are really on point with my question anymore.

Mr. REICHLEY. I do not think you have been on point, Mr. Speaker, so—

Mr. VITALI. Okay. Let me, if I can just sort of focus my question, the focus of my question really is, would this legislation, if passed, prevent doctors, surgeons specifically but doctors generally, from doing certain things they can do right now. Yes or no?

Mr. REICHLEY. No, it would not prevent them from doing the things they do now, because they would continue to perform the surgery, Mr. Speaker.

Mr. VITALI. But would they be prevented from doing certain things which registered nurses, for example, might feel are in their purview?

Mr. REICHLEY. Mr. Speaker, with all due respect, you are creating a hypothetical which has no basis in reality, which unfortunately is somewhat common with you. Now, let me try to reflect again. This is to ensure that individuals with less than perioperative training, which is natural with registered nurse training, are performing the tasks of a circulating nurse, not a surgical assistant, not an L.P.N. (licensed practical nurse), not somebody with a lesser degree of training. It is not to somehow suggest that if necessary, a doctor cannot move over and perform in some other task. Certainly doctors have patient safety as a primary focus of their activities as well in the operating theater. But what we are trying to do is to ensure that people that have less training—

Mr. VITALI. Okay. I do understand that now.
 Mr. REICHLEY. —not more training but less training, Mr. Speaker, less training than a perioperative nurse or registered nurse, are not performing these tasks.

Mr. VITALI. Okay. I do understand that now.
 Have any other groups weighed in on this such as hospital associations or the Medical Society? Have any other groups weighed in, in support or against this?

Mr. REICHLEY. The Hospital Association has indicated this is a proper improvement in the statutory requirements of circulating nurses. The Medical Society is supportive. The Pennsylvania Nurses Association is supportive. We have not met with any opposition to this legislation, Mr. Speaker.

Mr. VITALI. Thank you, Mr. Speaker.
 The SPEAKER. The Chair thanks the gentleman.
 The gentleman, Mr. Caltagirone.
 Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I just want to stand and urge the members to vote in support of this legislation. It is a good piece of legislation, very well thought out, and I think it does help the industry of which we have such a shortage, and I just want to urge members, especially on this side, to vote in favor of the legislation. Thank you.

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—1

Maitland

NOT VOTING—1

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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 2253, PN 3141**, entitled:

An Act establishing the State Energy Office and an advisory council; and imposing duties on the State Energy Office.

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

Mr. **GEORGE** offered the following amendment No. **A08726**:

Amend Sec. 6, page 2, line 26, by striking out “promote” and inserting

assist the Department of General Services in promoting

Amend Sec. 6, page 3, line 13, by inserting after “assist” the Department of General Services

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

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

Mr. GEORGE. Mr. Speaker, this amendment will ensure that the Department of General Services continue to maintain the important and vital role that they have played in energy conservation in the past. The powers and duties of that office are an integral part of assuring the responsibility and the

efficient use of energy in this Commonwealth and the continued efforts for energy conservation and development.

I ask that we all support this amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to tell my colleagues on this side of the aisle that this is an agreed-to amendment. Our staff has researched this, and this is a good amendment. Thank you.

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

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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.
Causser	Harhai	O'Brien	Sturla
Cawley	Harhart	Oliver	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kennedy	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, it is said that Benjamin Franklin is noted as saying that “energy and persistence conquer all things.” I have always been an individual of persistence, and today I am happy to ask for your support to establish an energy office within this Commonwealth dedicated to pursuing the best and most effective means by which we can address the energy issues that face the Commonwealth today.

With our persistence and the ideas and dedication and commitment of a State energy office, I feel certain that we will find new answers to the ongoing question of how best to fulfill the energy needs of the State of Pennsylvania. I ask for your support of this legislation.

I want to thank my colleague, Mr. Adolph, for his support, along with all the members, and I want to thank the Governor’s Office for their support.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth

Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kennedy	Ramaley	Wojnarowski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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 2292, PN 3428**, entitled:

An Act providing for the protection of consumers from phishing and for criminal and civil enforcement.

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

Mr. **MARKOSEK** offered the following amendment No. **A08562**:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of phishing.

Amend Bill, page 1, lines 5 through 15; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Chapter 76 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

**SUBCHAPTER F
PHISHING**

Sec.

7671. Definitions.

7672. Phishing.

7673. Protection from liability.

7674. Civil relief.

§ 7671. Definitions.

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

“Communication.” A message conveyed by oral, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

“Identifying information.” Any document, photographic, pictorial or computer image of another person, or any fact used to establish identity, including any of the following:

- (1) Name.
- (2) Birth date.
- (3) Social Security number.
- (4) Driver’s license number or nondriver governmental identification number.
- (5) Telephone number.
- (6) Checking or savings account number.
- (7) Student identification number.
- (8) Employee or payroll number.
- (9) Electronic signature.

“Legitimate business.” A business that is registered to do business under the law of any jurisdiction.

“Web page.” A location, with respect to the World Wide Web, that has a single uniform resource locator or other single location with respect to the Internet.

§ 7672. Phishing.

(a) Offense of phishing.—An actor commits the offense of phishing under the following circumstances if the actor, with the intent to defraud or injure anyone or with the knowledge that a fraud is being facilitated or that an injury is being perpetrated by anyone:

- (1) the actor makes a communication under false pretenses by or on behalf of a legitimate business, without the authority or approval of the business;
- (2) the actor uses the communication to induce, request or solicit a person to provide identifying information; and
- (3) the person provides the identifying information to the actor or an accomplice of the actor.

(b) Additional violations.—It shall also be a violation of this section for a person to sell or distribute any identifying information obtained in violation of subsection (a) with the intent to defraud or injure anyone or with the knowledge that a fraud is being facilitated or that an injury is being perpetrated by anyone.

(c) Venue.—An offense committed under this section may be deemed to have been committed at any of the following locations:

- (1) The place where a person possessed, obtained or used the identifying information of another person under false pretenses.

(2) The residence of the person whose identifying information has been stolen or used under false pretenses.

(3) The business or employment address of the person whose identifying information has been stolen or used under false pretenses, if the identifying information at issue is associated with the person's business or employment.

(d) Grading.—A violation of subsection (a) shall be graded as a felony of the third degree. A violation of subsection (b) shall be graded as a felony of the second degree.

(e) Concurrent jurisdiction to prosecute.—In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and if the challenge is made, the challenge shall be dismissed and no relief shall be made available in the courts of this Commonwealth to the person making this challenge.

§ 7673. Protection from liability.

No Internet service provider may be held liable under any provision of the laws of this Commonwealth or of one of its political subdivisions for removing or disabling access to content that resides on an Internet website or other online location controlled or operated by the provider which the provider believes in good faith is used to engage in a violation of this subchapter.

§ 7674. Civil relief.

(a) Civil actions for relief.—Any of the following persons may bring a civil action against a person who violates this subchapter.

(1) An Internet service provider who is adversely affected by the violation.

(2) An owner of a web page or a trademark that is used without authorization in the violation.

(b) Civil remedies.—A person permitted to bring a civil action under this section may do any of the following:

(1) Seek injunctive relief to restrain the violator from continuing the violation.

(2) Recover damages in an amount equal to the greater of the following:

(i) Actual damages arising from the violation.

(ii) Not more than \$100,000 for each violation of the same nature.

(3) Obtain both injunctive relief and damages as provided in this subsection.

(c) Treble damages.—The court may increase an award of actual damages in an action brought under this section to an amount not to exceed three times the actual damages sustained if the court finds that the violations have occurred with a frequency as to constitute a pattern or practice.

(d) Attorney fees.—A person who prevails in an action filed under this section shall be entitled to recover reasonable attorneys fees and court costs.

Section 2. This act shall take effect in 60 days.

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this bill started out as the so-called anti-phishing-and-pharming bill, and that is phishing and pharming spelled with P-Hs. It has to do with Internet theft and Internet fraud and ID theft and ID fraud. This amendment makes some technical adjustments, one of which is it removes

the pharming part, which we have determined we need to work on a little more, but it keeps the phishing in and it adds it to the Pennsylvania Crimes Code.

So I would ask the members to please support this amendment. It is technical in nature, and it cleans up the bill. It makes it a better piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Maier	Ross
Allen	Fairchild	Maitland	Rublely
Argall	Feeze	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Sipthoth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Soney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

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

The following roll call was recorded:

YEAS-193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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
Civiera	Harper	O'Neill	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	

Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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 2746, PN 4302**, entitled:

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.

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

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

The Chair recognizes the gentleman, Mr. Vitali.
Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. It is the bill itself?
Mr. VITALI. Yes; I am sorry.

The SPEAKER. The gentleman, Mr. Haluska, indicates he will stand for interrogation. The gentleman, Mr. Vitali, is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Now, the only question I had about this was the value of what is being conveyed, the coal underneath the PENNDOT roadways, and is there any compensation being given to the Commonwealth for the value of the coal under the roadways being given to this private company?

Mr. HALUSKA. Yes, Mr. Speaker.

I was in contact with AMFIRE Mining this morning. DGS (Department of General Services) wanted an estimate. It could go anywhere from \$20,000 to \$35,000, depending on the market price of the coal when it is extracted. So DGS has gotten that from the mining company.

Mr. VITALI. So to be clear, this bill would, if enacted into law, convey that right to mine underneath this PENNDOT

roadway, this acreage. So the agreement will be for fair market value. Is that how it is going to work?

Mr. HALUSKA. Right. They get a royalty of \$1.50 or 5 percent, if 5 percent is greater. Traditionally, the same thing they do with everybody else.

Mr. VITALI. Okay. And DGS, they have signed off on this?

Mr. HALUSKA. Yes.

Mr. VITALI. Thank you.

Mr. HALUSKA. PENNDOT and DGS both.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Blair, Mr. Geist.

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

I want to commend Representative Haluska for the work he has done on this piece of legislation. I want to thank the Governor's Office and PENNDOT for being cooperative. This is jobs for northern Cambria County and Blair County, and it is a very good piece of legislation, and I would urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams
Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright

DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

* * *

The House proceeded to third consideration of **SB 809, PN 1020**, entitled:

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.

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

Mr. DeWEESE offered the following amendment No. **A08342**:

Amend Title, page 1, line 4, by inserting after "for" organization meeting and appointment of secretary and treasurer, for

Amend Title, page 1, line 5, by removing the period after "supervisors" and inserting

, for county associations and for State Association of Township Supervisors authorized.

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting

Section 1. Section 602 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), is amended by adding a subsection to read:

Section 602. Organization Meeting; Appointment of Secretary and Treasurer.—* * *

(d) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor's presence is required in a court of law concerning a township-related matter or the supervisor's attendance is required at any meeting of a board, council of government, commission, authority or county government-sponsored committee to which the supervisor has been appointed by the board of supervisors.

board of county commissioners or county council of the county in which the supervisor resides. The compensation may be granted at the discretion of the board of supervisors and any rate may be granted to the supervisor up to the supervisor's normal pay rate or lost wages or salary. This subsection shall be subject to the following conditions:

(1) The court must be in session or other meeting must occur during the supervisor's normal working hours.

(2) The supervisor must not receive any compensation from the other board, council of government, commission, authority or county government committees for the particular meeting the supervisor attends.

(3) No supervisor may be compensated for attending more than 120 hours of court sessions, other board, council of government, commission, authority or county government committee meetings within a calendar year. The secretary or manager of the township shall keep an accurate and timely accounting of the number of hours that a supervisor has accrued.

Section 2. Section 607 of the act, amended May 16, 2002 (P.L.365, No.51), is amended to read:

Amend Bill, page 3, by inserting between lines 4 and 5

Section 3. Sections 1401(c)(2) and 1402(g)(2) of the act, amended February 21, 2002 (P.L.100, No.9), are amended and the sections are amended by adding subsections to read:

Section 1401. County Associations.—* * *

(c) * * *

(2) If the meeting is held during township employees' normal work schedule, the board of supervisors may authorize township employees, including supervisors employed by the township, to be compensated at their regular employe rate during their attendance at the meeting, in which case the employe is not entitled to the thirty-five dollars (\$35) mentioned in this section.

* * *

(d.1) If a meeting of the officers and members of the executive board of the county association is held during the township employees' normal work schedule, the board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary during the supervisor's attendance at the meeting, for up to six days total in a year. A supervisor may not be compensated by the township under this subsection if the supervisor receives any other compensation from the county association for attending the meeting.

Section 1402. State Association of Township Supervisors Authorized.—* * *

(g) * * *

(2) The board of supervisors may authorize township employees, including supervisors employed by the township, to be compensated at their regular employe rate during their attendance at the annual meeting.

* * *

(j) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor attends a meeting for which the supervisor is a member of the executive committee, a standing committee or a trustee of the State Association of Township Supervisors subject to the following limitations:

(1) A supervisor on a standing committee of the State Association of Township Supervisors shall be limited to two days per year of regular employe rate compensation or lost wages or salary, as applicable.

(2) A supervisor on the Board of Trustees Insurance Fund of the State Association of Township Supervisors shall be limited to four days per year of regular employe rate compensation or lost wages or salary, as applicable.

(3) Any supervisor on the executive board or committee of the State Association of Township Supervisors shall be limited to fifteen days per year of regular employe rate compensation or lost wages or salary, as applicable.

(4) A supervisor on any of the committees, funds or boards identified under paragraph (1), (2) or (3) may not be compensated by the township under this section if the supervisor receives any compensation from the committee, fund or board for attending that meeting.

Amend Sec. 2, page 3, line 5, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. The House will be temporarily at ease.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

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

The following roll call was recorded:

YEAS-193

Adolph	Fabrizio	Maher	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Sabatina
Armstrong	Fichter	Manderino	Sainato
Baker	Flaherty	Mann	Samuelson
Baldwin	Fleagle	Markosek	Santoni
Barrar	Flick	Marsico	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Scavello
Belardi	Gabig	McGill	Schroder
Belfanti	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siptroth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Bishop	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	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, J.
Cohen	Hasay	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	Turzai
Costa	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Creighton	Hutchinson	Phillips	Walko
Cruz	James	Pickett	Wansacz
Curry	Josephs	Pistella	Waters
Daley	Kauffman	Preston	Watson
Dally	Keller, M.	Pyle	Wheatley
DeLuca	Keller, W.	Quigley	Williams

Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	
Evans, D.	Lescovitz	Rohrer	Perzel,
Evans, J.	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

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

* * *

The House proceeded to third consideration of **SB 1114, PN 1782**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for county associations; and authorizing appropriations by townships to counties for land acquisitions.

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

Mr. **DeWEESE** offered the following amendment No. **A08263**:

Amend Title, page 1, line 5, by striking out "county associations;" and inserting

organization meeting and appointment of secretary and treasurer, for county associations and for State Association of Township Supervisors authorized;

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. Section 602 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), is amended by adding a subsection to read:

Section 602. Organization Meeting; Appointment of Secretary and Treasurer.—* * *

(d) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor's presence is required in a court of law concerning a township-related matter or the supervisor's attendance is required at any meeting of a board, council of government,

commission, authority or county government-sponsored committee to which the supervisor has been appointed by the board of supervisors, board of county commissioners or county council of the county in which the supervisor resides. The compensation may be granted at the discretion of the board of supervisors and any rate may be granted to the supervisor up to the supervisor's normal pay rate or lost wages or salary. This subsection shall be subject to the following conditions:

(1) The court must be in session or other meeting must occur during the supervisor's normal working hours.

(2) The supervisor must not receive any compensation from the other board, council of government, commission, authority or county government committees for the particular meeting the supervisor attends.

(3) No supervisor may be compensated for attending more than 120 hours of court sessions, other board, council of government, commission, authority or county government committee meetings within a calendar year. The secretary or manager of the township shall keep an accurate and timely accounting of the number of hours that a supervisor has accrued.

Section 2. Section 1401 of the act, amended February 21, 2002 (P.L.100, No.9), is amended to read:

Amend Sec. 1 (Sec. 1401), page 2, line 20, by inserting after "employees"

, including supervisors employed by the township.

Amend Sec. 1 (Sec. 1401), page 3, by inserting between lines 14 and 15

(d.1) If a meeting of the officers and members of the executive board of the county association is held during the township employees' normal work schedule, the board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary during the supervisor's attendance at the meeting, for up to six days total in a year. A supervisor may not be compensated by the township under this subsection if the supervisor receives any other compensation from the county association for attending the meeting.

Amend Bill, page 3, by inserting between lines 26 and 27

Section 3. Section 1402(g)(2) of the act, amended February 21, 2002 (P.L.100, No.9), is amended and the section is amended by adding a subsection to read:

Section 1402. State Association of Township Supervisors Authorized.—* * *

(g) * * *

(2) The board of supervisors may authorize township employees, including supervisors employed by the township, to be compensated at their regular employe rate during their attendance at the annual meeting.

* * *

(j) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor attends a meeting for which the supervisor is a member of the executive committee, a standing committee or a trustee of the State Association of Township Supervisors subject to the following limitations:

(1) A supervisor on a standing committee of the State Association of Township Supervisors shall be limited to two days per year of regular employe rate compensation or lost wages or salary, as applicable.

(2) A supervisor on the Board of Trustees Insurance Fund of the State Association of Township Supervisors shall be limited to four days per year of regular employe rate compensation or lost wages or salary, as applicable.

(3) Any supervisor on the executive board or committee of the State Association of Township Supervisors shall be limited to

fifteen days per year of regular employe rate compensation or lost wages or salary, as applicable.

(4) A supervisor on any of the committees, funds or boards identified under paragraph (1), (2) or (3) may not be compensated by the township under this section if the supervisor receives any compensation from the committee, fund or board for attending that meeting.

Amend Sec. 2, page 3, line 27, by striking out "2" and inserting 4

Amend Sec. 3, page 4, line 2, by striking out "3" and inserting 5

On the question,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman is withdrawing the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0**NOT VOTING—1**

Ruffing

EXCUSED—9

Forcier	Levdansky	Shaner	True
Goodman	Rieger	Taylor, E. Z.	Wilt
Hennessey			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

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

Mr. HESS. Thank you, Mr. Speaker. I would like to make an announcement.

The Aging and Older Adult Committee will have a meeting at the declaration of the recess in the back of the hall. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Aging and Older Adult Services Committee will meet in the back of the hall at the recess.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. CLYMER. Mr. Speaker, to make an announcement.

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, members of the State Government Committee, at the call of the Chair, we will be meeting in room 205 of the

Ryan Building immediately at the call of the Chair. Please attend.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The State Government Committee will meet at the recess in room 205 of the Ryan Building.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

There will be a meeting of the House Appropriations Committee immediately upon the call of recess in the back of the House.

The SPEAKER. In the back of the House?

Mr. FLEAGLE. In the back of the House.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet in the back of the House at the recess.

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

Mr. BUNT. Mr. Speaker, may I approach the podium?

The SPEAKER. The gentleman will come to the rostrum.

(Conference held at Speaker's podium.)

VOTE CORRECTION

The SPEAKER. For what purpose does the gentledady, Ms. Rapp, rise?

Ms. RAPP. Mr. Speaker, for a correction of the record.

The SPEAKER. The gentledady is in order.

Ms. RAPP. Yesterday I was a "no" vote on HB 2317. I would like to correct that to a "yes" vote.

The SPEAKER. The Chair thanks the gentledady. The gentledady's remarks will be spread across the record.

REPUBLICAN CAUCUS

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, the Republican Caucus will meet at 1 o'clock. We can expect a caucus meeting of an hour and a half duration.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you.

Mr. Speaker, the Democrats will have a caucus immediately upon the call of the recess for both formal and informal discussions.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Are there any further announcements?
Seeing no one, this House is in recess till 2:30 p.m.

AFTER RECESS

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move SB 74 off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 74, PN 1951.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 74 be recommitted to the Committee on Appropriations.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.
The following gentlemen request a leave of absence for the remainder of the day. They have flood problems back in their legislative districts. The majority whip requests a leave of absence for the remainder of the day for the gentleman, Mr. O'NEILL, Bernie O'Neill; the gentleman, David ARGALL; and the gentleman, Bob ALLEN. Without objection, those leaves will be granted.

BILLS REREPORTED FROM COMMITTEE

HB 1215, PN 3322 By Rep. FEESE

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

APPROPRIATIONS.

HB 2465, PN 3735 By Rep. FEESE

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 home education program.

APPROPRIATIONS.

HB 2667, PN 4418 (Amended) By Rep. FEESE

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.

APPROPRIATIONS.

HB 2687, PN 4083 By Rep. FEESE

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.

APPROPRIATIONS.

HB 2741, PN 4179 By Rep. FEESE

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.

APPROPRIATIONS.

HB 2757, PN 4208 By Rep. FEESE

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

APPROPRIATIONS.

HB 2793, PN 4268 By Rep. FEESE

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$150,000,000 to provide additional funding for the preservation of land for open-space uses and for the mitigation of flood hazards.

APPROPRIATIONS.

HB 2794, PN 4269 By Rep. FEESE

An Act providing for small disaster assistance, for low-interest loans to individual disaster victims and businesses and for municipal grants.

APPROPRIATIONS.

HB 2795, PN 4270

By Rep. FEESE

An Act providing for the acquisition of property by the Commonwealth and local government units to mitigate flood hazards.

APPROPRIATIONS.

HB 2799, PN 4274

By Rep. FEESE

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.

APPROPRIATIONS.

SB 1205, PN 1869

By Rep. FEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for insurance proceeds intercept; and further providing for State disbursement unit.

APPROPRIATIONS.

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

SB 1188, PN 1910

By Rep. HESS

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

AGING AND OLDER ADULT SERVICES.

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

HB 2568, PN 4419 (Amended)

By Rep. CLYMER

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

STATE GOVERNMENT.

HB 2731, PN 4153

By Rep. CLYMER

An Act designating the Duryea as the official State automobile of the Commonwealth of Pennsylvania.

STATE GOVERNMENT.

HB 2775, PN 4243

By Rep. CLYMER

An Act amending the act of October 15, 1980 (P.L.950, No.164), entitled "A supplement to the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing in the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' implementing the addition of section 4.1 to Article IV of the Constitution of Pennsylvania; establishing the Office of Attorney General elected by the citizens and setting forth powers and duties of the Attorney General; creating an Office of General Counsel and providing for legal services for Commonwealth agencies; transferring, reorganizing or reconstituting certain boards, commissions and agencies; placing certain duties upon the courts and district attorneys; repealing certain acts and parts of acts and making appropriations," providing for witness relocation and protection.

STATE GOVERNMENT.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON
ENVIRONMENTAL RESOURCES AND ENERGY**

HB 2832, PN 4344

By Rep. CLYMER

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by the Department of Conservation and Natural Resources, Commonwealth of Pennsylvania, being conveyed by the Commonwealth in return for the imposition of Project 70 restrictions on certain land being conveyed to the Commonwealth by Skippack Township, Montgomery County.

STATE GOVERNMENT.

HARRISBURG LEGISLATIVE LEAVES

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Request Capitol leave for the gentleman from Philadelphia, Mr. OLIVER, and the gentleman from Lawrence, Mr. LaGROTTA.

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

Mr. GRUCELA. Thank you, Mr. Speaker.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 548, PN 596**, entitled:

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; imposing penalties; and making a repeal.

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

Mr. **MAHER** offered the following amendment No. **A08625**:

Amend Table of Contents, page 1, lines 11 through 17; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

- Section 6. General requirements.
- Section 7. Certain claims prohibited.
- Section 8. Injured patrons.
- Section 9. Exclusion.
- Section 10. Powers and duties of department.
- Section 11. Penalty.
- Section 12. Repeal.
- Section 13. Effective date.

Amend Sec. 6, page 5, lines 5 through 30; page 6, lines 1 through 20, by striking out all of said lines on said pages

Amend Sec. 7, page 6, line 21, by striking out “7” and inserting 6

Amend Sec. 7, page 6, line 28, by striking out “provide” and inserting

make certain that

Amend Sec. 7, page 6, line 29, by striking out “with” and inserting

has

Amend Sec. 7, page 7, line 17, by striking out “sections 5 and 6” and inserting

section 5

Amend Sec. 7, page 7, line 18, by inserting a period after “eyewear”

Amend Sec. 7, page 7, lines 18 through 25, by striking out “that the” in line 18 and all of lines 19 through 25

Amend Sec. 7, page 7, line 26, by striking out “(3)” and inserting (2)

Amend Sec. 7, page 8, line 4, by striking out “(4)” and inserting (3)

Amend Sec. 8, page 8, line 7, by striking out “8” and inserting 7

Amend Sec. 9, page 8, line 11, by striking out “9” and inserting 8

Amend Sec. 9, page 8, line 12, by inserting after “injury” at an indoor tanning facility

Amend Sec. 9, page 8, line 13, by striking out “and, whereupon,” and inserting

whereupon

Amend Sec. 10, page 8, line 24, by striking out “10” and inserting

9

Amend Sec. 11, page 9, line 2, by striking out “11” and inserting 10

Amend Sec. 11, page 9, line 5, by striking out all of said line

Amend Sec. 11, page 9, line 6, by striking out “(2)” and inserting (1)

Amend Sec. 11, page 9, line 8, by striking out “(3)” and inserting (2)

Amend Sec. 12, page 9, line 28, by striking out “12” and inserting

11

Amend Sec. 13, page 10, line 3, by striking out “13” and inserting

12

Amend Sec. 14, page 10, line 7, by striking out “14” and inserting

13

Amend Sec. 14, page 10, line 9, by striking out “11” and inserting

10

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Maher. Could the gentleman give a brief explanation of the amendment? The gentleman, Mr. Vitali, was—

Mr. **MAHER**. Thank you, Mr. Speaker.

This amendment seeks to adjust this proposal so that it can actually be embraced and become law in the Senate by addressing the prohibitions and warnings that must be provided and dealing with some privacy issues dealing with eyewear, and that is about the essence of it, Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—190

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

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—12

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Hennessey	Rieger	True
Forcier	Levdansky	Shaner	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?

Mr. **MILLARD** offered the following amendment No. **A08711**:

- Amend Sec. 7, page 6, line 23, by inserting after “during” normal business
- Amend Sec. 7, page 6, by inserting between lines 27 and 28
 - (2) Have an operator present during non-normal business hours who satisfies the knowledge requirement under paragraph (1) if persons under 18 years of age are permitted to use the facility during non-normal business hours.
- Amend Sec. 7, page 6, line 28, by striking out “(2)” and inserting (3)
- Amend Sec. 7, page 7, line 4, by striking out “(3)” and inserting (4)
- Amend Sec. 7, page 7, line 8, by striking out “(4)” and inserting (5)
- Amend Sec. 7, page 7, line 10, by striking out “(5)” and inserting (6)
- Amend Sec. 7, page 7, line 12, by striking out “(6)” and inserting (7)

On the question,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The **SPEAKER**. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentlelady from Lancaster, Mrs. True.

CONSIDERATION OF HB 548 CONTINUED

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Hennessey	Rieger	Wilt
Forcier	Levdansky	Shaner	

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—170

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

NAYS—21

Benninghoff	Grell	Maitland	Rapp
Casorio	Gruitza	Metcalfe	Rohrer
Causer	Hutchinson	Payne	Rooney
Creighton	Keller, M.	Petrarca	Stevenson, R.
Denlinger	Leh	Quigley	Turzai
Ellis			

NOT VOTING—1

Ruffing

EXCUSED—11

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Hennessey	Rieger	Wilt
Forcier	Levdansky	Shaner	

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.

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE

HB 222, PN 4390

By Rep. S. SMITH

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.

RULES.

HB 2178, PN 4391

By Rep. S. SMITH

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.

RULES.

HB 2749, PN 4396

By Rep. S. SMITH

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.

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 222, PN 4390; HB 2178, PN 4462; and HB 2749, PN 4396.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1055, PN 1444**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements on the tract, situate in Penn Township, Westmoreland County.

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

Mr. **HALUSKA (for Mr. S. SMITH)** offered the following amendment No. **A08672**:

Amend Title, page 1, line 5, by removing the period after "County" and inserting ; and 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.

Amend Bill, page 2, by inserting between lines 21 and 22 Section 2. AMFIRE Mining Company, LLC.

(a) Conveyance authorized.—The Department of Transportation, with the approval of the Governor, is authorized to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying highway right-of-way for State Routes 0022 and 0053 (the Cresson Interchange) situate in Cresson Township, Cambria County, as described in subsection (b), for fair market value as determined by the department, with the approval of the Governor.

(b) Property description.—The highway right-of-way under which the department is authorized to grant and convey coal mining rights pursuant to this section consists of 87 acres, more or less, shown as required right of way for Legislative Route 1101 (State Route 0022) from Station 407+19 to Station 441+81 and Legislative Route 276 (State Route 0053) from Station 18+50 to Station 58+97, as shown on plans entitled "Drawings Establishing Limited Access Highway And Authorizing Condemnation of Right-of-Way for Leg Route 1101 Section G11R/W In Cambria County, From Sta 403+49.00 to Sta 541+15.00 Length 13,700 Ft. 2.608 Mi., Also Leg Route 276 Section 38R/W , From Sta 8+00 to Sta 65+25.00, Leg Route 11028 Section 2R/2W, From Sta 12+25.00 to Sta 48+25.00," signed by the Governor on April 26, 1980, and recorded in the Cambria County Courthouse in State Highway Right of Way Book A, Page 22, on April 29, 1980.

(c) Conditions.—The conveyance shall be made under and subject to all of the following:

- (1) Lawful and enforceable easements, servitudes and rights of others.
- (2) Lawful and enforceable estates or tenancies vested in third persons appearing of record or not, for any portion of the right-of-way or coal rights.
- (3) All costs of remediation to the highway infrastructure due to subsidence caused by coal mining operations of the grantee shall be borne by the grantee.
- (4) Other terms and conditions as deemed appropriate by the department to address issues relating to the removal of coal underlying State highways by AMFIRE within the Cresson Mine Permit boundaries, whether or not the coal is owned by the Commonwealth.

(d) Conveyance.—The conveyance shall be by option and lease agreement executed by the Secretary of Transportation in the name of the Commonwealth.

(e) Costs and fees.—Costs and fees incidental to the conveyance shall be borne by the grantee.

Amend Sec. 2, page 2, line 22, by striking out "2" and inserting 3

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Hennessey	Rieger	Wilt
Forcier	Levdansky	Shaner	

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

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

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

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—11

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Hennessey	Rieger	Wilt
Forcier	Levdansky	Shaner	

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

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

BILLS RECOMMITTED

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

HB 222;
HB 2178; and
HB 2749.

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

LEAVE OF ABSENCE CANCELED

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

Would Mr. Daley please report to the floor.

(Conference held at Speaker's podium.)

SUPPLEMENTAL CALENDAR A

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1632, PN 4284**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "abuse," "unfair methods of competition" and "unfair or deceptive acts or practices."

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

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

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—192

Adolph	Feese	Maitland	Rubley
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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 2376, PN 4310**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for sale of malt or brewed beverages by liquor licensees, for restrictions on purchases and sales of malt and brewed beverages by retail dispensers, for permit renewals and for possession or transportation of liquor or alcohol; and prohibiting the use of alcohol vaporizing devices.

On the question,

Will the House concur in Senate amendments?

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

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

I just rise to seek an explanation of the amendments that the Senate inserted, if the gentleman, Mr. Raymond, would provide an explanation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, the Senate amended my bill to do the following. There are five different amendments that they put in there.

The first thing says that an automobile racetrack is now defined to be a track that has a seating capacity in excess of 10,000 seats. Prior to now it was in excess of 25,000 seats. To the best of my knowledge, it only affects one automobile racetrack in Pennsylvania.

The second amendment changes the definition of "public venue" to require permanent seating for at least 2,000 people. Currently the number is 3,000 people.

The third section changes the requirement to apply for a license to sell malt or brewed beverages in the cities of the first class from 1 year to every 2 years.

The fourth section deals with alcohol vaporizing devices, and it prohibits the use of them. They are generally known as AWOL (alcohol without liquid), and they are devices that give you alcohol through breathing in a fume.

The SPEAKER. Excuse me, Mr. Raymond.

Mr. Samuelson, I hope you are paying attention.

Mr. SAMUELSON. I am.

The SPEAKER. Okay. Thank you. I just wanted to catch your attention.

Mr. Raymond, you can finish.

Mr. RAYMOND. He might be, Mr. Speaker, but I do not think anybody else is.

Thank you.

And, Mr. Speaker, the last change in the amendment changes the definition of “case” to say 264 fluid ounces of malt or brewed beverages in cases of 24 or more versus 288.

The SPEAKER. Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I do appreciate the explanation, and I also was trying to refer to the computer, the 14-page bill with the five amendments that Mr. Raymond explained.

So thank you. I appreciate the explanation and what that adds to our legislative process.

The SPEAKER. The Chairs thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

MEMBER’S PRESENCE RECORDED

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

CONSIDERATION OF HB 2376 CONTINUED

On the question recurring,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O’Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O’Neill		

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 243, PN 269**, entitled:

An Act establishing the Flood Insurance Premium Assistance Program to provide premium assistance to eligible Pennsylvania residents who purchase flood insurance; and imposing powers and duties on the Insurance Department.

On the question,

Will the House agree to the bill on third consideration?

Mr. DALEY offered the following amendment No. **A08715**:

Amend Sec. 5, page 3, lines 19 and 20, by striking out “as long as the participant continues to” in line 19 and all of line 20 and inserting
 for the succeeding five years.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Daley, for an explanation. The gentleman waives off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Foircier	O'Neill		

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

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

The SPEAKER. The Chair apologizes. The gentleman has additional amendments.

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

Mr. DALEY offered the following amendment No. A08716:

Amend Sec. 5, page 3, line 20, by inserting after "property."
A participant shall be exempt from the provisions of this paragraph if the failure to maintain flood insurance is the result of financial hardship.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

Mr. DALEY offered the following amendment No. **A08717**:

Amend Sec. 5, page 3, by inserting after line 30
(4) The penalties prescribed in paragraphs (1), (2) and (3) shall not apply if coverage is dropped in a year in which no State subsidy is available.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Walsacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Daley.
Mr. DALEY. Thank you, Mr. Speaker.

I want to rise to support HB 243 and the amendments obviously we put in the bill. You know, for several years now, the legislature, the House of Representatives, has passed similar legislation known as a small disaster assistance program. I think for three sessions we passed it and sent it to the Senate. This is not that bill, but this is a really good start towards achieving that purpose that we have espoused to do for the last 6 years, the last three sessions.

I salute Representative Semmel on his fine work and the committee's work on this, and I wholeheartedly support the legislation.

Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.
The gentleman, Mr. Fairchild. The Chair apologizes.
Mr. FAIRCHILD. Thank you, Mr. Speaker.

First, I would like to thank all those who worked on this bill. I think we are heading in the right step. The only problem with this is that under the provisions of the bill, this will create basically a 15-percent premium enhancement for those that have flood insurance, and my concern is that the State will probably incur a cost of \$6 to \$7 million, and that is taxpayers' money, and what we are doing is asking those that do not have one type of insurance to pay for those that have another type of insurance. In other words, everybody that pays insurance in Pennsylvania or the taxpayers in Pennsylvania are going to pay for those, a surcharge, that only have flood insurance.

I know it is only 15 percent, and in caucus we talked about the cost, and it was estimated that premiums range from \$300 to

\$500 to \$700. I suspect, since this applies to businesses and everyone without any means testing, that you could have a multimillion-dollar property; that person would get a 15-percent additional credit or pay 15 percent less. Meanwhile, the rest of the citizens of Pennsylvania pay for this cost.

I do not think this is the correct solution. I think we are heading in the right direction, and if this money was used to actually get that property out of the flood plain by raising that property or some other means, it would make a heck of a lot more sense to me. And it is hard to stand up here today, even though the sun is shining here in Harrisburg right now, but we know the devastation that the floodwaters have caused and are causing in Pennsylvania, but I think you have to really sit back and say, is it fair that other taxpayers and other insurers pay for those that are subscribed to the flood insurance program. I do not know of any other program like that in Pennsylvania where we set out a class of insurance holders.

The other thing that I would just like to say is that, you know, I do not know about the rest of you here, but we are under a budgetary constraint. We have got tough budget votes coming up, and many of you have signed on to hold the cost of government from going up. This certainly does not do it, and I think we can find a better way to accomplish what the makers of the proposal envision.

So reluctantly, I am going to vote against this measure, and hopefully we will be revisiting it on another day.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to agree with the prior speaker related to HB 243. Mr. Speaker, as was said by the previous speaker, this bill ultimately has the potential to increase the cost of government on the average Pennsylvanian.

Mr. Speaker, we are living in a day and time when many Pennsylvanians believe that they are paying too much for government at all levels, including their State government. Whereas I know the intent of this program is good, as is the intent of so many government programs, it has the downside of somebody wanting to do good but expecting the average Pennsylvanians to pay for that good that they are attempting to do.

Mr. Speaker, I oppose HB 243, because I believe it will increase the cost of government and it will increase the cost that every tax-paying resident in Pennsylvania has to pull out of their pocket for yet another government program.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 243. I think this 15 percent is an incentive for those that do not have flood insurance and no place else to turn. Flood insurance is not cheap, and at 15 percent, if more participate, there will be more money in the fund, more money to help more people. So I think this is important, and remember, the Federal government does not help these flooded people like it did during the Agnes flood in 1972.

This bill is important. This bill will help a lot of people, so please support HB 243.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

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

NAYS—13

Creighton	Godshall	Mackereth	Metcalfe
Fairchild	Good	Maitland	Nickol
Fleagle	Keller, M.	McNaughton	Ross
Gabig			

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2793, PN 4268**, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$150,000,000 to provide additional funding for the preservation of land for open-space uses and for the mitigation of flood hazards.

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

Mr. **SIPTROTH** offered the following amendment No. **A08483**:

Amend Bill, page 1, by inserting between lines 6 and 7 Section 1. Definitions.

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

“Dam restoration and repair project.” The repair, restoration, construction, reconstruction or demolition of dams, bulkheads, retention or detention basins or other structures that impound water for water supply purposes, flood control or recreation, wildlife habitat or fire protection.

Amend Sec. 1, page 1, line 7, by striking out “1” and inserting 2

Amend Sec. 1, page 1, line 9, by inserting after “businesses” , including nonprofit homeowners associations,

Amend Sec. 1, page 1, line 12, by inserting after “uses” , dam restoration and repair projects

Amend Sec. 2, page 1, line 16, by striking out “2” and inserting 3

Amend Sec. 3, page 2, line 2, by striking out “3” and inserting 4

Amend Sec. 3, page 2, line 6, by inserting after “businesses” , including nonprofit homeowners associations,

Amend Sec. 3, page 2, line 9, by inserting after “uses” , dam restoration and repair projects

Amend Sec. 4, page 2, line 11, by striking out “4” and inserting 5

Amend Sec. 5, page 2, line 16, by striking out “5” and inserting 6

Amend Sec. 5, page 2, line 18, by inserting after “uses” , dam restoration and repair projects

Amend Sec. 6, page 2, line 29, by striking out “6” and inserting 20

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

The SPEAKER. On that question, Mr. Vitali.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair is in error. Strike amendment A8483.

RULES SUSPENDED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Petri.

Mr. PETRI. Mr. Speaker, I move that the rules of the House be immediately suspended for amendment A8835.

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

The following roll call was recorded:

YEAS—192

Adolph	Feese	Maitland	Rubley
Armstrong	Fichter	Major	Ruffing
Baker	Flaherty	Manderino	Sabatina
Baldwin	Fleagle	Mann	Sainato
Barrar	Flick	Markosek	Samuelson
Bastian	Frankel	Marsico	Santoni
Bebko-Jones	Freeman	McCall	Sather
Belardi	Gabig	McGeehan	Saylor
Belfanti	Gannon	McGill	Scavello
Benninghoff	Geist	McIlhattan	Schroder
Beyer	George	McIlhinney	Semmel
Biancucci	Gerber	McNaughton	Shapiro
Birmelin	Gergely	Melio	Siptroth
Bishop	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S. H.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel, Speaker
Fairchild	Maher		

NAYS—0

NOT VOTING—1

Sonney

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

Mr. **PETRI** offered the following amendment No. **A08835**:

Amend Sec. 1, page 1, lines 9 through 11, by striking out “low-interest loans to individuals and businesses” in line 9 and all of lines 10 and 11

Amend Sec. 3, page 2, lines 5 through 8, by striking out “low-” in line 5, all of lines 6 and 7 and “prevention and recovery measures and” in line 8

Amend Sec. 5, page 2, line 24, by inserting a period after “Act”

Amend Sec. 5, page 2, lines 24 through 28, by striking out “and the act of” in line 24 and all of lines 25 through 28

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

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

Mr. **PETRI**. Thank you, Mr. Speaker.

For the members’ benefit, this amendment takes out some of the language and is technical in nature. It is designed to make the bill more constitutionally plausible.

Thank you.

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

Does the gentleman, Mr. Tigue, seek recognition?

Mr. **TIGUE**. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Petri amendment. We have to make this change so that the proposal is constitutional when we do the funding for the referendum.

Thank you, Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel

Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siproth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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**. As a result of the Petri amendment, the Siproth amendment is no longer in order.

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

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

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

The following roll call was recorded:

YEAS—188

Adolph	Feese	Manderino	Sabatina
Armstrong	Fichter	Mann	Sainato
Baker	Flaherty	Markosek	Samuelson
Baldwin	Flick	Marsico	Santoni
Barrar	Frankel	McCall	Sather
Bastian	Freeman	McGeehan	Saylor
Bebko-Jones	Gabig	McGill	Scavello
Belardi	Gannon	McIlhattan	Schroder
Belfanti	Geist	McIlhinney	Semmel
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	Grucela	Mustio	Stairs
Bunt	Gruitza	Myers	Steil
Buxton	Haluska	Nailor	Stern
Caltagirone	Hanna	Nickol	Stetler
Cappelli	Harhai	O'Brien	Stevenson, R.
Casorio	Harhart	Oliver	Stevenson, T.
Causer	Harper	Pallone	Sturla
Cawley	Harris	Parker	Surra
Civera	Hasay	Payne	Tangretti
Clymer	Hennessey	Petrarca	Taylor, J.
Cohen	Herman	Petri	Thomas
Cornell	Hershey	Petrone	Tigue
Corrigan	Hess	Phillips	True
Costa	Hickernell	Pickett	Turzai
Crahalla	Hutchinson	Pistella	Veon
Cruz	James	Preston	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	Roberts	Yewcic
Donatucci	Leach	Roebuck	Youngblood
Eachus	Lederer	Rohrer	Yudichak
Ellis	Leh	Rooney	Zug
Evans, D.	Lescovitz	Ross	
Evans, J.	Mackereth	Rubley	
Fabrizio	Maher	Ruffing	Perzel,
Fairchild	Major		Speaker

NAYS—5

Creighton	Grell	Maitland	Metcalfe
Fleagle			

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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 2795, PN 4270**, entitled:

An Act providing for the acquisition of property by the Commonwealth and local government units to mitigate flood hazards.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	

Fabrizio Fairchild	Mackereth Maher	Ross Rubley	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—10

Allen Argall Forcier	Goodman Levdansky O'Neill	Rieger Shaner	Taylor, E. Z. 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 2794, PN 4269**, entitled:

An Act providing for small disaster assistance, for low-interest loans to individual disaster victims and businesses and for municipal grants.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

We are about to consider the fourth bill in a package of bills that Representative Semmel, Representative Civera, and I have worked on for about 3 years. We had a number of hearings on this issue, and I just wanted to remind the members at this time when our residents, constituents, many of them are suffering from flooding, that this is going to be a very important measure to improve their lives.

Many of us have consulted with our constituents when they have had FEMA (Federal Emergency Management Agency) claims, and it has never been more frustrating probably than in the last couple years when we have had two and three floods. I know of one development right now where the residents are not in their houses. They do not have access to electricity, and they do not have the comforts of home. They have been flooded two times already in the past 18 months. This will be the third time. But here is the good news. This neighborhood, the last time, chose to spend their hard-earned money, \$200,000 per household, to raise their houses to take them out of harm's way.

Let us hope that before this flood is over, they have done the right thing, that their homes are protected and that their lives will be restored more quickly. Let us hope that the taxpayers will not have to pay and the ratepayers will not have to pay for another claim, and let us hope that the damage in that neighborhood and in all the neighborhoods is minimal.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2794 and would like to personally thank Representative Semmel and Representative Petri for doing an outstanding job with the legislation that they have put before the House today.

The Majority Policy Committee, in two hearings, provided a forum to discuss flood plain management, mitigation, and insurance. More important, however, we gave the people an opportunity to share their sense of loss, their fears, and their concerns about the communities and their families. This is an issue that truly reaches all corners of the Commonwealth.

These bills, as well as legislation we passed earlier in this session, are important steps towards long-term solutions, and I commend the members and staff who have worked so hard to bring them to us. I am pleased that the Policy Committee was able to assist them in the effort, and I hope that the Senate will follow their lead.

Speaking from a more personal perspective, this package of legislation will help my district as it helps any other district in Pennsylvania. My neighbors along Veronica, Marshall, and Grace Roads, as well as other parts of Upper Darby Township, have experienced the devastation of flooding. With little warning, people had to grab what they could and leave their homes, their whole lifetime behind them.

Today I want to thank the members of the General Assembly for supporting the bills and hope that they would support HB 2794.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I, too, rise in support of HB 2794 and applaud the efforts by the gentlemen to try to provide assistance to those impacted by the flood. As we speak, roughly 100,000 residents of the great Wyoming Valley are evacuating their homes, getting to higher ground, much as they did in the Agnes flood of 1972. In this chamber, this State legislature, efforts by Senator Murray and by the great Congressman Dan Flood in Washington responded to that disaster, as we are today, in providing much-needed funding to the residents impacted by this devastation.

So I urge my colleagues to support the Petri bill, HB 2794. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair sees no one else seeking recognition.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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.

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 1632, PN 4284

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "abuse," "unfair methods of competition" and "unfair or deceptive acts or practices."

HB 2376, PN 4310

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for sale of malt or brewed beverages by liquor licensees, for restrictions on purchases and sales of malt and brewed beverages by retail dispensers, for permit renewals and for possession or transportation of liquor or alcohol; and prohibiting the use of alcohol vaporizing devices.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1222, PN 1829**, entitled:

An Act designating the portion of U.S. Route 6 in Linesville Borough, Crawford County, as the U.S. Route 6 "Gateway to the West" and "Gateway to Pennsylvania" and designating the portion of U.S. Route 6 in Matamoras Borough, Pike County, as the U.S. Route 6 "Gateway to the East" and "Gateway to Pennsylvania."

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

Mr. **HALUSKA** offered the following amendment No. **A08732**:

Amend Title, page 1, line 6, by striking out "PENNSYLVANIA." and inserting "Pennsylvania"; and 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.

Amend Bill, page 4, by inserting between lines 12 and 13 Section 2. AMFIRE Mining Company, LLC.

(a) Conveyance authorized.—The Department of Transportation, with the approval of the Governor, is authorized to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying highway right-of-way for State Routes 0022 and 0053 (the Cresson Interchange) situate in Cresson Township, Cambria County, as described in subsection (b), for fair market value as determined by the department, with the approval of the Governor.

(b) Property description.—The highway right-of-way under which the department is authorized to grant and convey coal mining rights pursuant to this section consists of 87 acres, more or less, shown as required right of way for Legislative Route 1101 (State Route 0022) from Station 407+19 to Station 441+81 and Legislative Route 276 (State Route 0053) from Station 18+50 to Station 58+97, as shown on plans entitled "Drawings Establishing Limited Access Highway And Authorizing Condemnation of Right-of-Way for Leg Route 1101 Section G11R/W In Cambria County, From Sta 403+49.00 to Sta 541+15.00 Length 13,700 Ft. 2.608 Mi., Also Leg Route 276 Section 38R/W , From Sta 8+00 to Sta 65+25.00, Leg Route 11028 Section 2R/2W, From Sta 12+25.00 to Sta 48+25.00," signed by the Governor on April 26, 1980, and recorded in the Cambria County Courthouse in State Highway Right of Way Book A, Page 22, on April 29, 1980.

(c) Conditions.—The conveyance shall be made under and subject to all of the following:

(1) Lawful and enforceable easements, servitudes and rights of others.

(2) Lawful and enforceable estates or tenancies vested in third persons appearing of record or not, for any portion of the right-of-way or coal rights.

(3) All costs of remediation to the highway infrastructure due to subsidence caused by coal mining operations of the grantee shall be borne by the grantee.

(4) Other terms and conditions as deemed appropriate by the department to address issues relating to the removal of coal underlying State highways by AMFIRE within the Cresson Mine Permit boundaries, whether or not the coal is owned by the Commonwealth.

(d) Conveyance.—The conveyance shall be by option and lease agreement executed by the Secretary of Transportation in the name of the Commonwealth.

(e) Costs and fees.—Costs and fees incidental to the conveyance shall be borne by the grantee.

Amend Sec. 2, page 4, line 13, by striking out “2” and inserting
3

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kennedy	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGiolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	

Fabrizio Fairchild	Mackereth Maher	Ross Rubley	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—10

Allen Argall Forcier	Goodman Levdansky O'Neill	Rieger Shaner	Taylor, E. Z. 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. This bill has been considered on three different days and agreed to and is now on final passage.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley

Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGrolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

* * *

The House proceeded to third consideration of **HB 1959, PN 2692**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for fees charged by the Insurance Department

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

Mr. **HARRIS** offered the following amendment No. **A07999**:

Amend Title, page 1, line 20, by inserting after "determined," providing for the English language as the official language of the Commonwealth and of official acts; and

Amend Bill, page 1, lines 24 through 26, by striking out all of said lines and inserting

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 531. Official Language.—(a) The General Assembly finds and declares as follows:

(1) The people of the United States have brought to this nation the cultural heritage of many nations.

(2) The people of the United States, despite their many differences, have lived together harmoniously and productively as citizens of one nation.

(3) The traditional and common language of the United States and of this Commonwealth is English.

(4) A knowledge of the common language is essential to full exercise of constitutional freedoms, informed and knowledgeable empowerment as voters, citizen checks against government abuses and individual prosperity and independence.

(5) The English language has been our strongest bond to one another as fellow citizens and has contributed substantially to national unity and societal cohesiveness.

(6) English has been this nation's language by custom only and warrants special legal protection.

(7) Government has a fiduciary responsibility to the citizenry to ensure that it operates as efficiently as possible, and the growth of multiple language bureaucracies and printing represents an abrogation of this fiduciary responsibility.

(8) The Commonwealth and its municipalities and the Federal Government also have a responsibility to ensure that citizens have opportunities to learn English.

(b) It is the purpose of this section to preserve, protect and strengthen the unifying role of English as the official language of this Commonwealth.

(c) English is hereby recognized as the official language of the Commonwealth and shall also be designated as the language of official acts of government.

(d) The Commonwealth and its political subdivisions shall make no policies expressing a preference for any language other than English or diminishing or ignoring the unifying role of English as designated in this section, subject to the limitations in subsection (f).

(e) Elected and appointed officers of the Commonwealth and its political subdivisions shall take all reasonable steps to ensure that the role of English as the official language is preserved and enhanced.

(f) The provisions of this section shall not apply to the following:

(1) When Federal law imposes contrary provisions.

(2) When the public safety, health or justice requires the use of other languages.

(3) Instruction in foreign language courses.

(4) Instruction designed to aid students with limited English proficiency in their transition and integration into the education system.

(5) The promotion of international commerce or tourism.

(g) This section shall not be construed in any way to infringe on the rights of citizens, who have every right to choose their own primary language, in the use of language for private conduct, nor shall this act be used to dictate language policies for the operation and administration of organizations or businesses in the unregulated private sector.

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

"Official acts of government." Any of the following:

(1) Actions of the Commonwealth and of its political subdivisions that carry the full weight and authority of law.

(2) Official documents recorded and maintained by the Commonwealth and its political subdivisions for the public domain, including tax records, professional licenses, deeds, real estate records, publicly probated wills and other documents of the court systems and public proceedings of the governing bodies of the Commonwealth and its political subdivisions.

Section 2. Section 612-A(1)(i) of the act, amended December 23, 2003 (P.L.282, No.47), is amended to read:

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting

3

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I initially want to bring to the attention of the members, this is a relatively controversial amendment we are dealing with, which is English as the official language of Pennsylvania.

Mr. Speaker, may I interrogate the maker of the amendment?

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

Mr. VITALI. Could we initially have a brief explanation of what this amendment does?

Mr. HARRIS. Sure, Mr. Speaker.

This very simple, two-sentence amendment declares that the English language will be the official language of the Commonwealth and of official acts thereof.

Mr. VITALI. If I may continue with my interrogation, what I am trying to get at here is, how will this change the way things are now?

Mr. HARRIS. Most notably, it will require government forms such as PENNDOT, the Department of Welfare forms, those sort of government forms to be produced only in English.

Mr. VITALI. Okay. So current law now allows or requires these to be printed in Spanish and other languages?

Mr. HARRIS. I do not know that it prohibits it, Mr. Speaker, but I do believe that it is permitted. My amendment would essentially prohibit that.

Mr. VITALI. How would it affect— I know I am, as a lawyer, dealing with court pleadings, and I know there are some requirements that they be printed in Spanish also. How would that affect this?

Mr. HARRIS. What my legislation states is that if it is an official act of the Commonwealth. It would be my understanding that certainly a court proceeding in which the Commonwealth presides or is involved in would be included under this amendment. So judicial proceedings involving the Commonwealth or defendants therein would fall under this amendment, and the information would need to be in English only.

Mr. VITALI. Okay. Now, I am trying to get at, is there a specific problem we are trying to solve with this amendment?

Mr. HARRIS. I do not believe it is a problem, Mr. Speaker, as much as it is a declaration that I hear from Pennsylvanians and constituents in my district that we want to reaffirm that English is our language. We want to promote others to learn that language and use it. I think it will streamline government. We will be only printing one form, which will save many, many taxpayer dollars in the future, and I think it is a step in the right direction.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, may I interrogate the maker of the amendment?

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

(Mr. Cruz spoke in Spanish.)

Mr. HARRIS. My colleague informs me I should say “sí.”

Mr. CRUZ. I just wanted to make a point that by changing this in English, seniors and people of older age of all different nationalities may not be able to understand, just the same way you did not understand what I said to you.

I think this is a bad amendment, and I do not know if this is the right terminology, but when we were doing this in State Government, we put it on hold until we did an investigation. That has not taken place. I think we violate people’s

constitutional right by changing a thing in one language when we have several different languages and cultures in the Commonwealth of Pennsylvania.

MOTION TO TABLE AMENDMENT

Mr. CRUZ. Mr. Speaker, may I make a motion?

The SPEAKER. The gentleman is in order.

Mr. CRUZ. I make a motion to table this amendment until we have studied this amendment a little better and before we make any mistakes and violate anyone’s right.

On the question,

Will the House agree to the motion?

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

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Smith, defers to the gentleman, Mr. Harris.

Mr. HARRIS. May I make an inquiry, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. HARRIS. Is it possible for only the amendment to be tabled at this time, or would the amendment and the bill have to be tabled?

The SPEAKER. We have ruled previously that it could just be the amendment.

Mr. HARRIS. Thank you.

I would just ask the members to please oppose the motion to table so we can continue to debate this important issue.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. I would rise in favor of my colleague’s amendment to table.

The SPEAKER. His motion.

Mr. DeWEESE. The—

The SPEAKER. The motion to table.

Mr. DeWEESE. Yes, Mr. Speaker. I am sorry. The motion to table.

When President Bush was Governor of Texas, he was very sensitive to these issues and to the Spanish-speaking members of his constituency, approximately 30 million Texans, and a wide swath of those folks speaking Spanish and learning English. Currently the Governor of Florida, the brother of the President, both of whom, I might add, both Mr. Bushes are comparatively fluent in Spanish, is not as energized over this subject as my honorable colleague who advances this proposal.

I think that the gentleman, Mr. Cruz, has only asked that it be tabled until a study can take place. This is a very busy week for us. I think that the study can be ongoing in the summertime and we can vote this measure in the fall. I see no imperative reason why it has to go forward, especially when many Republicans throughout the United States are rethinking this issue. Certainly English should be our preeminent language, our dominant language, but there seems to be an aggressive and punishing aspect to this proposal, and I think a few weeks of study in the summertime would be appropriate.

The gentleman from Philadelphia, Mr. Cruz, is not asking for that much, and I would definitely support my colleague's motion to table.

The SPEAKER. Mr. Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

I would just like to quickly reiterate, this amendment is in no way meant to dissuade people from speaking in their native language. We are obviously a melting pot here in America. If people want to speak a hundred different languages in their home with their friends, with their family, that is fine. What this amendment says is, if you are doing business with the Commonwealth, if you are availing yourself of PENNDOT or of the Department of Public Welfare or any of our many, many departments, we want you to use English. We want everyone to come together here in America to make one American society, and we want to designate one language to be used. It will save us taxpayer money. I think it is what most Pennsylvanians support.

So I would ask the members on both sides of the aisle to please oppose the motion to table.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWeese.

Mr. DeWEESE. The reason I would honorably and respectfully disagree with the gentleman is that we are only asking for the postponement to be until we come back into session. The gentleman has a very good series of points. I do not know whether our side would identify with some of them or not. I am only saying that President Bush, Governor Bush of Texas, and a lot of other Republicans nationally, in southern California and a variety of other settings, are thinking this problem through. I do not know what the rush to judgment is tonight. My honorable colleague may have a perspective that is embraced by most of the members of this chamber. I might even vote with the honorable gentleman in the fall. I am not saying that we have to decide tonight.

The committee process that Representative Maher so eloquently defended last week on another issue should be allowed to go forward. The Republican-controlled House of Representatives can have a series of meetings, several meetings in different parts of the State where this issue is most keen and we can make a decision, a more informed and enlightened decision when we come back in the fall. There is no imperative nature that we have to make this decision right now. I may end up agreeing with my honorable colleague. I just think that when Representative Cruz says that we should postpone it for some study in the committee, that is not asking very much.

I would support the motion to table with the inherent understanding that it would only be tabled for a finite period of weeks and we would vote this measure when we come back.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the information of the gentleman, Mr. Cruz, the majority leader yielded his time to the gentleman, Mr. Harris. That is why the gentleman, Mr. Harris, was allowed to speak. The gentleman, Mr. DeWeese, has chosen to use his time to speak.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-96

Bebko-Jones	Evans, D.	Manderino	Samuelson
Belardi	Fabrizio	Mann	Santoni
Belfanti	Flaherty	Markosek	Shapiro
Beyer	Frankel	McCall	Siptroth
Biancucci	Freeman	McGeehan	Staback
Bishop	George	Melio	Steil
Blackwell	Gerber	Mundy	Stetler
Blaum	Gergely	Myers	Sturla
Buxton	Good	Oliver	Surra
Caltagirone	Grell	Pallone	Tangretti
Casorio	Grucela	Parker	Taylor, J.
Cawley	Gruitza	Petrarca	Thomas
Cohen	Haluska	Petri	Tigue
Corrigan	Hanna	Petrone	Veon
Costa	Harhai	Pistella	Vitali
Crahalla	James	Preston	Walko
Cruz	Josephs	Ramaley	Wansacz
Curry	Keller, W.	Readshaw	Waters
DeLuca	Kirkland	Roberts	Wheatley
Dermody	Kotik	Roebuck	Williams
DeWeese	LaGrotta	Rooney	Wojnaroski
DiGirolamo	Leach	Ruffing	Yewcic
Donatucci	Lederer	Sabatina	Youngblood
Eachus	Lescovitz	Sainato	Yudichak

NAYS-97

Adolph	Fleagle	Maitland	Rohrer
Armstrong	Flick	Major	Ross
Baker	Gabig	Marsico	Rubley
Baldwin	Gannon	McGill	Sather
Barrar	Geist	McIlhattan	Saylor
Bastian	Gillespie	McIlhinney	Scavello
Benninghoff	Gingrich	McNaughton	Schroder
Birmelin	Godshall	Metcalfe	Semmel
Boyd	Harhart	Micozzie	Smith, B.
Bunt	Harper	Millard	Smith, S. H.
Cappelli	Harris	Miller, R.	Solobay
Causser	Hasay	Miller, S.	Sonney
Civera	Hennessey	Mustio	Stairs
Clymer	Herman	Nailor	Stern
Cornell	Hershey	Nickol	Stevenson, R.
Creighton	Hess	O'Brien	Stevenson, T.
Daley	Hickernell	Payne	True
Dally	Hutchinson	Phillips	Turzai
Denlinger	Kauffman	Pickett	Watson
Diven	Keller, M.	Pyle	Wright
Ellis	Kenney	Quigley	Zug
Evans, J.	Killion	Rapp	
Fairchild	Leh	Raymond	
Feese	Mackereth	Reed	Perzel,
Fichter	Maher	Reichley	Speaker

NOT VOTING-0

EXCUSED-10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The House will be temporarily at ease.

The Chair recognizes the gentleman, Mr. Ross, on the amendment.

Mr. ROSS. Mr. Speaker, may I interrogate the maker of the amendment, please?

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

Mr. ROSS. Mr. Speaker, thank you.

The SPEAKER. Please, keep the noise levels down.

Mr. ROSS. Mr. Speaker, I believe in having read this amendment, I think I understand the thrust of it, and I just want to make sure that I am understanding it clearly and that there is not anything in here that might be troublesome to my constituents.

My understanding is the intent that we recognize the importance of English as a language that binds us together and is generally the predominant language of the land. Is that correct?

Mr. HARRIS. That is correct, Mr. Speaker.

Mr. ROSS. And you have a number of exceptions in this language so that if there is a matter of an emergency or health and safety issue where a secondary language is needed to properly communicate to the people that live in our districts, that that still can be used, the secondary language could be used in that situation?

Mr. HARRIS. Yes; that is correct, Mr. Speaker.

Mr. ROSS. And although we recognize the primacy of English, we also recognize the fact of life that many people who come to this country do not speak English right now and need to avail themselves of programs to learn English such as the English-as-a-second-language program that we have in schools and in other private charities?

Mr. HARRIS. That is correct.

Mr. ROSS. And if in promoting, for instance, one of those programs a political subdivision were to send out a flier or a school district were to send out a flier in a foreign language to get the parents of children who needed English as a second language to be aware of that, that that would still be allowed under this legislation?

Mr. HARRIS. Absolutely, Mr. Speaker.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to speak on the amendment, if I could, please.

The SPEAKER. The gentleman is in order.

Mr. ROSS. Mr. Speaker, I have a large population in my district that does not speak English as a primary language, and my sense is that the vast majority of them are eager to learn English, and so therefore anything that would put a barrier in front of them or make their lives difficult as they were attempting to integrate into this country would be something that I would oppose, but I do not see this amendment as being of that nature.

I think it does point out that we succeed in this country if we do speak a common language. It respects the fact that many people currently do not necessarily speak English as their first language and some of our immigrants and many of our ancestors came here probably with not a word of English.

So I think that the maker of this amendment has struck a good balance between attempting to respect the fact that we have diverse minorities that speak many different languages but also encouraging them to learn English, and I think that that really is the true state of the affairs in my district generally, and

so therefore I am comfortable with this amendment and will be prepared to support it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

As I read this amendment, one section really jumped out at me, and as I looked into this a little further, it occurred to me that this amendment can have some very serious unintended consequences.

I would direct you to line 22, page 2, section (g), "This section shall not be construed in any way to infringe on the rights of citizens, who have every right to choose their own primary language, in the use of language for...policies for the operation and administration of organizations or businesses in the unregulated private sector."

Now, I looked in the Administrative Code and I looked in the Statutory Construction Act for the words "regulated" and "unregulated," and I did not find them, and I would point to the banking, insurance, health care, and utilities industries as regulated private-sector industries. So with that language in this amendment, one would have to conclude that the banking, insurance, health care, and utilities industries would now be required as private-sector industries to abide by the terms and conditions of this amendment, and that is why I cannot support it, among other reasons.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in addition to the industries that Representative Mundy set forth as being regulated and therefore applicable under the text of this amendment, all the professions in Pennsylvania are regulated. The legal profession is regulated; the medical profession is regulated; architects are regulated; hairdressers are regulated; nail polishers are regulated. If you go down the list, Mr. Speaker, a huge amount of activity is regulated by the State of Pennsylvania in one way or the other and some activities are regulated by the Federal government. I think the unregulated private sector is a rather small group of businesses if indeed it exists. It would depend on what the courts would interpret unregulated to mean. Under the commerce clause of the Constitution, almost anything is interstate commerce as the Federal courts have interpreted it, and the Federal government regulates interstate commerce. So this is a very, very sweeping amendment that applies both to the public sector and the overwhelming majority of the private sector if it does not apply to every single business in the private sector.

Now, it does not specifically mandate anything. Representative Ross is correct. It does not require anybody to do anything, but what it does is it sets forth a series of legal principles that provide a basis for lawsuits, and they leave to our judiciary the task of interpreting what unregulated private sector means and what each of the additional provisions in this law mean, and under the laws of statutory construction, courts are required to assume that when the legislature acts, we mean for something to happen. All the laws we pass are supposed to, as a principle of law, have some meaning. So because laws have to have some meaning, the courts are going to find some restrictions somewhere in the public and/or private sector here.

Now, it is arguable what things mean. For instance, as Representative Samuelson may well discuss in greater detail than I will, the Olympics are coming to Philadelphia, hopefully,

with luck, with effort. The House of Representatives unanimously passed a resolution supporting the bid of Philadelphia to host the Olympics in 2016. As a Philadelphian, I am pleased by the unanimous vote cast by the members of the House in support. I am also pleased by the unanimous vote cast by the Senate in support of it.

And the question is, to what degree are we allowed to communicate with all the athletes who are going to be coming from countries across the world speaking really hundreds of different languages, for virtually all the countries of the world participate in the Olympics to one degree or another and many countries have more than one language? And it says, “The provisions of this section shall not apply to the following,” and No. (5) is, “The promotion of international commerce or tourism.” Well, the Olympics are an athletic competition. They are not really international commerce; they are not really tourism. Do they advance international commerce? Yes. Do they advance the goal of having tourism? Yes. But are the Olympics itself tourism or are they international commerce? You know, arguably the answer to that is no because they are an athletic competition and this does not specify athletic competition, so it is up to the judge to decide what we mean by this.

No. (2) is the exception, or “When the public safety, health or justice requires the use of other languages.” In my district we have a park, Tacony Creek Park. It borders Mr. Curry’s, Mr. Evans’ districts, and in Tacony Creek Park there is a creek; that is the creek, Tacony Creek, that the park is named after, and the creek has a lot of dangerous rocks and it has got a lot of water that is not the healthiest water to drink. We had a lot of Latino kids playing in Tacony Creek itself, and police came and chased them away and signs were put up in English saying, no playing in the creek; it is dangerous, and the kids ignored it. And then what the city finally did is they put up signs in Spanish. Only a small percentage of the kids in the neighborhood were Spanish-speaking, but the vast majority of the kids who were playing in the park were Spanish kids. So they put up the sign in Spanish, and for quite a while, the kids obeyed the signs in Spanish and stopped playing in the park and stopped playing in the creek in the park.

Now, does that example fall into when the public safety, health, or justice requires the use of other languages? Was the creek so dangerous with the rocks and the water that the city was required as a matter of public health and safety to put the signs up in Spanish? I do not know. That would be a decision for the courts to reach. Certainly the kids’ health and safety were enhanced by them not being in the creek and hitting the rocks or drinking the water, but I am not sure that the public safety and health problem was so clear that the city was absolutely 100 percent required to put those signs up. These are the kinds of questions that just will work to paralyze governmental decisionmaking.

No. (7) in section 1 of the amendment he is offering says, “Government has a fiduciary responsibility to the citizenry to ensure that it operates as efficiently as possible, and the growth of multiple language bureaucracies and printing represents an abrogation of this fiduciary responsibility.” Well, my district is about 15 percent, maybe over 15 percent Asian and Latino, and I go into my district office when I am in Philadelphia and I do not see 15 percent of the people using the services of my district office as being Asian and Latino. It is probably much closer to 5 percent of the people using my district office are Asian and

Latino. So there is clear underutilization of the services of my office by Asian and Latino people. So what I have done is put out literature in Spanish and in various Asian languages to my Asian and Latino constituents to tell them about the services in my office and urge them to come, and each time we put out something in a foreign language, we get the people to come to my district office who would never come before. It is an effective means to communicate with people. It shows you are really talking to them when you put something in their language.

Now, this bill does not stop anybody from doing anything, but what it does is it sets forth legal principles that some taxpayer could use to go to court and seek an injunction, seek a mandamus action and demand that all legislators not send out literature in any language other than English, and then it is up to the court to determine whether we are allowed to. It does not directly stop the Commonwealth of Pennsylvania or the city of Philadelphia or any other municipality or any bank or any doctor’s office from directly communicating with foreign delegations to the Olympics in their own language, but it puts up a barrier because somebody could take them to court and object to it.

I think, Mr. Speaker, what we really do not need to do is to pass language just encouraging litigation. We have lawyers in Pennsylvania who earn darn good incomes. The average lawyer in Pennsylvania I think in 2004 who was a partner in a law firm with some years of experience earned \$125,000 a year. The legal profession is doing okay. They do not need us to help generate business for them. There are enough lawsuits; there are enough court cases as it is.

This bill creates all sorts of problems for the practical administration of government for those of us in the legislature and those of us in State government, municipal government, and in regulated private-sector businesses and professions, that it makes doing a job of serving all of the people much more difficult.

I understand it is an amendment that is in touch with a significant body of sentiment in Pennsylvania. I understand it is an amendment that is in touch with a significant amount of sentiment nationally. But it is an amendment that is not in touch with the needs of people who come here from foreign countries and have trouble speaking the English language.

When my grandparents came to this country in the 19th century, they did not know English. My father, growing up in the 1920s and 1930s, was ashamed to bring friends to his house and meet his mother because she barely knew English. She could not speak English without a great amount of difficulty both on her part and on the part of the listeners in understanding what she was saying. She is by no means atypical. A huge percentage of immigrants to this country have great problems with the English language. When the United States welcomes immigrants, it is making a long-range decision that it is worth having their children here – that their children overwhelmingly will be English-speaking citizens and overwhelmingly will be productive wage earners – and we understand as a government that not all of the immigrants are going to be able to master the English language, not all of the immigrants will be able to be as productive as their children will be, and we are taking a strong step for the future when we invite immigrants here.

I urge that this amendment not pass. This amendment solves no problems, and it creates a lot of additional problems that do not currently exist.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I rise to oppose amendment A07999. The reason I do so is for a very simple reason. This is another huge mandate on our municipalities, on our local government units. As a matter of fact, the bill is even inconsistent. In one place it refers to the Commonwealth and its municipalities, and in another place it refers to the Commonwealth and its political subdivisions. In either event it prevents a municipality from addressing the problems of certain ethnic enclaves, which many of us have.

We should not be telling our municipalities how they should deal with those ethnic enclaves. If the municipality chooses to have a section of their newsletter in another language, that should be their choice. If they choose to have a building permit application form in another language so that we can avoid problems and additional staff efforts in trying to understand each other, they should be permitted to do that.

For that reason alone we should oppose this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

First let me acknowledge I think it is in the interest of all of us in this Commonwealth and throughout the country to make sure that immigrants who come here become proficient in the English language, but let us be real about what is going on here. This legislation replicates legislation that is being offered in other States and nationally. It is part of a portfolio of tools that the Republican Party is using to polarize our electorate, to mobilize the base. It goes hand in hand with same-sex marriage amendments, the Taxpayer's Bill of Rights, a whole portfolio of issues that are aimed at polarizing us and creating a political advantage.

Now, this specific one has a lot of problems to it, because I think it adds to an image for the State of Pennsylvania that will say that we are closing the doors; we are not welcoming to immigrants. We say we are not going to be welcoming to people who are same-sex couples. Now we are talking about immigrants as well. The last time I looked, it would be helpful if Pennsylvania was receptive to immigrants and had a large inflow of immigrants coming into our State, but this is going to do nothing to promote that.

I think Pennsylvanians ought to be looking very closely at this debate and others that have been taking place on some of these issues because they are diversions; they are diversions from the issues that we ought to be dealing with. We should get on with the business of educating our children. We should get on with the business of finding health care for people. We should get on with the business of promoting the economic development of our community, and we should get on with the business of the budget, which is what we are here to do. We are not here to promote dividing our country, dividing our State, and polarizing people for political purposes, and that is exactly what this amendment is about. I urge its defeat.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, a lot of the rhetoric that we are hearing today is very off base. First of all, this amendment will not create an unfunded mandate for local governments. This actually simplifies things for local governments. Requiring that they only have to have publications and do business in English helps local governments and saves taxpayer dollars.

Most of all, Mr. Speaker, this is not a divisive amendment. This amendment is being proffered in the spirit of unity. This is a proimmigration piece of legislation, Mr. Speaker.

Mr. Speaker, this legislation will encourage those who immigrate here to melt into our melting-pot culture that much faster. If we allow our governments to keep using multilanguages in trying to do business rather than trying to move them in the direction of a unifying language, which has always been the unifying language of this nation and of this State – English is one of the key elements that can unify us. And I know the gentleman who is sponsoring this amendment is doing this with that intent, to ensure that we are able to unify as a people and that those that move here and immigrate here legally are able to adapt to our culture that much faster through the encouragement of having our government tell them that in order to do business, they have to do that business in English.

Mr. Speaker, I think the majority of us are descendants from immigrants, some that have been here a shorter time and some that have been here longer, and some that have had a mixture in their family, some that have been here since the founding of the nation and others that have had recent immigrants to this nation, but, Mr. Speaker, many of our ancestors that we have descended from come from other cultures where they have used other languages, and here we are arguing and debating in English here on the floor today.

I think it would be rejected outright if the members of this body thought that we were going to debate in any language here other than English, and I do not think that they should expect their local governments to have to do business in any other language besides English.

So in the spirit of unity, Mr. Speaker, in the spirit of embracing new immigrants to the State and nation that come here legally, I support this amendment that is offered by the sponsor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment for several reasons. One, if you look back historically, I know at least in the county that I hail from, Lancaster County, a majority of the documents, the early documents for that county and some that related to the State were in German because that was the predominant language at the time, and some are in German and English, some are only in German, some are only in English, but they were done in such a way as to try and bring the most people into the process as possible.

And I now represent a district that has a large Latino population, many of whom hail from Puerto Rico. Now, they are not immigrants; they are U.S. citizens because they are Puerto Ricans, and their dominant language is Spanish in Puerto Rico in the United States of America. And so when they come here and begin to participate in our process in Lancaster, I think we should do everything we can to accommodate them.

And to that end, I actually had a staff person that did a little research, and here is a piece from the Web page of the maker of this amendment from the 82d District. He also references a member from the 85th District and a member from the 108th District, and he says, “The newest in a line of early awareness material provided by PHEAA, this bilingual booklet – printed in both English and Spanish – is aimed at providing helpful age-specific tips toward promoting learning and classroom success for children ranging from kindergarten through high school.” The gentleman himself provides bilingual materials in his office and yet says we really should not be doing this because, gosh darn it, it is dividing everyone.

So I would propose that we do away with this amendment, defeat it today, and move on, as was pointed out earlier, with the business at hand, which is passing the budget for all the members of Pennsylvania whether or not their predominant language is English or Spanish or German or Chinese or whatever it is, but that we get about the business of doing things to help Pennsylvanians, not to divide them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose amendment 7999.

Mr. Speaker, while the architect of the amendment says that his intentions are good, it is important that he realizes that while his intentions are good, the outcome is going to be bad. While he intends to do something good for the people of Pennsylvania, the net effect of his actions will aggravate, will aggravate the people of Pennsylvania, because, Mr. Speaker, the language in and of itself provides for something that we cannot achieve, not in light of when we look at the composition of the Commonwealth of Pennsylvania.

Mr. Speaker, Pennsylvania is America; it mirrors America. Its beauty, its integrity, its future lies in its diversity. Its diversity is its strength, and, Mr. Speaker, any and all efforts that are designed to aggravate or interfere with the strength of this great State must be rejected out of hand.

Mr. Speaker, in Philadelphia County we have a school district where there are 33 different languages, 33 different languages in Philadelphia County alone. I am sure that in Lancaster County, in York County, in Berks County, which are also very diverse counties, Mr. Speaker, to demand or impose this requirement that people should speak English only represents a slap in the face of the many diverse groups that live in those counties and throughout the Commonwealth of Pennsylvania.

Mr. Speaker, it is wrong to say that there is no fiscal impact associated with efforts to enforce and/or implement the instructions of this amendment. There is a fiscal impact, and that fiscal impact will in effect represent an unfunded mandate on local municipalities.

Mr. Speaker, it is wrong to say that this amendment is designed to unify people, because, Mr. Speaker, when you look at the language itself, the language talks about preserving and protecting something. Preserving and protecting what? Preserving – there is no attack on the English language. No one is attacking the English language. No one is challenging the English language. So what is it that we are trying to protect? Mr. Speaker, that is a red herring; that is a red herring.

If you want to do good, then do it in a way that promotes inclusiveness, not division. This amendment is going to do

nothing but encourage more divisiveness, more antagonism, more separation of people rather than the unification of people. So there is no unifying spirit in this amendment from the beginning to the end.

Mr. Speaker, last but not least, why are we here? Why are we here, Mr. Speaker? We are here because we are supposed to be representing the interests of the people that we represent that sent us here. And, Mr. Speaker, the last time I checked, whether it was with the Quinnipiac poll, whether it was with a university poll, the last time I checked, Mr. Speaker, what I heard from the mountains of Erie to the valley of Philadelphia, what I have heard, minimum-wage increase, living wage for working people; what I have heard, affordable, accessible health care for all Pennsylvanians; what I have heard, decent and affordable housing; what I have heard, safe and secure learning environments for our children. That is what I have heard, Mr. Speaker. I have not heard that we must declare war on this assault on the English language. That is a perception; it is not a reality.

And so, Mr. Speaker, I ask my colleagues from both sides of the aisle— You know, a writer once said that if the people want to change the conditions that they are in, that you need to first change the conditions from within yourselves. Mr. Speaker, we can set a new tone, and the architect of this amendment can take a step into the 21st century by stepping off on advancing this amendment. Just withdraw it, just withdraw it, just withdraw the amendment and let us get on to the people’s business, protecting the real interests of the people of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a moment of very brief interrogation?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, would this amendment preclude individuals escorting other individuals into the voting booth to do interpretations on particular provisions or amendments to the Constitution, for instance, that may be in referendums that are posted for consideration?

Thank you, Mr. Speaker.

Mr. HARRIS. I am sorry, Mr. Speaker. Did the gentleman say include or preclude?

Mr. SIPTROTH. Preclude; would it preclude?

Mr. HARRIS. Mr. Speaker, I believe the Federal Voting Rights Act would be preeminent, so it would trump this State’s amendment to this piece of legislation.

Mr. SIPTROTH. So you are saying no to my question?

Mr. HARRIS. That is correct.

Mr. SIPTROTH. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The first thing I want to say is we had this bill in State Government Committee, a bipartisan effort. We tabled it for further study. Clearly it was bipartisan since the Democrats do not have enough votes to do anything in any committee, and many Republicans who have Latinos and Asian folks and other

people in their districts understood that this was not a good idea perhaps and wanted to look at it more carefully.

Secondly, I have letters. I have one from the Pennsylvania Statewide Latino Coalition, the Korean American Lawyers Association, the Philadelphia Bar Association, Community Legal Services. All of these groups and others oppose this concept, oppose the bill as it was freestanding, and oppose it in its amendment form.

Third of all, I think what we are talking about here, I am sure what we are talking about here is the disenfranchisement of people who are citizens of this country. Let me remind everyone that people who live in Puerto Rico, who are Puerto Rican citizens, who have a Spanish culture are American citizens. When they come here to the mainland, they have the same rights to vote, the same obligation to pay taxes as people who were born on the mainland and maybe have never gone to Puerto Rico. These people should not be disenfranchised because perhaps they are too old to easily learn another language. I remember studying in history that two centuries or so back there was a move in the State of New York to disenfranchise Yiddish voters by declaring again that nothing could go out that was an official State language in Yiddish; same kind of very divisive, very unfair kind of legislation as we are looking at here.

Fourth, I want to draw your attention to an Inquirer article. I am sorry I do not have the exact date. It appeared about 2 weeks ago. It talks about the fact that almost everybody who comes here and speaks another language other than English would like to take English-as-a-second-language classes, but we do not fund and the Federal government does not fund enough language classes for people who desperately want to take advantage of them. If we really want to promote English as a language that most people use, we are going to have to pony up a little money and help people learn how to understand and speak the English language.

The Voting Rights Act that the Federal government – we have urged them unanimously, as you may remember, to renew the Voting Rights Act. The House of Representatives has withheld renewing it, continuing it past its sunset date, not the entire act, I understand, but some sections, and the sections are the ones that have to do with bilingual assistance. If we go forward here, we will have compounded that error and we will disenfranchise people for whom English is still a difficult challenge.

I again— Well, let me say first, those people who claim that this kind of legislation is going to bring more unity to the country only need to look at this House and this debate and see how divisive it is to know that that is absolutely untrue. Anybody who thinks for one second knows that this is divisive. Mr. Speaker, what is the problem? What is the problem? Our citizens are loyal. They pay taxes. They are productive. What is the problem? Why are we in search of a problem with an amendment we do not need?

I urge a “no” vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

As we consider this language, we also have to consider that our State government has a powerful international emphasis within the Department of Community and Economic Development. Our Community and Economic Development

Department sponsors trade missions around the world, businesses throughout the State. Businesses in my community have benefited from those trade missions. In the case of a candy maker, Just Born candies in my district, there was a trade mission to Germany where the State was the sponsor, and it was very helpful to our community.

The previous speaker, Representative Josephs, mentioned the classes that citizens sign up to take to learn English, and the statistic I read in an article in the Philadelphia Inquirer was that the State funding for such classes has been flat for about 5 years. In fact, the spokesperson for the Department of Education talks about the level funding – approximately \$8 million – more and more community organizations applying for this funding so that they can offer classes, but we had to turn them away, says the spokesperson for the Department of Education. With level funding and more applicants, the grants have gone down and also some applicants have been turned away.

I also want to point out the irony of considering this language 2 weeks to the day after we passed HR 792. This was a resolution sponsored by the Speaker, cosponsored by 82 Representatives, including myself. It passed unanimously, 199 to nothing, encouraging the United States Olympic Committee to consider Philadelphia as the United States city that would be put forth to host the 2016 Olympics, and the resolution talked about many of the benefits of bringing the Olympics to Philadelphia, bringing the Olympics to Pennsylvania. That would benefit the entire State. The bicycling events would most likely be held in the Lehigh Valley. The equestrian events would be held in suburban Philadelphia. The entire region, the entire State, would benefit.

One part of our resolution from June 14 said that “The Olympic and Paralympic Games have the potential to generate tremendous economic benefits for the Philadelphia region and the Commonwealth of Pennsylvania as well as unparalleled international marketing exposure that showcases and celebrates our communities...” Now, I realize that this language does have a clause about international commerce and tourism, but does that also cover an athletic event like the Olympics? And if we are promoting the Philadelphia Olympics, let us say we get the Olympics and we are promoting the Philadelphia Olympics around the world, encouraging people to come visit Pennsylvania, would the ads that we run on international television have to be only in English as we promote Pennsylvania on German television or Japanese television?

What about the Olympic Village? If the Olympics were to come to Pennsylvania, public dollars would be involved in helping to build the facilities, in helping to build the Olympic Village. So if public dollars are involved, does that mean all of the signs in the Olympic Village would have to be printed in English, even though the athletes who are visiting there are from more than 100 countries around the world? Would that be covered by the exemption for international commerce and tourism? Or what about the athletes and their families who come to visit?

Finally, when you watch the Olympics and they read off the scores in the gymnastics competition, they will read the scores in English and Spanish and French and German. Let us say the gymnastics competition was taking place at the Wachovia Center in 2016. Would such a provision, if we enacted this today, require that the judges would all have to speak in English

when they announce the results? I mean, what message are we sending here?

A hundred years ago some businesses, unfortunately, in our country put up signs that said “No Irish Need Apply.” As we put out a welcome mat to the world in our bid to host the 2016 Olympics in Philadelphia, does this language send out a message that no Germans need attend? No Chinese need attend? No Koreans need attend? No Latinos need attend? One day, 2 weeks ago, we passed a resolution saying that Pennsylvania is an international State worthy of hosting the Olympics, which would feature athletes that speak more than 100 languages. Two weeks later we consider an amendment that says only one language will be recognized.

Finally, I would like to conclude with something that was written by a gentleman, president of the Korean American Lawyers Association of the Delaware Valley, distributed to members of the State Government Committee and I believe to the other House members. As I speak here on the floor of the House, I am a grandson of immigrants. My grandfather came over from Sweden, so I am two generations removed from that, but this gentleman is a first-generation American. He is writing about the original English-as-the-official-language bill, Kevin Kim, the president of this association, and he writes, “Please think about what you are doing and the message that you are sending to the general community and the diverse immigrant community that exists in Pennsylvania.” Then he goes on to write about his personal experience. He moved to the U.S. in 1973 when he was 9 years old. He became an attorney. His older brother became an attorney. His younger brother is a physician and has done work for the National Institutes of Health on cancer research. He talks about his family situation, and then he writes the passage of this English-as-the-official-language legislation will, quote, “...make the immigrant community feel that they are a 2nd class citizens and residents of Pennsylvania and no matter how hard they work, obey the law and educate themselves, they will always be 2nd class citizens and residents of Pennsylvania.” The words of attorney Kevin Kim.

So I ask you to think about the mixed message we are sending with this legislation seeking to host the Olympics, seeking to be a worldwide showcase, and then 2 weeks later saying that we are only interested in recognizing one language at those Olympics or at any other business, as has been discussed by many other speakers.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, when we begin this Assembly every day, every member of this House, whether they think it through or not, stands and gives the Pledge of Allegiance to this United States, “United” States, and then we go on to say one nation, “one” nation, not many nations within one, one nation. I wonder if all of the comments and the arguments that I have been hearing primarily from the other side of this House tonight hook and connect the dots together?

I asked the question, what makes a nation? What is the definition of a nation? It is this: common geography. A nation has defined borders, and we can talk about that. It also has a common jurisprudence, common law, so that people know what to expect and government can govern. And thirdly, it has a common language – a common language.

I have done a lot of world traveling. When I go over to Germany, they speak German. You go to Japan, they speak Japanese, and that is the common language. You go to Thailand, they speak Tai. You go to China, and you speak? Chinese, two different dialects. Oh, yes, you do. You go to Taiwan – I know; I have been there – they have a common language. They speak other languages there. They also speak English, many of them, and that is what they are teaching their young people. The fact that we have a nation is because we have these common things.

Now, I would ask some of these folks, members who have been making some really wild statements, that to recognize English as the official American language and Pennsylvania language, as if that is some disunifying statement, I find bizarre. It defies the definition of “nation.” What would you have, 3, 4, 5, 6, 7, 8, 9, 10 official languages? You will not have a nation. You will not have a body. We could not even discuss here and carry on.

What is the biggest issue? And a lot of you have signed on to one of the members’ bills, and there have been several bills floating around, dealing with illegal immigration. Why are you not concerned about illegal immigration? The issue is, we do not have a common border. If we do away with our border and we let anyone in, you do not have a nation. That is at the heart of the illegal immigration issue. If it is not, you are missing the point.

I have heard a lot of things: disenfranchisement, a portfolio of tools to polarize the public, ascribed to Republicans for doing that. I find that bizarre. I wonder if there are many here who really prize division and seek division rather than understanding that the defense of that which is our language, our jurisprudence, and our geography is what defines who we are, and if that is not worth recognizing and defending, then much of what is being discussed, frankly, is for naught.

I have looked over this amendment. Some have said, let us put this off and deal with it and further study it. This was an issue when I came into the House 14 years ago. It has been an issue way before then. I mean, how long does one need to study? We have talked to people all over this State. Most people think English already is the language. Talk to immigrants from any country, and I have talked to the Koreans in Philadelphia, have picked them because we have talked about the Korean lawyer. I have talked to many different— They know English is the language, and they know that if they are going to advance in this country, they would learn English as soon as they can. I have grandparents that came and spoke German. Why do we not speak German? Well, because Germany did not win the war. Why do we not speak French? Because the French did not win the war. Why do we not speak Spanish? Because the Spanish did not win the war. Good grief. How basic do we need to make it?

Mr. Speaker, a very, very simple commonsense amendment that we have here, that the gentleman, Mr. Harris, has put forward, and I think it only makes very good common sense to support it, and I intend to do so.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Blackwell. The gentleman, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment for several reasons. One is, I have watched the community where I grew up rapidly change with new people coming into the neighborhood.

I have watched their fear because they did not really know our culture. They did not know how they were going to be received. I just listened to my colleague name a few countries and state the languages that those countries speak and then ask why this country does not have an official language. I think, Mr. Speaker, that is what makes this country great, because we embrace people, we embrace different cultures.

You know, I read a book on a daily basis. Some people call it the Good Book. I happen to read the King James version of the book. For those of you who have the same belief system that I do, and some people claim that they do, but I wonder sometimes, because I never see the example set forth of what they say they believe in, I see them want to exclude people rather than embrace people, but yet they claim that they are righteous. But in that book there is a passage that states that what you do for the least among us, you also do for me.

Mr. Speaker, we live in a great country. In spite of all the problems we have, I love this country. I love it because of its differences. I love it because I can learn. Some people fear because they do not understand, but they do not try to understand. Their way of fronting is to disregard. That is wrong, Mr. Speaker. There are situations that I often find myself in where I fear some things because I do not understand it. I find that most times you have problems because you do not communicate. Now, of course people who come here understand that we speak the English language in this country and in this Commonwealth, and that is all well and good. Frankly, I wish I could speak another language, because frankly, sometimes I get jealous because I cannot. Let us be honest with ourselves. What are we fearful of? Because I think this argument about an official language, basically, Mr. Speaker, I think it is bogus, and I think sometimes we bring up subjects that do not really have a real meaning because it is subterfuge, because you do not really have anything to talk about of substance.

We are in budget time right now, and there have been a lot of things that we are talking about, Mr. Speaker. We are not talking about helping the homeless or helping the poor or helping the working class; we are talking about a lot of things that really have no meaning at all, but yet we want to raise taxes on people who can least afford it, we want to talk about why poor people cannot spend as much as rich people, knowing that the only reason they do not do it is because they do not have it. These are examples of issues that really do not make any sense.

Finally, Mr. Speaker, I think if we accentuate on what is good about this great Commonwealth and what brings people together, you do not unite people by pushing people aside, by trying to push their culture aside. There was a debate not too long ago, Mr. Speaker, concerning the study of African and African-American history in the public schools in Philadelphia, and it was stated that, well, when some people were youngsters in school, their heritage was not taught, and that was wrong. It was also stated that by the time kids reach the high school level, 10th grade, they basically know what they want to do with the rest of their lives. They do not want to go back to countries such as Africa, where my ancestry comes from. They do not want to go back there because they have become Americanized, and sometimes that is true, Mr. Speaker. And I will tell you what, this might shock some people, but I agree with that. So I offer, let us do this: Let us not wait until they are in high school. Let us start teaching it when they are youngsters, first, second, third grade, when you have their attention, because then they

will grasp it much better. That offer was never accepted, Mr. Speaker. It is because we want people to know about their backgrounds, we want other people to know of other folks' backgrounds, to give them a better understanding of each other. That way you bring people together, Mr. Speaker. You do not bring people together by ignoring their heritage. There has been too much of that, not only in this Commonwealth but in this great country of ours.

Yes, I will say great. I have been to different countries, Mr. Speaker, as a labor leader, I have been on trade missions, but I find that in this country – it is the greatest country in the world as far as I am concerned, in spite of all its problems – but I will again say that we can have an even greater country because of its diversity when we include people rather than push them aside.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Roebuck, from Philadelphia County.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak on this amendment. As a representative of an immigrant group who first came to this country prior to the founding of the nation, indeed my immigrant roots go back at least 150 years before that date, this amendment is a bad amendment. It is an amendment that is clearly divisive. It is against the very spirit upon which the American nation was founded.

Now, that concept is very simply stated in the model of the country, "one out of many." If you take out a dollar bill, Mr. Speaker, you will find, in a foreign language, Mr. Speaker, in a foreign language, the model of this nation, E pluribus unum, a foreign language on our currency, and that is in fact the concept upon which the nation was founded.

Further, Mr. Speaker, this amendment is in clear conflict with the experience of our people as a nation. We are different than nations of Europe, which have great problems with people who are different. If you look at nations like Germany, the intent was that everyone should speak German so that you could be Germanized and the only value was German culture. If you look at Austria or Hungary, a nation that was made up of diverse peoples, everyone was required to speak German because that was the official language, and what did that do, Mr. Speaker? Well, it gave less value to peoples who were a part of that nation, Czechs and Slovenes and others who felt that they were being suppressed, who faced patterns of isolation, who faced patterns of intolerance and of unfair treatment. And what did they do, Mr. Speaker? Well, they decided it was better not to be a part of that country, and indeed they immigrated and many of them came to this nation, because here there was respect for difference. Here there was acceptance of the concept that there was value in many, and that value created a solidly strong nation. If we go away from this, Mr. Speaker, then we undercut the very fabric upon which the United States was founded.

And then we have heard about nations, and no other nation, apparently, according to one of my colleagues, has diversity of language. Apparently he does not understand that there are

countries like Switzerland that recognize more than one official language, or Belgium, which does that. So there is no danger to the nation if we tolerate diversity, if we accept that there are differences of language and value the individual. The individual is the heart of what we are talking about, and I would urge that we do not move away from what is essential to this nation, what is the core of the value of this nation. I would urge that we defeat this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Flaherty.

Mr. FLAHERTY. Thank you, Mr. Speaker.

Mr. Speaker, I have heard both arguments on both sides, and I have got to tell you, it is much ado about nothing. Everybody in the 30th District does not have to be told that English is the language. Every night when I am home, the Flaherty family does not have to be told by an amendment that English is the language. But you know what the people of the 30th District are telling me, is that we got to talk about property tax reform. And you know what? They do not care in the 30th District if property tax reform is written in English; they do not care if property tax reform is written in Spanish; they do not care if it is written in Chinese; they do not care if it is written in Latin. They want property tax reform, and our priorities tonight in taking 2 hours and debating this issue are not what is important to my district.

Mr. Speaker, I know that the rules comport that if I am sitting in my Chair when this amendment is up, that I must vote, and in protest I am going to walk off to the rotunda and ask that those that believe that property tax reform of whatever language is the language we should talk about, I invite you to come with me. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. PRESTON. First, before I speak, Mr. Speaker, I have a parliamentary inquiry.

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

Mr. PRESTON. Is it necessary for a fiscal note on this amendment, and if so, where is it?

The SPEAKER pro tempore. We are checking. We do believe one was requested, Mr. Preston.

Mr. PRESTON. Is it present? Okay. Thank you.

The SPEAKER pro tempore. Mr. Preston, the Chair has been advised that the fiscal note was requested, in fact on time. They are just continuing to try to find it here.

Mr. PRESTON. Can we wait so we can announce how much the fiscal note is for the Commonwealth of Pennsylvania? I would like to know how much it is, the cost to the residents of Pennsylvania.

The SPEAKER pro tempore. Mr. Preston, the maker of the amendment would be more than glad to answer that question for you.

Mr. PRESTON. Will he stand for interrogation so I can ask the question?

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

Mr. PRESTON. Mr. Speaker, can you tell me—

The SPEAKER pro tempore. Will the gentleman yield.

I see the gentleman, Mr. Cruz, seeking recognition. For what purpose does he rise?

Mr. CRUZ. Personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CRUZ. I just wanted to find out if the fiscal note was in Spanish and they needed me to translate it.

The SPEAKER pro tempore. I think you know the answer to that question, Mr. Cruz.

Mr. Preston, you may continue with interrogation.

Mr. PRESTON. Thank you, Mr. Speaker.

Mr. Speaker, can you tell me what the cost to the Commonwealth of Pennsylvania under your amendment would be?

Mr. HARRIS. Yes, Mr. Speaker. According to the fiscal note done by Chairman Feese, the adoption of this amendment will have no adverse fiscal impact to the Commonwealth.

Mr. PRESTON. Mr. Speaker, if I could ask the Parliamentarian for an example then. Are the words “sine die” in English?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. PRESTON. No; I am asking the Parliamentarian relative to the gentleman’s note on a fiscal note on what it would cost, and my question, to give a simple example, is that if the words “sine die” are not in English, then we would have to reprint all of our rules, and that would be a cost to the Commonwealth of Pennsylvania. I also have other examples in the rules that are printed, even in the Pennsylvania Manual, where we would have to reprint that because this law would change that. That is my question about a fiscal note, and if Mr. Feese is saying, and I am trying to help him maybe, if that is not a question relative to fiscal responsibility to the State and a particular cost, I have a lot more other examples relative to that and the printing of documents in the State that are official, and if he is saying that there is not a fiscal note required, I am giving him an example, in my opinion, that there is, or can the Parliamentarian refute that? And if I could also, instead of just one example, how about the example of “per diem”?

The SPEAKER pro tempore. Has the gentleman concluded his remarks?

Mr. PRESTON. No. I am still asking a parliamentary inquiry relative to the fiscal note of which the gentleman read, which I have not seen, and I am asking if Mr. Feese is standing by his report for the fiscal note after my example.

The SPEAKER pro tempore. You could interrogate the gentleman, Mr. Feese, but that is not a parliamentary inquiry.

Mr. PRESTON. May I comment on the bill then, Mr. Speaker?

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

Mr. PRESTON. These are the examples that really raise serious questions, that I just gave two small examples that in the House of Representatives are going to cost us thousands of dollars should this amendment pass, but yet in a sense, someone is saying there is no cost to the State.

Another example that we use is the word “liter.” Now, unfortunately, we are the only country in the world that does not use the metric system. I am raising the question from that standpoint then that when we put up all of the bids in transportation that Mr. Feese says there is no fiscal responsibility, but when we put out different bids, we use certain terms in the metric system. Those things would no longer be legal as far as our legal documents that we put out, but yet in a sense, the chairman of Appropriations is saying that there is no fiscal impact. Clearly, clearly there is.

Now, the other issue that I would like to raise about this is an honest opinion from my standpoint as far as fairness and respect. When we go even into school, when we go to different airports, not in security issues but even some of the airports that the State of Pennsylvania even owns from some of our governmental subunits of authorities that we have created under our own jurisprudence, there are different signs of multilanguages that have nothing to do with security but just gates all the way down to the women’s and men’s restrooms that we would have to change under this amendment because they would not be in English. I find this really, from some of the comments that one gentleman was talking about languages, well, you know, when we go back to the last war, several countries won the war. Does that mean that we here in the United States should be speaking Russian, for an example, because they also won the war under the Axis.

This is really an embarrassing amendment, in my opinion, because basically what we are trying to say to some people is that you have to go through the whole role of even coming to this country and trying to get someone to explain to you, as you were starting to learn a language, of even which door to use. Mr. Speaker, this is not the place to be. I have given clear, simple examples of inequality, and I am even going to still press the issue and raise the issue of the fiscal note; that I have given clear, recordable examples that there is a cost to the Commonwealth of Pennsylvania. This gentleman wants to increase the budget for the Commonwealth of Pennsylvania that will probably be not just thousands or hundreds of thousands but millions of dollars from the many different books that we have in print. Not only that, there are currently different departments right now in the Commonwealth of Pennsylvania who have advertisements, not just multilingual but so that some people from the Pacific Rim and other different southern countries, that the staff answer questions for them relative to health care, in the Welfare Department, in the Treasury Department, and in the Labor and Industry Department.

Secondly, even the police and the State Police have different instructions to be able to read, and I am sitting down here and wondering now, will they be able to give the Miranda rights? When they want to arrest someone, they will not be able to give it to them even in another language, so the gentleman can say when they appear in court, did you even understand? So maybe he also wants to help criminals be able to get off because of their Miranda rights. And what will that do to all of the police departments all across this Commonwealth of Pennsylvania as far as the multilanguages that they have and that they read to be able to help people to be able to get through the system so that they can be able to have certain rights? Mr. Speaker, this is not the time.

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

PARLIAMENTARY INQUIRY

Mr. PRESTON. Also, Mr. Speaker, can I ask a parliamentary inquiry again?

The SPEAKER. The gentleman will state.

Mr. PRESTON. What is the parliamentary procedure for me to question officially the fiscal report given by the gentleman, Mr. Feese’s committee?

The SPEAKER. You were advised previously that you could debate the gentleman, Mr. Feese, if you would like.

Mr. PRESTON. My question is, how can I officially in this body challenge the written report, that I still have not seen, presented by the official body of this Commonwealth, the Appropriations Committee, as far as a fiscal note that is going to be in the record?

The SPEAKER. There is no mechanism for officially challenging. If the gentleman would like to interrogate the gentleman, Mr. Feese, the gentleman, Mr. Feese, will stand for interrogation.

Mr. PRESTON. No; no, that is okay. I think he already heard my comments, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. PRESTON. I am going to end my statement basically, because basically I am embarrassed by this. I am embarrassed by this piece of paper that I have already given an example even in the House of Representatives that there is going to be a cost to us to be able to do this, and it is too bad that we are sitting up here at this particular time, on this particular day, arguing over denying, in my opinion, people’s inalienable rights and freedoms in this country, the United States of America, and in the Commonwealth of Pennsylvania. We ought to show more respect, more respect to the citizens than to have something like this and this fiscal note.

Thank you very much, Mr. Speaker. Let us vote “no” on the Harris amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Scavello.

Mr. SCAVELLO. [Speaking Italian.]

Mr. Speaker, what I just spoke was my native tongue, the language that I was born into and that I came to this country speaking, and I am going to interpret. I said, good evening, Mr. Speaker. Thank you, Mr. Speaker. I was born in 1952 in Cosenza, Italy, and my dad and my brother arrived here in 1955.

I am speaking from personal experience now, not from representing anyone, so I think it is important that I try to explain this to everyone here in this body. My dad and my mom, and, Mom, if you are watching, I apologize, because I know how hard it was for you— Excuse me for a moment.

They had very little education. They came to this country, and they learned the language. It took everything they had to try to learn this language. Every 5, 6, 7 years, after the first 7 or 8 years, they tried for their citizenship. They tried to write “I go to the store” and how hard that was for them to write it, but they learned how to write it. It took them 20 years to get that citizenship paper, both of them, and it was the proudest day of their lives. And for my dad, who had very little education, very, very difficult for him to speak, he learned the language, learned

how to read and write, because if he did not, there would be no upward mobility. He came here and worked for the railroad. If he needed to move up that line, just from a track worker, and he went to supervision, electrical, he had every— He kept moving up the line and he learned, and I tell any immigrant that comes into this country, you need to learn the language for upward mobility if you want to improve upon yourselves.

It was the happiest day of their lives, the day that both of them got their citizenship. And, you know, I was not going to get up and tell this story, and, Mom, if you are watching, I apologize, because I know how you felt every time you did not pass that exam. But I just want everyone to know here, today you have the Internet. When I came to this country, I was 5 years old, went right into that first grade, I had no Internet to learn. If I had that today, I probably— There are so many tools available for us if we need to learn the language, but you have got to think of it this way, Mr. Speaker. If you come to this country and if you do not learn the language, the opportunities are not going to be there for you. It is in the best interest, it is in the best interest of any immigrant coming into this country to learn the language, and we should encourage that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, of course you know I am opposed to this amendment. After listening to the last speaker, I was thinking, when I came here, I was not allowed to speak my language. As an African, from Africa, I was denied the right to even know my language, so there was no other language for me to speak except English. But it is funny, one of my colleagues on the other side of the aisle actually said something that I thought really gave away what the true motivation is for this amendment, but before I state what I believe it is, I want to interrogate the maker.

The SPEAKER. The gentleman, Mr. Harris, indicates he will stand for interrogation. The gentleman, Mr. Myers, is in order—

Mr. MYERS. Now, I am going to ask the maker, would you please explain why we have to do this? I mean, what is you-all's reasoning for this, and I say you-all because I know you are not doing this by yourself.

Mr. HARRIS. Sure. Thank you, Mr. Speaker.

The idea behind this bill is not at all to polarize people in Pennsylvania. We are trying to unify under one language. Now, I have had many of my colleagues tonight stand up and say they are embarrassed by this amendment, they are embarrassed by it. Well, I will stand here and tell you, I am not embarrassed about this amendment. When I speak to my veterans who have fought for this country, they are not embarrassed by this amendment. So that is why I am offering it today.

Mr. MYERS. Well, let me tell you this here. I used to be a part of study groups, too. I understand the issue of power and control. I also understand the issue of nationalism, which one of those speakers over there talked about, that nationalism means control to economics, control to politics, and control to institutions. And I also know that there is a movement across this country that believes because of the increase of immigrants in this country, that nationalism is being threatened, that other nationalities may in fact end up with the power and the control to govern this country. And I know that is what you-all are really dealing with. It is not about not being able to speak English. This is a clear signal saying that the right wing,

the conservatives, the culture that was first here, that those rights and that culture and that history has to be protected, and therefore, because of social dynamics, the fear of being stripped of your power and your control is the reason that you-all in that study group – you know what study group I am talking about – you-all in that study group are pushing for an ideological and philosophical measure to ensure that anyone that does not represent your core values cannot, will not, and should not participate in the American dream.

And let me ask you this here. One of the speakers said, what does it mean to be a nation?

The SPEAKER. Mr. Myers? Mr. Myers? Is the gentleman asking a question?

Mr. MYERS. No. I am speaking now, Mr. Speaker.

The SPEAKER. Okay. The gentleman may proceed.

Mr. MYERS. I have been speaking, Mr. Speaker.

My colleague, see, when I said he gave away when he said what does it mean to be a nation, well, that is a question about nationalism, and what he said was, to be a nation, you had to have geographics, jurisprudence, and language. Then he said, if you do not speak English, you are not American, and in order to be American, you have got to speak English. And what we are saying is, we want to write it into law. We want to publicly say that if you do not speak English, then you are not American, because who in America is not trying to speak English?

Mr. Speaker, I think we are being hoodwinked. I think that the truth ought to be said. You ought to just come out with what your real agenda is and try to convince the people of this Commonwealth that your philosophical and ideological dependence makes sense and should be affirmatively voted.

I ask that we vote “no,” that we vote “no” because anybody who wants to participate in America should have the right to do it. We are not trying to take over your country. It is our country. I thought the maker was going to say there was some plot being laid out by terrorist groups and the way to catch them was to make them speak English, but I did not hear that. Or that there is some economic plot, which I do support the study group in this regard, that the base economics of this country are being sold, I would agree with that, but that the people we are selling it to can speak English.

Therefore, Mr. Speaker, I only would ask again that when one of the conservatives or those that ideologically and philosophically depend on this notion tell the truth, that that is what it is about. It is not about any classroom and it is not about my parents could not speak English. It is not about the fact I could not speak my language. It is the fact that you-all are scared that the immigrants in this country are growing so fast that they are going to steal your culture and take your country away.

I say vote “no.”

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just a little window of history about my family, since it was mentioned earlier about Italian-Americans. World War I, my uncle, Anthony Julian, part of the Rainbow Division that fought in France, thousands and thousands of Italian-Americans that could not speak English but were American citizens, had interpreters that went to the frontlines, as he had volunteered and so many in our area of Pennsylvania and New York could

not speak English, but they fought and died for this country. World War I against the Germans.

World War II. Two of my brothers served distinguishably, in the Air Force and in the Navy, with a lot of Americans that could not speak English, some Latino, some Korean, mixtures. In the Pacific, in the Pacific, fought and died for this country, even though they could not speak English.

Vietnam. Korea. Two brothers fought in those wars also and many of their friends who were Americans. Many of them could not speak English, but they fought and died for this country.

What are we talking about? What are we talking about? I see the pictures from World War I from my uncle who was gassed by the Germans and survived, and the numbers that died on those frontlines, fighting for what we want as freedoms, what we are talking about here today in this chamber. What are we doing? What does it really matter? When you have people that shed their blood as they did in those wars to give us the freedoms that we have here today, you have got to think about what really is important. The language?

I am a history major. I kind of recall that by one vote we would have been speaking German in this country rather than English, and for almost 100 years in Berks County, all the archives show that everything was in German. You go to the Historical Society and everything is in German. The newspapers were in German. The official language in our county was German.

You know, I understand; I had German. I can understand German. I can understand a lot of Spanish and Italian. We are multicultural, multidiversified. We need to accept that fact. We are what we are. We are united because of those differences. We should not divide ourselves and try to pick apart what we already have accomplished over all these wars and all these years. Just think about that before you cast this vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, I want to point out that on my hand, I have got five fingers, but one of them is not the same size, but I am not going to cut it off my hand. People speak different languages, and for that reason they want to cast them out and do other things to make it impossible for them to be able to learn the language and to be part of their culture.

This bill is not only for Hispanics; it is for everyone, all different nationalities. But since I am Hispanic, Puerto Ricans and Puerto Rico are out there fighting the war, also defending this country, because Puerto Rico is part of the United States and we are citizens.

But I also want to point out with all respect to the maker of the amendment, my colleague, that I find it to be so hypocritical when you right here are advertising on the Internet that you provide PHEAA (Pennsylvania Higher Education Assistance Agency) applications in Spanish in your district. So at one time you want to advertise and then give it in your district, then you want to take it away. So which one are you doing?

MOTION TO RECOMMIT

Mr. CRUZ. Therefore, I would like to put a motion on the floor, Mr. Speaker.

The SPEAKER. The gentleman will state his motion.

Mr. CRUZ. I would like to recommit this amendment back into State Government so we can study this before we make a wrong move and disenfranchise constituents in the Commonwealth of Pennsylvania.

The SPEAKER. The gentleman has two options.

Mr. CRUZ. On the amendment.

The SPEAKER. The gentleman can move to send the amendment and the bill back to committee for further study, or since there has been intervening business, the gentleman could make a motion to table the amendment again.

Mr. CRUZ. No; I want to send it back, the bill and the amendment, Mr. Speaker.

The SPEAKER. Recommit the amendment and the bill.

Mr. CRUZ. Correct.

The SPEAKER. Which committee was that, Mr. Cruz?

Mr. CRUZ. State Government.

The SPEAKER. To State Government.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-96

Bebko-Jones	Evans, D.	McCall	Samuelson
Belardi	Fabrizio	McGeehan	Santoni
Belfanti	Frankel	Melio	Shapiro
Beyer	Freeman	Mundy	Siptroth
Biancucci	George	Myers	Staback
Bishop	Gerber	Oliver	Steil
Blackwell	Gergely	Pallone	Stetler
Blaum	Good	Parker	Sturla
Buxton	Grucela	Petrarca	Surra
Caltagirone	Gruitza	Petri	Tangretti
Casorio	Hanna	Petrone	Taylor, J.
Cawley	Harhai	Pistella	Thomas
Cohen	James	Preston	Tigue
Corrigan	Josephs	Ramaley	Veon
Costa	Keller, W.	Readshaw	Vitali
Cruz	Kirkland	Reichley	Walko
Curry	Kotik	Roberts	Wansacz
Daley	LaGrotta	Roebuck	Waters
DeLuca	Leach	Rooney	Wheatley
Dermody	Lederer	Ross	Williams
DeWeese	Lescovitz	Rubley	Wojnaroski
DiGirolamo	Manderino	Ruffing	Yewcic
Donatucci	Mann	Sabatina	Youngblood
Eachus	Markosek	Sainato	Yudichak

NAYS-96

Adolph	Fleagle	Mackereth	Raymond
Armstrong	Flick	Maher	Reed
Baker	Gabig	Maitland	Rohrer
Baldwin	Gannon	Major	Sather
Barrar	Geist	Marsico	Saylor
Bastian	Gillespie	McGill	Scavello
Benninghoff	Gringrich	McLhattan	Schroder
Birmelin	Godshall	Mclhinney	Semmel
Boyd	Grell	McNaughton	Smith, B.
Bunt	Haluska	Metcalfe	Smith, S. H.
Cappelli	Harhart	Micozzie	Solobay
Causer	Harper	Millard	Sonney
Civera	Harris	Miller, R.	Stairs
Clymer	Hasay	Miller, S.	Stern
Cornell	Hennessey	Mustio	Stevenson, R.
Crahalla	Herman	Nailor	Stevenson, T.
Creighton	Hershey	Nickol	True
Dally	Hess	O'Brien	Turzai
Denlinger	Hickernell	Payne	Watson

Diven	Hutchinson	Phillips	Wright
Ellis	Kauffman	Pickett	Zug
Evans, J.	Keller, M.	Pyle	
Fairchild	Kenney	Quigley	
Feese	Killion	Rapp	Perzel,
Fichter	Leh		Speaker

NOT VOTING—1

Flaherty

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

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

Mr. HARRIS. Thank you, Mr. Speaker.

I just wanted to briefly reply to the remarks made about my Web site. I just want to make it clear that those are publications that are given to us as legislators from PHEAA. I do not generate that booklet. It does not come from my legislative office. It does not come from the House of Representatives. Nothing would make me happier than after the adoption of this amendment to provide English-only brochures to my constituents.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen, for the second time.

Mr. COHEN. Mr. Speaker, I rise to ask Capitol leave for the gentleman from Allegheny, Mr. Flaherty. He is in the rotunda.

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

The gentleman, Mr. Zug.

Mr. ZUG. Thank you, Mr. Speaker.

And I know the hour is late and I did not want to get up and talk, but the gentleman, my friend from Berks County, talked about this chamber back in the mid-1800s made a crucial decision, and that was, what language should Pennsylvania follow, German or English? I come from Lebanon County; it was a big decision at home. Most of the schools taught German. My parents spoke German. My father was instrumental in preserving that heritage. But they made that decision in the mid-1800s to unify Pennsylvania, to teach one language to bring Pennsylvania together. That was done in the General Assembly; that was done in Harrisburg. That is why that was done. I think that was important. That is why I am supporting this amendment today.

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

The following roll call was recorded:

YEAS—122

Adolph	Flick	Major	Roberts
Armstrong	Gabig	Markosek	Rohrer
Baker	Gannon	Marsico	Rubley
Baldwin	Geist	McCall	Ruffing
Barrar	Gillespie	McGeehan	Sainato
Bastian	Gingrich	McGill	Sather
Belfanti	Godshall	McIlhattan	Saylor
Benninghoff	Grucela	McIlhinney	Scavello
Biancucci	Haluska	McNaughton	Schroder
Birmelin	Hanna	Metcalfe	Semmel
Boyd	Harhai	Micozzie	Sipthoth
Bunt	Harhart	Millard	Smith, B.
Cappelli	Harper	Miller, R.	Smith, S. H.
Casorio	Harris	Miller, S.	Solobay
Causar	Hasay	Mustio	Sonney
Civera	Hennessey	Nailor	Stairs
Clymer	Herman	Nickol	Stern
Cornell	Hershey	O'Brien	Stevenson, R.
Crahalla	Hess	Pallone	Stevenson, T.
Creighton	Hickernell	Payne	Surra
Dally	Hutchinson	Petrarca	Tangretti
DeLuca	Kauffman	Petrone	True
Denlinger	Keller, M.	Phillips	Turzai
Donatucci	Kenney	Pickett	Watson
Eachus	Killion	Pyle	Wojnaroski
Ellis	LaGrotta	Quigley	Wright
Evans, J.	Lederer	Rapp	Yewcic
Fairchild	Leh	Raymond	Zug
Feese	Mackereth	Readshaw	
Fichter	Maher	Reed	Perzel,
Fleagle	Maitland	Reichley	Speaker

NAYS—70

Bebko-Jones	Diven	Manderino	Shapiro
Belardi	Evans, D.	Mann	Staback
Beyer	Fabrizio	Melio	Steil
Bishop	Frankel	Mundy	Stetler
Blackwell	Freeman	Myers	Sturla
Blaum	George	Oliver	Taylor, J.
Buxton	Gerber	Parker	Thomas
Caltagirone	Gergely	Petri	Tigue
Cawley	Good	Pistella	Veon
Cohen	Grell	Preston	Vitali
Corrigan	Gruitza	Ramaley	Walko
Costa	James	Roebuck	Wansacz
Cruz	Josephs	Rooney	Waters
Curry	Keller, W.	Ross	Wheatley
Daley	Kirkland	Sabatina	Williams
Dermody	Kotik	Samuelson	Youngblood
DeWeese	Leach	Santoni	Yudichak
DiGirolamo	Lescovitz		

NOT VOTING—1

Flaherty

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

The SPEAKER. The gentleman, Mr. Yudichak, offers the following amendment— The Chair rescinds.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Feese.

Mr. FEESE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FEESE. It is my understanding that when an individual is not on leave and they are on the floor of the House, that they are required to vote. What is the ruling of the Chair when an individual is on Capitol leave? Are they required to vote as well, because that is one of the purposes of Capitol leave.

The SPEAKER. The gentleman will wait one moment.

The rules state that a member that goes on Capitol leave could ask his floor leader to cast his vote for him, but not necessarily.

VOTE CORRECTION

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Yes?

Mr. DeWEESE. That was an error on our part. Mr. Flaherty should have been voted in the affirmative. He is about 50 yards away. It is our fault, not his. I think the clarification was necessary; it is helpful for the future. We could either have the vote again, or we could at least request that for the record, he be recorded in the affirmative.

Thank you very much.

The SPEAKER. The remarks will be spread across the record.

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

Mr. COHEN. Mr. Speaker, Mr. Flaherty really did not request Capitol leave. It just seemed to me that since he had said he was in the rotunda, it seemed to me that we could provide it to him.

The SPEAKER. That was awfully nice of you, Mr. Cohen.

Mr. COHEN. But I requested it for him but he did not request it. So, you know, if there was an error, Mr. Speaker, it was my error and not Representative Flaherty's error.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, then I apologize, because I was just reading the record where the gentleman, Mr. Flaherty, said that he was leaving the floor in protest and he was walking out to the rotunda. I thought he was requesting leave, not protesting, so it is my fault. I was confused.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. YUDICHAK offered the following amendment No. **A08376**:

Amend Title, page 1, line 21, by removing the period after "Department" and inserting

and for the powers and duties of the Department of Community and Economic Development; and making an appropriation and an editorial change.

Amend Bill, page 2, by inserting between lines 13 and 14

Section 2. Article XXV-C heading of the act, added February 1, 1966 (1965 P.L.1849, No.582), is amended to read:

ARTICLE XXV-C

POWERS AND DUTIES OF THE DEPARTMENT OF COMMUNITY [AFFAIRS] AND ECONOMIC DEVELOPMENT, ITS DEPARTMENTAL BOARDS, BUREAUS AND AGENCIES

Section 3. Section 2501-C of the act, added February 1, 1966 (1965 P.L.1849, No.582) and amended March 21, 1970 (P.L.198, No.78) and June 22, 1994 (P.L.351, No.52), is amended to read:

Section 2501-C. Powers and Duties in General.—The Department of Community [Affairs] and Economic Development shall have the power, and its duties shall be:

(a) To coordinate the many programs of grants and subsidies paid to political subdivisions by various agencies of State and Federal government.

(b) Provide for a central clearing house for information concerning local government problems between local governments and the various State agencies; and to direct inquiries about specific problems of local government to the proper State agencies for solution.

(c) Maintain close contact with all local governments to help them improve their administrative methods and to foster better municipal government and development.

(d) To review State policy and Federal programs with respect to major local governmental, metropolitan and area problems; and to determine their impact on local units of government as they pertain to community affairs.

(e) To conduct general research for various units of local government on problems affecting community affairs in the field of municipal administrative management, comprehensive planning, municipal forms of government, State-local relationships, fiscal procedures and generally to do any and all things necessary as an aid to better local and area government and community development; and upon request of a specific political subdivision to conduct under contract mutually agreed upon, extensive and continuous research on general problems of local and urban government and analysis of specific problems of the political subdivision.

(f) Provide direct consultive services to political subdivisions upon requests and staff services to special commissions, or the Governor, or the Legislature as directed.

(g) Provide technical assistance and research to political subdivisions participating in various operational programs affecting political subdivisions in the State.

(h) To coordinate and wherever provided by law to supervise or administer the various programs of State and Federal assistance and grants, including but not limited to housing, redevelopment, urban renewal, urban planning assistance, Project 70, area development, revitalization of central city cores, mass transportation, river basin studies, port development, air and water pollution, land and soil conservation, economic opportunity, and public works and community facilities and Appalachian assistance; and to furnish comprehensive planning and technical assistance on any program set forth in this subsection (h).

(i) To furnish assistance to political subdivisions in the preparation of and advice on enforcement of codes and ordinances.

(j) To aid in the preparation of and to distribute handbooks, research, financial and other reports derived from the activities of the department.

(k) To generally do any and all things necessary to make this act effective.

(l) Subject to the limitations of this act and of law, the Secretary of Community [Affairs] and Economic Development shall, from time to time, establish, rules and regulations to better carry this act into effect.

(m) To make grants to any two or more counties, cities, boroughs, incorporated towns, townships, or any other similar general purpose unit of government which shall hereafter be created by the General Assembly, or to any body which is authorized to act in behalf of two or more units of government, for the purpose of assisting them in acting in concert in the performance of any local governmental function or functions, or for the purpose of conducting studies and investigations to determine the feasibility and desirability of acting in concert in the performance of local governmental functions.

(n) To make direct grants or provide other forms of technical assistance to various public safety, recreation, senior citizen or other community service organizations.

Section 4. The act is amended by adding a section to read:

Section 2503-C. Reimbursement for Homeland Security Emergencies.—(a) The Department of Community and Economic Development shall reimburse local governments for expenses incurred in providing for homeland security emergencies, including, but not limited to, deployment of fire, police, ambulance and hazardous material personnel in response to anticipated and real emergencies.

(b) The Department of Community and Economic Development shall develop procedures for local governments to follow in applying for reimbursements under this section.

(c) Reimbursements under this section may not be made to the extent that Federal funds have been or will be provided for the emergency.

Section 5. The sum of \$10,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Community and Economic Development for the fiscal year July 1, 2006, to June 30, 2007, to fund the reimbursements authorized by section 2503-C of The Administrative Code of 1929.

Amend Sec. 2, page 2, line 14, by striking out “2” and inserting
6

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

AMENDMENT WITHDRAWN

The SPEAKER. That amendment has been withdrawn.

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

Mr. **YUDICHAK** offered the following amendment No. **A08436**:

Amend Title, page 1, line 21, by removing the period after “Department” and inserting
; establishing the Office of Consumer Advocate for Insurance as an independent office within the Office of Attorney General and prescribing its powers and duties; and establishing the Consumer Advocate for Insurance Fund.

Amend Bill, page 2, line 14, by striking out all of said line and inserting

Section 2. The act is amended by adding an article to read:

ARTICLE IX-C OFFICE OF CONSUMER ADVOCATE FOR INSURANCE

Section 901-C. Definitions.—As used in this article:

“Consumer” means any person who is a named insured, insured or beneficiary of a policy of insurance or any other person who may be affected in any way by the Insurance Department’s exercise of or the failure to exercise its authority.

“Department” means the Insurance Department of the Commonwealth and includes the Insurance Commissioner.

“Fund” means the Consumer Advocate for Insurance Fund established pursuant to section 906-C.

“Insurer” means any “company,” “association” or “exchange” as such terms are defined in section 101 of the act of May 17, 1921 (P.L.682, No.284), known as “The Insurance Company Law of 1921” or any entity subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) or Article XXIV of “The Insurance Company Law of 1921” or the act of December 29, 1972 (P.L.1701, No.364), known as the “Health Maintenance Organization Act.”

Section 902-C. Office of Consumer Advocate for Insurance.—(a) There is hereby established as an independent office within the Office of Attorney General an Office of Consumer Advocate for Insurance appointed by the Attorney General to represent the interest of consumers before the department.

(b) The Office of Consumer Advocate for Insurance shall be headed by the Consumer Advocate for Insurance appointed by the Attorney General who by reason of training, experience and attainment is qualified to represent the interest of consumers. Compensation shall be set by the Executive Board.

(c) No individual who serves as a Consumer Advocate for Insurance shall, while serving in the position, engage in any business, vocation or other employment, or have other interests, inconsistent with the official responsibilities, nor shall the individual seek or accept employment nor render beneficial services for compensation with any insurer subject to the authority of the office during the tenure of the appointment and for a period of two years immediately after the appointment is served or terminated.

(d) Any individual who is appointed to the position of Consumer Advocate for Insurance shall not seek election nor accept appointment to any political office during the tenure as Consumer Advocate for Insurance and for a period of two years after the appointment is served or terminated.

Section 903-C. Assistant Consumer Advocates for Insurance; Employees.—The Consumer Advocate for Insurance shall appoint attorneys as assistant consumer advocates for insurance and additional clerical, technical and professional staff as may be appropriate, and may contract for additional services as shall be necessary for the performance of the duties imposed by this article. The compensation of assistant consumer advocates for insurance and clerical, technical and professional staff shall be set by the Executive Board. No assistant consumer advocate for insurance or other staff employe shall, while serving in the position, engage in any business, vocation or other employment, or have other interests, inconsistent with official responsibilities.

Section 904-C. Powers and Duties of the Consumer Advocate for Insurance.—(a) In addition to any other authority conferred by this article, the Consumer Advocate for Insurance is authorized to and shall, in carrying out the responsibilities under this article, represent the interest of consumers as a party, or otherwise participate for the purpose of representing an interest of consumers, before the department in any matter properly before the department, and before any court or agency, initiating proceedings if, in the judgment of the Consumer Advocate for Insurance, the representation may be necessary, in connection with any matter involving regulation by the department or the corresponding regulatory agency of the Federal Government, whether on appeal or otherwise initiated.

(b) The Consumer Advocate for Insurance may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether to participate in or initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available

and the substantiality of the effect of the proceeding on the interest of consumers. The Consumer Advocate for Insurance may refrain from intervening when, in the judgment of the Consumer Advocate for Insurance, intervention is not necessary to represent adequately the interest of consumers.

(c) In addition to any other authority conferred by this article, the Consumer Advocate for Insurance is authorized to represent an interest of consumers which is presented for consideration, upon petition in writing, by a substantial number of persons who are consumers of an insurer subject to regulation by the department. The Consumer Advocate for Insurance shall notify the principal sponsors of the petition within a reasonable time after receipt of the petition of the action taken or intended to be taken with respect to the interest of consumers presented in that petition. If the Consumer Advocate for Insurance declines or is unable to represent the interest, written notification and the reasons for the action shall be given to the sponsors.

(d) Any action brought by the Consumer Advocate for Insurance before a court or an agency of this Commonwealth shall be brought in the name of the Consumer Advocate for Insurance: Provided, That the Consumer Advocate for Insurance may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing the action.

(e) At a time as the Consumer Advocate for Insurance determines, in accordance with applicable time limitations, to initiate, intervene or otherwise participate in any department, agency or court proceeding, the Consumer Advocate for Insurance shall issue publicly a written statement, a copy of which shall be filed in the proceeding in addition to any required entry of appearance, stating concisely the specific interest of consumers to be protected.

(f) The Consumer Advocate for Insurance shall be served with copies of all filings, correspondence or other documents filed by insurers with the department unless the Consumer Advocate for Insurance informs the insurer that specific types of classes of documents need not be so served. The department shall not accept a document as timely filed if the document is also required to be served on the Consumer Advocate for Insurance and the insurer has not indicated that service has or is being made on the Consumer Advocate for Insurance. Insurers shall provide any other nonprivileged information or data requested by the Consumer Advocate for Insurance to the extent that the request is reasonably related to the performance of the duties of the Consumer Advocate for Insurance under this article.

Section 905-C. Duties of the Department.—In dealing with any proposed action which may substantially affect the interest of consumers, including, but not limited to, a proposed change of rates and the adoption of rules, regulations, guidelines, orders, standards or final policy decisions, the department shall:

(1) Notify the Consumer Advocate for Insurance and provide, free of charge, copies of all related documents when notice of the proposed action is given to the public or at a time fixed by agreement between the Consumer Advocate for Insurance and the department in a manner to assure the Consumer Advocate for Insurance reasonable notice and adequate time to determine whether to intervene in the matter.

(2) Consistent with its other statutory responsibilities, take action with due consideration to the interest of consumers.

Section 906-C. Consumer Advocate for Insurance Fund.—(a) There is hereby established a separate account in the State Treasury to be known as the Consumer Advocate for Insurance Fund. This fund shall be administered by the State Treasurer.

(b) All moneys deposited into the fund shall be held in trust and shall not be considered general revenue of the Commonwealth but shall be used only to effectuate the purposes of this article. The fund shall be subject to audit by the Auditor General.

(c) Prior to the first day of April following the effective date of this article and prior to the first day of April of each year thereafter so long as this article shall remain in effect, each insurer who writes

coverages for fire and casualty, accident and health, credit accident and health under life/annuity/accident, health and life including annuities in this Commonwealth, as a condition of its authorization to transact business in this Commonwealth, shall pay into the fund in trust an amount equal to the product obtained by multiplying five million dollars (\$5,000,000) by a fraction, the numerator of which is the direct premium collected for all coverages by that insurer in this Commonwealth during the preceding calendar year and the denominator of which is the direct premium written on such coverages in this Commonwealth by all insurers in the same period. Any insurer who fails to pay the required assessment under this section shall be prohibited from writing any insurance within this Commonwealth.

(d) In succeeding years the General Assembly may vary the base amount of five million dollars (\$5,000,000) based upon the actual funding experience and requirements of the Office of Consumer Advocate for Insurance.

(e) Assessments made under this section shall not be considered burdens and prohibitions under section 212 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921."

(f) In the event that the trust fund is dissolved or the Office of Consumer Advocate for Insurance is terminated by operation of law, any balance remaining in the fund, after deducting administrative costs for liquidation, shall be returned to insurers in proportion to their financial contributions to the fund in the preceding calendar year.

Section 907-C. Reports.—The Consumer Advocate for Insurance shall annually transmit to the Governor and to the General Assembly, and shall make available to the public, an annual report on the conduct of the Office of Consumer Advocate for Insurance. The Consumer Advocate for Insurance shall make recommendations as may, from time to time, be necessary or desirable to protect the interest of consumers.

Section 908-C. Savings Provision; Construction.—(a) Nothing contained in this article shall in any way limit the right of any consumer to bring a proceeding before either the department or a court.

(b) Nothing contained in this article shall be construed to impair the statutory authority or responsibility of the department to regulate insurers in the public interest.

Section 3. This act shall take effect as follows:

(1) The addition of section 906-C of the act shall take effect in 90 days.

(2) The amendment of section 612-A(1)(i) of the act shall take effect immediately.

(3) This section shall take effect immediately.

(4) The remainder of this act shall take effect July 1, 2006, or immediately, whichever is later.

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Could we have a brief explanation of that amendment?

The SPEAKER. The gentleman indicates he will stand and give a brief explanation. Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

The amendment establishes a Consumer Advocate for Insurance. The amendment has passed on several occasions this chamber and been sent to the Senate.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Adolph	Feese	Major	Ruffing
Armstrong	Fichter	Manderino	Sabatina
Baker	Fleagle	Mann	Sainato
Baldwin	Flick	Markosek	Samuelson
Barrar	Frankel	Marsico	Santoni
Bastian	Freeman	McCall	Sather
Bebko-Jones	Gabig	McGeehan	Saylor
Belardi	Gannon	McGill	Scavello
Belfanti	Geist	McIlhattan	Schroder
Benninghoff	George	McIlhinney	Semmel
Beyer	Gerber	McNaughton	Shapiro
Biancucci	Gergely	Melio	Siptroth
Birmelin	Gillespie	Metcalfe	Smith, B.
Bishop	Gingrich	Micozzie	Smith, S. H.
Blackwell	Godshall	Millard	Solobay
Blaum	Good	Miller, R.	Sonney
Boyd	Grell	Miller, S.	Staback
Bunt	Grucela	Mundy	Stairs
Buxton	Gruitza	Mustio	Steil
Caltagirone	Haluska	Myers	Stern
Cappelli	Hanna	Nailor	Stetler
Casorio	Harhai	Nickol	Stevenson, R.
Causer	Harhart	O'Brien	Stevenson, T.
Cawley	Harper	Oliver	Sturla
Civera	Harris	Pallone	Surra
Clymer	Hasay	Parker	Tangretti
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
Donatucci	Leach	Roberts	Youngblood
Eachus	Lederer	Roebuck	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, D.	Lescovitz	Rooney	
Evans, J.	Mackereth	Ross	
Fabrizio	Maher	Rubley	Perzel,
Fairchild	Maitland		Speaker

NAYS—0

NOT VOTING—1

Flaherty

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

On the question recurring,

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

The SPEAKER. It is the understanding of the Chair that the gentleman has withdrawn the other amendments.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—159

Adolph	Fairchild	Maher	Rooney
Armstrong	Feese	Maitland	Rubley
Baker	Fichter	Major	Ruffing
Baldwin	Flaherty	Markosek	Sabatina
Barrar	Fleagle	Marsico	Sainato
Bastian	Flick	McCall	Santoni
Bebko-Jones	Gabig	McGeehan	Sather
Belardi	Gannon	McGill	Saylor
Belfanti	Geist	McIlhattan	Scavello
Benninghoff	George	McIlhinney	Schroder
Beyer	Gergely	McNaughton	Semmel
Biancucci	Gillespie	Metcalfe	Siptroth
Birmelin	Gingrich	Micozzie	Smith, B.
Bishop	Godshall	Millard	Smith, S. H.
Blaum	Grucela	Miller, R.	Solobay
Boyd	Gruitza	Miller, S.	Sonney
Bunt	Haluska	Mundy	Staback
Caltagirone	Hanna	Mustio	Stairs
Cappelli	Harhai	Nailor	Steil
Casorio	Harhart	Nickol	Stern
Causer	Harper	O'Brien	Stevenson, R.
Cawley	Harris	Pallone	Stevenson, T.
Civera	Hasay	Payne	Surra
Clymer	Hennessey	Petrarca	Tangretti
Cornell	Herman	Petri	Taylor, J.
Corrigan	Hershey	Petrone	Tigue
Costa	Hess	Phillips	True
Crahalla	Hickernell	Pickett	Turzai
Creighton	Hutchinson	Pistella	Veon
Daley	Kauffman	Preston	Walko
Dally	Keller, M.	Pyle	Wansacz
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wojnaroski
Dermody	Killion	Rapp	Wright
DeWeese	Kotik	Raymond	Yewcic
DiGirolamo	LaGrotta	Readshaw	Yudichak
Donatucci	Lederer	Reed	Zug
Eachus	Leh	Reichley	
Ellis	Lescovitz	Roberts	Perzel,
Evans, J.	Mackereth	Rohrer	Speaker
Fabrizio			

NAYS—34

Blackwell	Gerber	Melio	Stetler
Buxton	Good	Myers	Sturla
Cohen	Grell	Oliver	Thomas
Cruz	James	Parker	Vitali
Curry	Josephs	Roebuck	Waters
Diven	Kirkland	Ross	Wheatley
Evans, D.	Leach	Samuelson	Williams
Frankel	Manderino	Shapiro	Youngblood
Freeman	Mann		

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

* * *

The House proceeded to third consideration of **SB 1007, PN 1650**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for fire insurance contracts, standard policy provisions to exclude damage caused by terrorism.

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

The SPEAKER. It is the information of the Chair the amendments have all been withdrawn.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. To get a brief explanation of that bill.

The SPEAKER. Is there anyone that could provide information for the gentleman, Mr. Vitali?

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

Mr. THOMAS. Mr. Speaker, may I interrogate the author of the bill?

The SPEAKER. The author of the bill is a Senator, and we have been looking for a member to respond to the gentleman, Mr. Vitali. When the gentleman, Mr. Vitali, is through, we will go back to the gentleman, Mr. Thomas.

Does the gentleman, Mr. Hershey, wish to answer questions? No; the gentleman waives off.

The gentleman, Mr. Smith, will give a brief explanation.

Mr. S. SMITH. Thank you, Mr. Speaker. Just a brief explanation of this bill.

First of all— Excuse me, Mr. Speaker.

Thank you, Mr. Speaker. I apologize.

SB 1007 amends the Insurance Company Law, and basically the bill provides that insurers of commercial standard fire insurance policies can provide a written statement that the policy does not cover loss or damage caused by terrorism. Terrorism is defined in the bill, and fundamentally, that is the core issue that this legislation seeks to address, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Thomas, seek further explanation?

Mr. THOMAS. Mr. Speaker, may I interrogate?

The SPEAKER. The gentleman is in order.

Mr. THOMAS. A couple of questions.

One, I thought I heard you pretty clearly, but would you please explain the intent of the amendment? Or let me do it this way. Did I hear you correctly in saying that the bill provides for the exclusion of damages arising out of terrorism in insurance policies on the giving of a statement?

Mr. S. SMITH. Mr. Speaker, are you asking, if this bill were to become law, would it exclude terrorism from your coverage? Is that basically the core of what you are asking?

Mr. THOMAS. No. I am asking, if this bill becomes law, would damages arising out of terrorism be excluded from insurance policies?

Mr. S. SMITH. Yes, for commercial fire policies only.

Mr. THOMAS. And, Mr. Speaker, do you have any understanding of why this kind of policy is necessary?

Mr. S. SMITH. Now, Mr. Speaker, something known as the TRIA, Terrorism Risk Insurance Act, has been extended by Congress through December of 2007. The act that we are talking about here provides reinsurance for terrorism losses.

Currently 34 States allow a terrorism exclusion for commercial fire policies. Pennsylvania is not one of these 34 States. So while I do not always abide by the “everybody is doing it, you ought to go ahead and do it” rule, clearly this is something that is not unique to Pennsylvania and something that we are trying to keep Pennsylvania’s insurance laws in conformity for general competitive reasons, I suspect, along with other States.

Mr. THOMAS. So, Mr. Speaker, how would this apply to Flight 93, assuming that Flight 93 caused greater property damage – we know it caused extensive damages to human life, but suppose it caused greater property damage – and some of the property damage involved commercial providers or commercial carriers?

Mr. S. SMITH. Mr. Speaker, if you are, by example, making reference to the flight that crashed in Pennsylvania, this legislation would have no impact on any people that were involved – any families, surviving relatives, or families of those that were killed in that tragedy.

Mr. THOMAS. Well, I understand that, Mr. Speaker. What I am asking is, suppose Flight 93 caused massive property damage involving owners of commercial properties, and as a result of the plane going down, it could have triggered a fire which subsequently destroyed commercial properties.

Mr. S. SMITH. Mr. Speaker, let me try to clarify something. Currently a policy does not cover, other commercial policies do not cover in the event of a terrorist act. What this will allow for is that the policy clearly states that, and it does not prohibit someone from getting the insurance that would cover terrorism and damages that are brought about by it. So currently you do not have it. This is just clarifying it and allowing you to buy it if you want to, but just making clear that the standard policy does not carry coverage. It is not included in your coverage, you know, damage due to terrorism.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Smith, please stand for another period of interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for interrogation. The gentleman is in order.

Mr. FREEMAN. Mr. Speaker, in your previous remarks you mentioned, if I was clear on this, that under current insurance policies, terrorism is not covered? This merely would provide a disclaimer? Is that correct?

Mr. S. SMITH. Correct, except for standard commercial fire insurance policies. Additionally, like, you know, acts of war are excluded on your policy right now.

Mr. FREEMAN. Okay. The analysis that our caucus did informs us that under existing law, section 506 of The Insurance Company Law of 1921 establishes minimum standards for standard fire insurance policies, and under the act, a commercial fire insurance policy must, at a minimum, include coverage for acts of terrorism. So given our caucus analysis, it is my understanding that under current law, they must include, at a minimum, for acts of terrorism. So in essence, it is my understanding, and please feel free to correct me, that this would allow for the exclusion and to make that disclosure up front. Is that not correct?

Mr. S. SMITH. Yes, the disclosure has to be up front. Basically, this allows a terrorism exclusion in those commercial policies, because not all employers can afford it, which is why the business community is, you know, looking to make this adjustment in the policy.

Mr. FREEMAN. But is the Democratic Caucus analysis not correct in fact that currently there is a minimum coverage for terrorism? As the law stands now, under section 506, I believe it is.

Mr. S. SMITH. It is mandatory on a commercial standard fire insurance policy.

Mr. FREEMAN. Okay. Mr. Speaker, another question, if I may.

If this legislation becomes law and it becomes the standard practice to exclude coverage for acts of terrorism and the individual commercial owners do not seek out a policy for terrorism coverage, what would happen, in case of an act of terrorism, to that property?

Mr. S. SMITH. Well, Mr. Speaker, when you say exclude, this legislation, I do not believe, excludes it. It just allows someone the option to buy it or not to buy it and for the policy to accurately declare that, you know, as a condition of the policy.

Mr. FREEMAN. Well, with all due respect, Mr. Speaker, as I understand this bill, it would in effect make it clear that terrorism insurance, or terrorism insurance coverage is excluded in a commercial policy. So they would have to take the added step of now purchasing such insurance, where previously under section 506, there was a minimum coverage. Is that not correct?

Mr. S. SMITH. Mr. Speaker, this fundamentally gives the person purchasing the policy the option to either be covered or to not be covered. So it does not limit, it does not prohibit them from getting it. It does not limit them from getting it. It just gives them the option to include or exclude it from their policy.

Mr. FREEMAN. But, Mr. Speaker, the language of this bill is making it clear that an act of terrorism is not covered under your commercial fire insurance policy if it is a basic policy. You would have to go out and purchase it, where previously under section 506, there was a minimum coverage. Is that not correct?

Mr. S. SMITH. I am sorry, Mr. Speaker. Would you repeat the question?

Mr. FREEMAN. This legislation makes it clear, if it passes and becomes law, that your standard commercial fire insurance policy no longer covers acts of terrorism, where previously under section 506, there was a minimum coverage for acts of terrorism. Is that not correct?

Mr. S. SMITH. Unless you choose to purchase it as a separate—

Mr. FREEMAN. With all due respect, Mr. Speaker, I am not talking about what will happen after the act. I am talking about how it stands now compared to the disclaimer that this legislation is seeking to establish.

Mr. S. SMITH. Correct; it is part of the policy coverage. So currently, if that is what you are asking, yes, it is currently included, and you are paying for that. What, at least as I would understand this, Mr. Speaker, what this would allow is for someone to subdivide that element, that element of coverage, so that if you did not want to pay the extra that is built into your premium now, you would be able to reduce your premium and say, I am going to take a chance that this is not going to happen to me.

Mr. FREEMAN. Okay. Returning to my previous question, if this policy, if this change in law goes into effect and standard commercial fire insurance policies no longer cover acts of terrorism, would it not then be the liability of the commercial property owner, in case their property is hit by an act of terrorism, they would have no coverage under that circumstance and would have to pay for the entire damage. Is that correct?

Mr. S. SMITH. As long as you make the clarification, Mr. Speaker, that this is dealing solely with property insurance and not liability insurance, those being two separate items.

Mr. FREEMAN. I understand we are talking about fire damage, commercial insurance, but in fact, they would have to pay for the damage itself under those circumstances, correct?

Mr. S. SMITH. If someone chose to, if this were law and someone chose to purchase an insurance policy and exclude this segment of coverage and in fact they were a victim of that type of damage, then obviously they would be stuck with paying for it, because they chose not to buy that type of coverage. So I mean, I think it is no different than any other insurance options that are available with all insurance products, whether it is, you know, with your automobile insurance, your health insurance, or whatever. I think it is an option. If they did not purchase it and they sustained damage due to that kind of an event, they would be liable, you know, they would be liable for that cost.

Mr. FREEMAN. And, Mr. Speaker, can you tell us the availability of terrorism insurance in the Commonwealth of Pennsylvania? How available is that on the open market so that commercial entities can purchase such insurance, and what does it go for in terms of price?

Mr. S. SMITH. There is a market, Mr. Speaker, and while I cannot speak to the, you know, finer points of the economics of that, if that is what you are getting at, Congress, as I mentioned earlier, Congress did extend the Terrorism Risk Insurance Act to 2007, to December of 2007, and in essence, that is what provides reinsurance for terrorism losses, which in turn is what allows that coverage to be available in Pennsylvania.

Mr. FREEMAN. Just as a point of clarification, Mr. Speaker, on that particular piece of congressional legislation, did you say

– and I apologize; I could not quite hear you – that that would be the fallback for coverage for commercial properties if they experience an act of terrorism?

Mr. S. SMITH. Well, the reinsurance that is provided through the Federal act is what, you know, essentially, and that is true I think in most marketplaces, that is what allows the, you know, the local insurance company, the Pennsylvania licensed insurance company to, you know, to actually provide that coverage, because they have a reinsurance market – if that is correct terminology – a reinsurance market available to them. That is why it would be available.

Mr. FREEMAN. Is any of that funded through tax dollars?

Mr. S. SMITH. Mr. Speaker, it is a Federal law, the Terrorism Risk Insurance Act, that essentially provides for that reinsurance market, as I referred to it, but I cannot honestly tell you if there are, in some way, tax dollars that are behind that reinsurance market. I am sorry. I do not have the answer to that question, Mr. Speaker.

Mr. FREEMAN. Okay. Mr. Speaker, I thank the gentleman, Mr. Smith, for standing for interrogation and for his patient answers. I would like to speak on the bill, if I may.

The SPEAKER. The gentleman is in order.

Mr. FREEMAN. Mr. Speaker, I am troubled by this legislation. Currently, as I understand through our course of interrogation, commercial properties do have some minimum antiterrorist coverage in case they are attacked by terrorists. This is making a departure from that coverage and requiring individual commercial entities to purchase separate antiterrorist coverage on the open market.

Instead of spreading the risk, we are in essence going to drive it up in cost, because obviously if the insurance industry no longer has to provide this kind of coverage for damage, that is going to make it a very expensive item to purchase, and probably fewer and fewer commercial entities will seek out that insurance. They will take the risk. I think that sends the wrong signal at a time of war, it sends the wrong signal at a time when our country is trying to combat terrorism, that we are going to let the insurance industry off the hook for protecting people's property and possibly protecting other aspects to their property holdings.

You know, it is like the old saying, Mr. Speaker, insurance companies will give you a policy as soon as you prove you are not going to cash it in, and I think it sends both the wrong signal and provides a disservice to the many businesses across this Commonwealth that we are now going to allow insurance companies off the hook and in essence make that product, antiterrorist insurance, a far more expensive item, and for that reason I intend to vote "no" on this bill, and I urge my colleagues to vote "no" as well.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

Just to offer some additional insight, the way the insurance marketplace works as far as terrorism goes, the insurance companies will offer terrorism coverage at renewal, and the price will be stated on a form what the cost will be. The buyer of the insurance then signs a form advising whether or not they want to purchase the insurance or not.

My understanding of this legislation is that it is really strictly a notification that is going to be on the policies that coverage is excluded, particularly in the instances if the buyer does not wish

to purchase the coverage. There are some policies that are offered in the State, like workers' compensation, that automatically include a premium charge for terrorism. You cannot exclude terrorism on workers' comp. All the employees that died in the Trade Center, for example, were covered. You cannot exclude coverage for workers' compensation.

There are various thresholds that must take place in order for an act to be determined an act of terrorism. There must be a certain dollar amount of damage that takes place as well as the Secretary of State and the Attorney General for the United States must declare it as an act of terrorism for that to even qualify. But just from a clarification standpoint, all policyholders are offered the option to buy the coverage at renewal, or at inception of the policy, they must sign if they do not want to purchase it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, it appears to me that we are doing the insurance companies' bidding this evening. We are headed down a very slippery slope with commercial property. Let me read to you just briefly from the amendment, as I have in front of me here on the computer screen that we all have. We are excluding of course, as the gentleman from Northampton's earlier interrogation – he did a fine job, by the way – concluded that we are excluding commercial property from acts of terrorism that would not be covered under fire insurance.

The act is "...a violent act or an act that is dangerous to human life, property or infrastructure that is committed by an individual or individuals...and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion...."

Mr. Speaker, to exclude solely commercial property from fire insurance coverage is a dangerous precedent to be setting here on this House floor. Today commercial property; tomorrow individual property. No one knows where and when an act of terrorism will strike, Mr. Speaker, but to allow a huge windfall for the insurance companies, to allow the insurance companies off the hook, to allow for hardworking Americans' dollars to be paid to these insurance companies and then in the end not have any recourse, I think is a bad precedent to be set, Mr. Speaker, and I would strongly urge a "no" vote on SB 1007.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the majority leader rise?

Mr. S. SMITH. Just to speak on the bill one quick minute.

The SPEAKER. The gentleman is in order.

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

Mr. Speaker, I know I was not doing the best job of explaining this, but I think this is being mischaracterized. This legislation is not doing the bidding of the insurance industry. It is fundamentally providing options to small businesses who otherwise might not be able to afford a bigger policy. It is simply providing them an option to purchase this insurance or to not purchase this insurance. It does not exclude them. It does not prohibit them from doing anything. The insurance would still be available. If they still want to buy it in an entire package

and pay more money for that, they have that option. If they choose to buy a lesser level of insurance because of affordability, that is what this legislation would actually provide, Mr. Speaker.

So I do not think that it is something that is doing some bidding for anybody. It is simply trying to provide insurance options for what in reality would amount to small businesses in Pennsylvania who otherwise might not be able to afford a different level of coverage.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

Just a point of clarification. I think people need to understand, the way commercial insurance policies are written, it says, if not specifically excluded, it is included. It does not say the insurance companies cannot go back and reprice that product. So what is happening is, the insurance companies now have this exposure so they are going back and repricing the product.

If I own a warehouse in the middle of nowhere, I have that in my policy. I cannot get it out. I now have to pay for it. This provides an opportunity for the business owners to say, listen, I do not want that coverage; I want it excluded; I do not need it. The business community supports this. It is not a windfall for the insurance companies, because they can simply right now go, do their calculations, what is the long-term exposure to having this in the policies, and reprice them, and people in areas that have no exposure to terrorism have to pay for it. This is just letting the market operate and letting companies that do not need the coverage choose not to take it. It is as simple as that.

I urge a “yes” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

When this bill came up in the Insurance Committee, I had many of the same questions, and I went to the committee meeting intending to vote against it because of my questions, but prior to getting to the meeting, I talked to some of the business groups and some of the insurance groups about the bill, and in learning about it, it changed my perspective entirely.

The reinsurance market totally collapsed on 9/11/2001. There was no reinsurance market for terrorism risk. As a result of that, the Federal government stepped in and passed TRIA, the terrorism reinsurance – I forget what the full acronym stands for that the majority leader cited – but they passed that to provide a reinsurance mechanism with the hope that they could establish a private reinsurance mechanism on their own without the government being involved at some point in time.

They have been unsuccessful in establishing that private market, and the Federal government is trying to get out of the game as well, so they have extended the act for 1 more year, but the current administration has said that they will not reextend it past that. So what we have is a reinsurance market that how do you price the coverage, especially if the Federal government is not going to stand in back of the coverage with TRIA any longer, and as a result, the price for this product is extraordinarily expensive.

Our current law basically requires every commercial business to buy the coverage, because it is automatically included, so the business community wants to be relieved of

that mandate, because the only way they can get the basic fire policy now is to include that, and the extraordinary cost of the reinsurance that the insurance companies would have to obtain is so great that they would rather not have the coverage. They would rather have the option. Those who want it can go to the private market, and if it is available at a premium, they can buy it.

This is a bill that is supported by the insurance industry, yes, because they cannot get their reinsurance, but it is also supported by the business community as well, because they do not want to pay through the nose for the coverage.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PALLONE. Thank you, Mr. Speaker.

Would the majority leader stand for a very brief interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates that he has done enough interrogation.

Mr. PALLONE. Will anyone be able to stand to respond as to whether or not the Terrorism Risk Insurance Act has been renewed beyond December 31, 2005?

The SPEAKER. Does the gentleman, Mr. Killion, wish to respond? The gentleman does not know.

The gentleman, Mr. Nickol. I knew Mr. Nickol would know. Mr. Nickol.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. NICKOL. It has been twice renewed, I believe, and it is renewed right now currently to 2007, December of 2007.

Mr. PALLONE. Thank you, Mr. Speaker. On the—

The SPEAKER. The gentleman is in order.

Mr. PALLONE. All right. Thank you, Mr. Speaker.

Back in November of 2002, the Federal government passed the Terrorism Risk Insurance Act, which expired originally December 31 of 2005. Given the fact that the speaker suggested it has been renewed through 2007, that supports a backdrop threshold for the individual companies and commercial properties that do not elect to accept terrorism fire insurance coverage today.

This particular issue amounts to about a \$750 billion cost throughout the country, and if you look on the Internet, you can do a quick Google search on terrorism insurance and there are a number of articles that will come up real quick for you. The situation here as it appears, and based on what the speakers prior to me have suggested is, that this just puts the burden back on the insurance industry to provide notice to the insured that they are not getting insurance for this particular risk unless they specifically request it and pay an additional premium for it.

In the end of the day, to the insured individual commercial properties that do not receive it, they should enjoy somewhat of a premium savings. The insureds who choose to have terrorism insurance fire protection under those opportunities, if you will, will end up spreading the loss over less insureds and will most likely incur a higher premium for that additional insurance that they elect to take. This just gives the insureds the opportunity to choose whether or not they want it, and I encourage a positive vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

And I understand the majority leader is not standing for any further interrogations, but for the same reasons given by the previous speaker, the gentleman, Mr. Pallone, I find it odd that if we are covered now, as per the interrogation in the responses from Representative Freeman, if commercial properties are covered now and they want to opt out, there should be a premium reduction attached to that.

If you have a 15-year-old automobile that you have carried liability, collision, and comprehensive insurance on and you decide that the car is now too old and you want to drop your collision and drop your comprehensive and just keep your minimum liability coverage, you get a premium reduction. In this legislation there is no premium reduction. It does seem to me like a windfall for the insurance industry. People can opt out of terrorism coverage, and if the refineries down in the Port of Philadelphia get hit and they are not covered, somebody is going to have to pay for that. If the Port of Philadelphia gets hit, commercial property, somebody is going to have to pay for that.

In my opinion, if we are going to allow people to opt out of terrorism coverage, there ought to be a premium reduction attached to that. Instead, as the gentleman, Mr. Pallone, just said, we are going to have a much smaller group of commercial properties that know they need to have coverage, like the Port of Philadelphia, like commercial properties like that, like the PPL plants, and they are going to be paying a much, much higher premium because of all of the other commercial properties that will no longer be in that rate base.

This is very troublesome to me, Mr. Speaker, and I am going to be voting “no” as well.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I concur with the majority leader in not wanting to go through any further interrogation. This is not his bill. The Senate did not do a good job in educating the House on what its intent was, and, Mr. Speaker, what we have in front of us is troubling at best, and it is troubling at best because— And when I looked at this language, the language does not provide an option for insurance companies to opt out of providing this coverage. The language does not provide language that allows the insured to know that they must look someplace else for terrorism coverage. The language does not provide choices or options. The language specifically states that we will not cover damages and/or losses arising out of acts of terrorism.

And, Mr. Speaker, when I read that, I thought about Flight 93; I thought about the horror that we witnessed in Washington, where not only good lives were lost, but there were massive damages to commercial property in Washington, DC. The Pentagon had taken an excessive amount of time to just assess the degree of loss to the Pentagon, and, Mr. Speaker, I personally believe that the Federal government should not be off the hook. The Federal government should not be allowed to cancel this kind of coverage, not as long as we have the kind of leadership that we have from Pennsylvania in Washington.

And what we really should be doing, and you know, if I would have seen this earlier, I would have prepared some language that I think gets at where the majority leader and others want to go in reference to small businesses but at the same time do not allow language to go forward that works to the

behest of Pennsylvanians, especially in an area like this, an area of terrorism, which is unpredictable, in which there is no way to assess how small or how great commercial or residential property is going to be damaged, just like there is no way of determining how many human lives will be lost, and that is why homeland security is so important.

MOTION TO TABLE

Mr. THOMAS. But, Mr. Speaker, we cannot complement homeland security by advancing this kind of public policy, and so, Mr. Speaker, I am going to, and I hope that the majority leader will join me in this, but I rise to move to table SB 1007 until we have a chance to provide this bill with language which truly reflects where we want to go on this issue.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER. The majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would ask the members to vote against the motion to table. Clearly, there has been a significant amount of debate. I believe it is an issue that is now before us, it is understood, and that we should move forward with the vote on SB 1007, and I would ask the members to vote against the motion to table.

Thank you, Mr. Speaker.

The SPEAKER. Only the majority and minority leaders.

Does the minority leader defer to anyone?

Mr. DeWEESE. I defer to my honorable colleague, even though I do not think I agree with him.

The SPEAKER. He did not ask you to agree with him.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I encourage members from both sides of the aisle to move to table SB 1007 for the following reasons: Number one, from the debate that we have had on this bill, you can glean from that debate that there is confusion as to the impact of this bill on not just the business community but also on Pennsylvania at large.

Number two, Mr. Speaker, the language is very specific. It is not language that provides for choices. It is not language which says that the insured must make other arrangements or says that the insurer can provide other choices. That option is not contained in the language.

And last but not least, if there is one area that we need to be clear about the public policy that we are advancing is in the area of terrorism. Nine eleven was a day that America never wants to see again, and it is a day that America must do all that it can to make sure that we protect our citizens, we protect our property, and we protect this beautiful land that we occupy.

Terrorism, unlike any other area, is an area that we must walk very carefully in addressing, and for those three reasons – and I will be looking for your support on this motion to table – Mr. Speaker, for those reasons that I have just articulated, let us vote to table SB 1007 and come back with something that truly reflects where we want to go.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—44

Bebko-Jones	Freeman	Melio	Sabatina
Belardi	George	Myers	Santoni
Bishop	Haluska	Oliver	Staback
Caltagirone	Hanna	Pallone	Sturla
Casorio	James	Parker	Thomas
Cawley	Keller, W.	Petrone	Tigue
Cohen	Kirkland	Preston	Vitali
Cruz	LaGrotta	Readshaw	Waters
Curry	Leach	Roberts	Williams
Daley	Lederer	Roebuck	Yewcic
Fabrizio	McGeehan	Ruffing	Youngblood

NAYS—148

Adolph	Fichter	Maitland	Rubley
Armstrong	Flaherty	Major	Sainato
Baker	Fleagle	Manderino	Samuelson
Baldwin	Flick	Mann	Sather
Barrar	Frankel	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Belfanti	Gannon	McCall	Schroder
Benninghoff	Geist	McGill	Semmel
Beyer	Gerber	McIlhattan	Shapiro
Biancucci	Gergely	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, B.
Blaum	Gingrich	Metcalfe	Smith, S. H.
Boyd	Godshall	Micozzie	Solobay
Bunt	Good	Millard	Sonney
Buxton	Grell	Miller, R.	Stairs
Cappelli	Grucela	Miller, S.	Steil
Causer	Gruitza	Mundy	Stern
Civera	Harhai	Mustio	Stetler
Clymer	Harhart	Nailor	Stevenson, R.
Cornell	Harper	Nickol	Stevenson, T.
Corrigan	Harris	O'Brien	Surra
Costa	Hasay	Payne	Tangretti
Crahalla	Hennessey	Petrarca	Taylor, J.
Creighton	Herman	Petri	True
Dally	Hershey	Phillips	Turzai
DeLuca	Hess	Pickett	Veon
Denlinger	Hickernell	Pistella	Walko
Dermody	Hutchinson	Pyle	Wansacz
DeWeese	Josephs	Quigley	Watson
DiGirolamo	Kauffman	Ramaley	Wheatley
Diven	Keller, M.	Rapp	Wojnaroski
Donatucci	Kenney	Raymond	Wright
Eachus	Killion	Reed	Yudichak
Ellis	Kotik	Reichley	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher		Speaker

NOT VOTING—1

Blackwell

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

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

NAYS—12

Blackwell	Cruz	Myers	Thomas
Casorio	Freeman	Parker	Williams
Cohen	Lederer	Staback	Youngblood

NOT VOTING—1

Manderino

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

SUPPLEMENTAL CALENDAR C

RULES SUSPENDED

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I make a motion to suspend the rules to call up HB 2799 without amendments.

Thank you.

On the question,

Will the House agree to the motion?

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

Mr. VITALI. To ask if we could get an explanation.

The SPEAKER. It is not debatable, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I know traditionally we have gotten, when asked to suspend the rules, have gotten an explanation of the substance of what we are asking to suspend. I am just asking for that courtesy right now.

The SPEAKER. The gentleman, Mr. Taylor, indicates he will give you a response.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, this 2799 is a bill to really change for the better the Neighborhood Assistance Act to make it more palatable for corporations to contribute to neighborhood organizations and community development corporations throughout Pennsylvania and take advantage of the tax credit funding that we have already appropriated for many years, to make it a more competitive bill, and we would like to suspend the rules to do that so that we can consider this today and get it over to the Senate without amendments so it has a shot at being part of this June package.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni

Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Grell	Miller, S.	Stairs
Buxton	Grucela	Mundy	Steil
Caltagirone	Gruitza	Mustio	Stern
Cappelli	Haluska	Myers	Stetler
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2799, PN 4274**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

I did not have much of a chance to take a look at this, but I just noticed quickly in the language that in this case a tax credit can be sold. I am not overly familiar with corporate or tax law but—

The SPEAKER. Is the gentleman asking to interrogate?

Mr. VITALI. This is interrogation.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman is in order.

Mr. VITALI. I am sorry.

The SPEAKER. That is all right.

Mr. VITALI. Could you explain the concept of selling a tax credit and how it works in this case?

Mr. TAYLOR. Yes, Mr. Speaker.

In the event that a corporation has a tax credit that it can no longer avail itself of, meaning in particular that it is already at the point where it has used up its tax credits, it can assign or sell that tax credit. If we have this in the code, we think it is going to enable corporations to be more willing to make the contribution and get the tax credits, because they use this for many years in advance. They commit, maybe in some cases 5 years or longer, to make contributions to a community group, get tax credits, and sometimes they cannot use them, so this will enable them to sell those or to assign those.

Mr. VITALI. I mean, again, this concept of selling a tax credit, is this something that has occurred in other parts of the Pennsylvania Tax Code?

Mr. TAYLOR. Mr. Speaker, I do not know if the other tax credit programs that this particular program competes with, the education and improvement tax credit and things, I do not know if they have, to be honest with you, a provision to sell or assign or not, but it is something that we have been looking at for some time and were hopeful that this particular provision in the code will entice more corporations to contribute in their community.

Mr. VITALI. Can you name any other tax credit offered in the Pennsylvania Tax Code that can be sold?

Mr. TAYLOR. Mr. Speaker, I cannot offer that, but I do not know that that does not exist.

Mr. VITALI. Okay. I am still trying to get a handle on what type— Could you give me an example of how this is being employed right now, give me an example of a corporation, just so I can get a handle on what we are talking about.

Mr. TAYLOR. Mr. Speaker, this particular program right now enables corporations to contribute, usually they make a commitment for a number of years to contribute substantial dollars to a community development corporation, for which they apply to the State for tax credits, and it now exists, 70 percent of their contribution is credited to their State taxes.

In Philadelphia, for example, in our communities, I think the example that we used most often is Tastykake partnering with a group called Allegheny West. That has been a long-running

partnership where Tastykake contributes to that organization for community development purposes in their neighborhood, in and around Tastykake, for which Tastykake gets tax credit. In my particular community we have nonprofits who partner with corporations to get contributions for their programs and they get tax credits for that.

Right now, because it is at 70 percent, it is not competitive with other State tax credit programs. Some of the community groups are having trouble finding partners. This particular bill expands it in some cases to 80 percent and expands the amount of money in general that a corporation can contribute to the community and for which it gets tax credit.

I have just been informed by staff, in response to your prior question, that research and development tax credits right now in our code are sold and assigned.

Mr. VITALI. Okay. So in your example, if Tastykake would give, let us say, \$10,000 to this nonprofit and get a 70-percent tax credit for that, if they— How would they be able— So if they contribute more than a certain amount to this specific nonprofit, they can— Give me an example of how they would be in a position where they would be selling this credit.

Mr. TAYLOR. Mr. Speaker, in the event that they have already made— Just go back to your example. It is certainly not a small amount like \$10,000. It is usually an amount like \$250,000 committed over 10 years or 5 years. So there are situations where either they have used up the tax credits available, they still have bought a tax credit but they have used it in other areas where they do not have tax exposure, so they cannot utilize it, or they could assign it to another corporation to get the same tax benefit. That is my understanding of it.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

Clymer	Harris	Pallone	Tangretti
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	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Allen	Goodman	Rieger	Taylor, E. Z.
Argall	Levdansky	Shaner	Wilt
Forcier	O'Neill		

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1082, PN 4167**, entitled:

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.

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

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

For what purpose does the gentleman, Mr. Vitali, rise?
Mr. VITALI. To ask for a brief explanation of this bill.

The SPEAKER. The gentleman, Mr. Leh, indicates he will give an explanation.

Mr. LEH. Thank you, Mr. Speaker.
The bill as amended, as it came out of the House Finance Committee, simply eliminates the amusement tax on any fixed site amusement park that is considered a National Historic Landmark and all public golf courses.

The SPEAKER. Mr. Vitali.
Mr. VITALI. Could I continue with my interrogation?
The SPEAKER. The gentleman has to ask for interrogation to get interrogation. So you are now on interrogation, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
So this would eliminate the amusement tax with regard to something that is a National Historic Landmark. Is that it?

Mr. LEH. That is correct, sir.
Mr. VITALI. Is that just directed at one particular site, or do you know of more than one that this is directed at?

Mr. LEH. In reality, it is directed at all fixed site amusement parks that would happen to be on the National Historic Landmark Registry. However, I believe in Pennsylvania it restricts it to one.

Mr. VITALI. And what is that?
Mr. LEH. That is Kennywood in Allegheny County.

Mr. VITALI. Kennywood.
Do you know what the fiscal impact of eliminating this tax is on the municipality and the school district involved there?

Mr. LEH. It is, I think, \$579,000, in that neighborhood, just shy of \$580,000 for the school district.

Mr. VITALI. Thank you.
Mr. LEH. And the same for the municipality, for the gentleman.

Mr. VITALI. Thank you.
The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Gergely.
Mr. GERGELY. Thank you, Mr. Speaker.

I want to take a brief moment to further give explanation on the issue at hand with specifically Kennywood, because this is all the bill has to deal with.

Although I am reluctantly in favor of this bill, I will ask our members to vote for this because of the fact that in the year 2003 the municipality raised the taxes, the admission tax, of this park 50 percent. They were in a budget deficit, and this corporation, Kennywood, pays 10 percent of this municipal budget for this community. I believe there is a fiscal responsibility for Kennywood to be a good partner in this community, but I also believe I need a tool to go back to Kennywood and West Mifflin Borough to say we need to negotiate some kind of agreement in lieu of taxes for payment for Kennywood Park.

That being said, that has happened at other amusement parks throughout this State like Hershey. And having spoken to Kennywood and the issue with respect to the school district, Kennywood is very aware of this loss of about \$500,000 to the school district and has already made agreement themselves that we are all going to sit at a table and work out this process so that that is not a financial impact on the school district.

But with respect to this borough, there needs to be more negotiation, and we cannot expect any one single corporation to pay 10 percent of a municipal budget. That being said, I ask for a "yea" vote.

Thank you.
The SPEAKER. The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, once again we are looking at a bill trying to change the amusement tax, which we have done over the years unfortunately.

I stand to oppose HB 1082 for a number of reasons. One is, once again we have special legislation for golf courses as well as one, one amusement park, which I think is wrong to begin with.

Secondly and more importantly, we have gone through the last few years talking about one issue as being perhaps the most important, and that is property tax reduction, and what we are telling people is, because these organizations, these venues, whether they are golf courses or Kennywood, refuse to collect this tax from their patrons, who may not be from that municipality, by the way, we are going to force locals in the school districts and in the municipalities to pay increased property taxes because we are taking money away from this.

What we should be doing is, we should expand this to allow for everyone, like when Act 511 was passed, to do it instead of having special interest piece by piece dismantle this tax. I have not had one constituent ever come to me and say, unless they own the venue, they do not want to pay an amusement tax, and this is another tax that, as we talked about the property tax reduction, this is one of the few taxes which can help people in a given taxing jurisdiction lower their property tax by getting revenue in from people from outside, and that was the argument we made with the sales tax increase.

So I would ask that everyone oppose this, and let us go back and look at the amusement tax, a more fair system, so that everybody can partake of it in all of the venues, because we keep making exceptions, and I would ask those people especially who live in the first-class city and county of Philadelphia, which we always except, to oppose this, to let these municipalities have the right to collect the amusement tax.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise in support of this bill, HB 1082.

Kennywood Park is really different than any other park in its location in Pennsylvania. Amusement taxes are discriminatory. Kennywood Park is a recreation center along the Monongahela River that is in West Mifflin Borough, but Kennywood Park, Kennywood Park pays sales tax; Kennywood Park pays income tax; they pay the earned income tax, and it is unfortunate they are in part of the Steel Valley, where we all know western Pennsylvania is going through a major economic crisis, and West Mifflin Borough has placed a further burden on Kennywood Park since USX (U.S. Steel Corporation) has pulled the steel plants out of West Mifflin, Duquesne, and all throughout the valley. Well, it is not fair to Kennywood; it is not fair to the owners of Kennywood; it is not fair to the residents of the Mon Valley and the Steel Valley that really participate and recreate at Kennywood Park.

This park has been in western Pennsylvania for well over 100 years. It is a great facility. They need a break. This discriminatory tax ought to be lifted off the back of Kennywood, and I ask for an affirmative vote on HB 1082.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I think this is an unusual situation, but I support this legislation.

You know, nobody mentioned the fact that Kennywood Park also pays other taxes. They pay the mechanical device tax for every machine they have there; they pay the local tax, the mercantile tax; they pay the occupation tax, real estate tax, permits for police.

Kennywood Park is an economic development generator. It creates a tremendous amount of jobs for our college kids and people who need jobs in the summertime. It is unfair that this municipality, some municipality here, is charging over and above what they should be paying in taxation. If they were only paying the admission tax and charging that, then I could understand it, but they also are paying all these other taxes to this municipality. It certainly does not seem fair that they be overcharged and overtaxed, and that is what we are trying to do, keep businesses in Pennsylvania. This is a family-owned business. Let us try to keep them there, and I support this bill on final passage.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this legislation as well.

The points raised by the gentleman, Mr. Tigue, were well taken. There is another issue here. If it just dealt with the amusement park of Kennywood, it would be a localized issue, and I am sure that would have little effect outside of that municipality.

However, this also is legislation which would prohibit the levying of an amusement tax on golf courses. There are many private golf courses across this Commonwealth, and there are many communities that depend upon an amusement tax as a source of revenue. If we take that away, it is going to mean an increase in the property taxes in those communities to compensate for that, and for that reason I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—153

Armstrong	Fabrizio	Maitland	Rooney
Baker	Fairchild	Major	Sabatina
Baldwin	Feese	Manderino	Sainato
Bastian	Fichter	Mann	Santoni
Bebko-Jones	Flaherty	Markosek	Sather
Belardi	Fleagle	Marsico	Saylor
Belfanti	Flick	McGeehan	Scavello
Benninghoff	Frankel	McGill	Schroder
Beyer	Gabig	McIlhattan	Semmel
Biancucci	Geist	McIlhinney	Shapiro
Birmelin	Gergely	McNaughton	Smith, B.
Bishop	Gingrich	Metcalfe	Smith, S. H.
Blackwell	Godshall	Millard	Solobay
Blaum	Gruitza	Miller, R.	Sonney
Boyd	Haluska	Miller, S.	Staback
Bunt	Hanna	Mustio	Stairs
Caltagirone	Harhai	Myers	Stern

Cappelli	Harhart	Nailor	Stevenson, R.
Casorio	Harper	Oliver	Stevenson, T.
Causer	Harris	Pallone	Sturla
Civera	Hasay	Parker	Tangretti
Clymer	Herman	Payne	Taylor, J.
Cornell	Hershey	Petrarca	Thomas
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Creighton	Hutchinson	Phillips	Veon
Cruz	James	Pickett	Walko
Curry	Kauffman	Pistella	Wansacz
Daley	Keller, M.	Preston	Waters
Dally	Keller, W.	Pyle	Watson
DeLuca	Kenney	Quigley	Williams
Denlinger	Kirkland	Ramaley	Wojnaroski
Dermody	Kotik	Rapp	Yewcic
DeWeese	LaGrotta	Raymond	Youngblood
Diven	Leach	Reed	Zug
Donatucci	Lederer	Reichley	
Eachus	Leh	Roberts	
Ellis	Lescovitz	Roebuck	Perzel,
Evans, J.	Maher	Rohrer	Speaker

NAYS—39

Adolph	George	McCall	Siptroth
Barrar	Gerber	Melio	Steil
Buxton	Gillespie	Micozzie	Stetler
Cawley	Good	Mundy	Surra
Cohen	Grell	Nickol	Tigue
Crahalla	Grucela	Readshaw	Vitali
DiGirolo	Hennessey	Ross	Wheatley
Evans, D.	Josephs	Rubley	Wright
Freeman	Killion	Ruffing	Yudichak
Gannon	Mackereth	Samuelson	

NOT VOTING—0

EXCUSED—11

Allen	Goodman	O'Neill	Taylor, E. Z.
Argall	Lvdansky	Rieger	Wilt
Forcier	O'Brien	Shaner	

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.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

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

Mr. HERSHEY. Thank you, Mr. Speaker.

I want to call a quick Agriculture meeting at the back of the House immediately. I want every member to attend. It is a budget item that we can discharge very rapidly.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Agriculture and Rural Affairs Committee will meet immediately.

COMMITTEE MEETING CANCELED

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee meeting which was scheduled for tomorrow is canceled.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER. The gentelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

While the committee meets, I would like to do a correction of the record.

The SPEAKER. The gentelady is in order.

Ms. MANDERINO. On SB 1007 my vote was not recorded. I wish the record to reflect I had intended to vote "yes."

The SPEAKER. The Chair thanks the gentelady.

SENATE BILL FOR CONCURRENCE

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

SB 1224, PN 1955

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 28, 2006.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER. The gentleman is in order.

Mr. STEIL. On final passage of HB 1959, I was recorded in the positive. I wish to be recorded in the negative.

Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

The gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

On HB 243 I would wish the record to correctly display my vote as in the negative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

The gentleman, Mr. Flaherty.

Mr. FLAHERTY. Mr. Speaker, I rise to correct the record.

The SPEAKER. The gentleman is in order.

Mr. FLAHERTY. I was not on Capitol leave. I have reviewed the record of the votes that were taken and were not taken, and they are correct.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

The gentleman, Mr. Sonney.

Mr. SONNEY. Mr. Speaker, to correct the record.

The SPEAKER. The gentleman is in order.

Mr. SONNEY. On suspension of the rules on HB 2793, amendment 8835, I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Does anyone else seek recognition to change the record?

**THE SPEAKER PRO TEMPORE
(ROBERT J. FLICK) PRESIDING**

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 804, PN 4399; HB 1320, PN 4308; and HB 1725, PN 3757**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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

SB 1224, PN 1955

By Rep. HERSHEY

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for Commonwealth appropriations.

AGRICULTURE AND RURAL AFFAIRS.

RECESS

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

AFTER RECESS

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Quigley.

Mr. QUIGLEY. Mr. Speaker, I move that this House do now recess until Thursday, June 29, 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., Thursday, June 29, 2006, the House recessed.