

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 29, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 46

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. BOB BASTIAN, member of the House of Representatives, offered the following prayer:

May we pray:

Lord, we thank You for another great day that You have provided. May we use it to Your glory, and may we use it to work for a budget that is just, that is caring, and that is affordable. These last days can be tense. Guide and direct all of us to be considerate and temperate, and help us to work together. Your prophet, Micah, has told us what You require of us, and that is to do what is just, to show constant love, and to live in humble fellowship with all.

Continue to be with those in Pennsylvania who have been affected by these floodings these past few days, and give strength to the emergency crews that are providing help.

And also watch over our President and our service men and women who are in harm's way around the world. Return them safely to their families soon.

We ask all of these things in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 28, 2006, will be postponed until printed.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that SB 1188 and SB 1224 be taken from the table.

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 1188, PN 1910; and SB 1224, PN 1955.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that SB 1188 and SB 1224 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 1114, PN 1782

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.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Berks, Mr. LEH; the gentleman from Bucks, Mr. O'NEILL; and the gentlelady from Chester, Mrs. TAYLOR. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for today for the gentleman from Philadelphia, Mr. RIEGER. Without objection, that leave will be granted.

The Chair again recognizes the majority whip, who moves for a leave of absence for the day for the gentleman, Mr. CREIGHTON, and the gentleman, Mr. SATHER. Without objection, those additional 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—193

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—10**

Creighton	Levdansky	Sather	Taylor, E. Z.
Forcier	O'Neill	Shaner	Wilt
Leh	Rieger		

LEAVES ADDED—1

Gergely

LEAVES CANCELED—3

Creighton Gergely O'Neill

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Rachel Adelman. She is the guest today of Representative Dan Frankel. Rachel grew up in Harrisburg, Pennsylvania. She attended Susquehanna Township High School here in Harrisburg and graduated with distinguished honors. Upon her graduation, Rachel moved to Israel to participate in various volunteer projects and resided there for the past 6 years. She returned to the States this summer to work and save money for college. She is returning to Israel in October to attend the Interdisciplinary Center in Herzeliya, Israel, to study security studies and government. Would she please rise and be recognized by the House.

FILMING PERMISSION

The SPEAKER. The Chair is giving permission to Stephen Willing and Paul Martino of KDKA-TV to videotape and video with audio on the floor of the House for the next 10 minutes.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2855 By Representatives STAIRS, M. KELLER, ROEBUCK, O'NEILL, CURRY, LEACH, PALLONE, STURLA, SURRA, YUDICHAK, BLAUM, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, COHEN, COSTA, CRAHALLA, DALEY, DALLY, DeLUCA, DeWEESE, FLAHERTY, GINGRICH, GOOD, HARHAI, HESS, JAMES, KILLION, LEDERER, MARKOSEK, McILHATTAN, MYERS, PETRARCA, PHILLIPS, PICKETT, REED, SAMUELSON, SATHER, SAYLOR, SCAVELLO, SHANER, SIPTROTH, B. SMITH, STABACK, E. Z. TAYLOR, VEON, WANSACZ, WATSON, WILT, YEWCIC, YOUNGBLOOD, BUXTON, GEIST, REICHLEY and GRUCELA

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 health services.

Referred to Committee on EDUCATION, June 29, 2006.

No. 2856 By Representatives STAIRS, FLEAGLE, R. MILLER, O'NEILL, GRUCELA, MUNDY, PALLONE, STURLA, ARGALL, BARRAR, BIANCUCCI, CALTAGIRONE, CRAHALLA, DALEY, FAIRCHILD, FRANKEL, FREEMAN, GEIST, GEORGE, GOODMAN, HESS, MANN, McILHATTAN, PETRONE, RUBLEY, SAYLOR, SIPTROTH, SONNEY, E. Z. TAYLOR, THOMAS, TIGUE and BEYER

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

Referred to Committee on EDUCATION, June 29, 2006.

No. 2857 By Representatives STAIRS, HERMAN, GRUCELA, PALLONE, STURLA, YUDICHAK, BELFANTI, BOYD, CALTAGIRONE, CAPPELLI, COHEN, CRAHALLA, FLAHERTY, FREEMAN, GEIST, HESS, MCGILL, MICOZZIE, PYLE, RUBLEY, SIPTROTH, TANGRETTI, E. Z. TAYLOR, TIGUE and WANSACZ

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for advanced placement courses; further providing for Pennsylvania accountability grants; and making an appropriation.

Referred to Committee on EDUCATION, June 29, 2006.

No. 2858 By Representatives O'NEILL, BAKER, BARRAR, BENNINGHOFF, BOYD, BUNT, BUXTON, CAPPELLI, CLYMER, CREIGHTON, DeLUCA, GEIST, GINGRICH, GRUCELA, HALUSKA, HARPER, HENNESSEY, HERSHEY, HESS, M. KELLER, LEH, R. MILLER, NAILOR, NICKOL, PALLONE, PYLE, READSHAW, REICHLEY, RUBLEY, SCHRODER, SIPTROTH, STEIL, STERN, R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE and MICOZZIE

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 rules and regulations and safety patrols, for possession of weapons prohibited and for suspension and expulsion of pupils.

Referred to Committee on EDUCATION, June 29, 2006.

No. 2859 By Representatives W. KELLER, BUNT, CALTAGIRONE, CAPPELLI, CREIGHTON, DALEY, DALLY, DENLINGER, FICHTER, GEIST, HERSHEY, JAMES, KILLION, KOTIK, MELIO, MYERS, PAYNE, PISTELLA, ROEBUCK, SOLOBAY, STABACK, YOUNGBLOOD, E. Z. TAYLOR, SIPTROTH, THOMAS, J. TAYLOR, PALLONE and LEDERER

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for purpose, for definitions and for projects affecting submerged lands of this Commonwealth.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 29, 2006.

No. 2860 By Representatives MCGEEHAN, DeLUCA, CALTAGIRONE, JOSEPHS, SIPTROTH, SCHRODER and HARHAI

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for restricted activities and for penalties.

Referred to Committee on STATE GOVERNMENT, June 29, 2006.

No. 2861 By Representatives GODSHALL, BALDWIN, BELFANTI, CALTAGIRONE, FABRIZIO, GERGELY, GOODMAN, HERSHEY, HESS, KILLION, LaGROTTA,

LEVDANSKY, METCALFE, READSHAW, STABACK and PALLONE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the use of commission-owned land for recreational hunting.

Referred to Committee on GAME AND FISHERIES, June 29, 2006.

No. 2862 By Representatives GODSHALL, BALDWIN, BELFANTI, CALTAGIRONE, FABRIZIO, GERGELY, GOODMAN, HERSHEY, HESS, KILLION, LaGROTTA, LEVDANSKY, METCALFE, READSHAW, STABACK and PALLONE

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, providing for recreational hunting on lands owned by the Department of Conservation and Natural Resources.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 29, 2006.

No. 2863 By Representatives GODSHALL, BALDWIN, BELFANTI, CALTAGIRONE, FABRIZIO, GERGELY, GOODMAN, HERSHEY, HESS, KILLION, LaGROTTA, LEVDANSKY, METCALFE, READSHAW, STABACK and PALLONE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for recreational hunting on commission-owned lands.

Referred to Committee on GAME AND FISHERIES, June 29, 2006.

No. 2864 By Representatives PETRONE, DeWEESE, CALTAGIRONE, DALEY, DeLUCA, DERMODY, DIVEN, FABRIZIO, GERGELY, HENNESSEY, HUTCHINSON, LaGROTTA, MYERS, PALLONE, SATHER, THOMAS, WALKO, WHEATLEY and YOUNGBLOOD

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing, in Allegheny Regional Asset District, for governing board and for capital budget.

Referred to Committee on LOCAL GOVERNMENT, June 29, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 818 By Representatives HANNA, BELARDI, BEYER, CALTAGIRONE, COHEN, CREIGHTON, DALEY, DeWEESE, FLAHERTY, FREEMAN, GEIST, GEORGE, GINGRICH, GRUCELA, HERSHEY, JAMES, KOTIK, LEDERER, McILHATTAN, MUNDY, PALLONE, PICKETT, READSHAW, ROBERTS, SCAVELLO, SIPTROTH, SONNEY, STABACK, TANGRETTI, THOMAS, TIGUE, WANSACZ, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

A Resolution urging the Congress of the United States to enact legislation that would allow municipalities to contribute in-kind services as part of their cost-share under Federal grant programs.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 29, 2006.

No. 819 By Representatives HANNA, BAKER, BARRAR, BELARDI, BELFANTI, BEYER, CALTAGIRONE, CRAHALLA, CREIGHTON, DALEY, FLAHERTY, FORCIER, FREEMAN, GINGRICH, GOODMAN, GRUCELA, HERSHEY, JAMES, JOSEPHS, KOTIK, LEACH, LEDERER, McILHATTAN, MILLARD, MUNDY, PALLONE, PISTELLA, READSHAW, ROBERTS, SAYLOR, SIPTROTH, SONNEY, STABACK, THOMAS, TIGUE, WANSACZ, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

A Resolution urging the Federal Emergency Management Agency to review and update state, county and municipal flood maps every ten years.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 29, 2006.

No. 821 By Representatives PERZEL, S. H. SMITH, FEESE and DeWEESE

A Resolution establishing the Legislative Commission on Public School Finance, Adequacy and Accountability and providing for its duties and responsibilities.

Referred to Committee on EDUCATION, June 29, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 1121, PN 1891

Referred to Committee on HEALTH AND HUMAN SERVICES, June 29, 2006.

SB 1244, PN 1954

Referred to Committee on GAME AND FISHERIES, June 29, 2006.

The SPEAKER. The House will be temporarily at ease.
Will the gentleman, Mr. Casorio, please come to the rostrum.

(Conference held at Speaker's podium.)

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 804, PN 4437 (Amended) By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an electronic titling program, for unattended children in motor vehicles and for fleeing or attempting to elude police officer; and further providing for exemption from additional requirements for highway occupancy permits for agricultural purposes.

RULES.

HB 1320, PN 4308 By Rep. S. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, restricting the transport, sale, importation or release of non-native injurious fish.

RULES.

HB 1725, PN 3757 By Rep. S. SMITH

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for basic and continuing education programs for tax collectors; providing for records in possession of tax collector; further providing for expenses paid by taxing districts and for discounts, penalties and notice; providing for compensation for interim tax bills; and further providing for penalty.

RULES.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Allegheny, Mr. GERGELY. Without objection, that leave will be granted.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. FAIRCHILD called up **HR 816, PN 4401**, entitled:

A Resolution honoring President Dwight D. Eisenhower for his leadership in creating the Interstate Highway System, commemorating the 50th anniversary of the Interstate Highway System and designating June 29, 2006, as "President Dwight D. Eisenhower Interstate Highway System Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

HARRISBURG LEGISLATIVE LEAVE

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

Mr. WILLIAMS. The gentleman, Representative WANSACZ, from Lackawanna County wants to be put on Capitol leave.

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

Mr. WILLIAMS. Thank you.

CONSIDERATION OF HR 816 CONTINUED

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—1

Freeman

NOT VOTING—0

EXCUSED—11

Creighton	Leh	Rieger	Taylor, E. Z.
Forcier	Levdansky	Sather	Wilt
Gergely	O'Neill	Shaner	

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

THE SPEAKER PRO TEMPORE (JOHN A. MAHER) PRESIDING

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1729, PN 3853**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for compulsory school attendance and for exceptions to compulsory school attendance; and requiring all public school districts in this Commonwealth to conduct interviews for all students who withdraw or are illegally absent from school.

On the question,

Will the House agree to the bill on third consideration?

Mr. GRUCELA offered the following amendment No. **A08596**:

Amend Title, page 1, line 12, by inserting after "THERETO," " providing for school district notification of residential development;

Amend Bill, page 3, lines 11 through 13, by striking out all of said lines and inserting

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

ARTICLE II-A

NOTIFICATION OF RESIDENTIAL DEVELOPMENT

Section 201-A. Definitions.

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

"Applicant." A landowner or developer who has filed an application for development with a governing body. The term includes the landowner's or developer's heirs, successors and assigns.

"Application for development." Every application, whether preliminary, tentative or final, required by law or ordinance to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a residential development plan.

"Developer." Any landowner, agent of the landowner or tenant with the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

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

"Landowner." The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition, a lessee if the

lessee is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

“Planned residential development.” An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

“Planning agency.” A planning commission, planning department or a planning committee of the governing body.

“Plat.” The map or plan of a subdivision or land development, whether preliminary or final.

“Residential development plan.” The provisions for residential development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions for residential development” when used in this section shall mean the written and graphic materials referred to in this definition.

“School district.” Includes school districts of all classes.

Section 202-A. Notification of subdivision and land development in school districts.

An applicant shall send via certified mail return receipt requested, within five days after filing with a governing body or planning agency, a copy or summary of the application for preliminary approval of a residential development plan to the superintendent of the school district wherein the residential development plan is proposed. A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section.

Section 203-A. School district comments.

The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this section shall empower the school district with any authority to approve or deny any application for approval of a plat.

Section 2. Section 1327 of the act is amended by adding a subsection to read:

Amend Sec. 2, page 3, line 19, by striking out “2” and inserting 3

Amend Sec. 3, page 5, line 3, by striking out “3” and inserting 4

Amend Sec. 4, page 6, line 23, by striking out “4” and inserting 5

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the gentleman, Mr. Grucela, is in order.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, once again this is an amendment based on the impact fees for growing school districts, and although this is a very important issue I think to those of us in the growing

school districts, at this particular time on this particular bill I will withdraw this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ROEBUCK offered the following amendment No. **A08727:**

Amend Sec. 3 (Sec. 1354.1), page 5, line 17, by inserting after “SCHOOL.”

cyber charter school.

Amend Sec. 3 (Sec. 1354.1), page 5, lines 18 and 19, by striking out “DAY SCHOOL OPERATED BY A BONA FIDE CHURCH OR OTHER RELIGIOUS BODY” and inserting

nonpublic nonlicensed school, private academic school

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This amendment is designed to clarify the language of this bill. It provides that when a student transfers into a cyber charter program, the provision of this bill would not apply; that is to say that student is not withdrawing from school but moving from one school to another. It is designed to clarify that the intent of this is not to address that particular situation but rather to deal with students who are withdrawing from school or attempting to withdraw from school.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Creighton	Leh	Rieger	Taylor, E. Z.
Forcier	Levdansky	Sather	Wilt
Gergely	O'Neill	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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-164

Adolph	Evans, D.	Lederer	Sabatina
Allen	Evans, J.	Lescovitz	Sainato
Argall	Fabrizio	Maher	Samuelson
Armstrong	Fairchild	Maitland	Santoni
Baker	Feese	Major	Saylor
Baldwin	Fichter	Manderino	Scavello
Barrar	Flaherty	Mann	Schroder
Bastian	Fleagle	Markosek	Semmel
Bebko-Jones	Flick	Marsico	Shapiro
Belardi	Frankel	McCall	Siptroth
Belfanti	Freeman	McGeehan	Smith, B.
Benninghoff	Gannon	McGill	Solobay
Beyer	Geist	McIlhinney	Staback
Bianucci	George	McNaughton	Stairs
Birmelin	Gerber	Melio	Steil
Bishop	Gillespie	Micozzie	Stern

Blackwell	Gingrich	Millard	Stetler
Blaum	Godshall	Miller, R.	Stevenson, T.
Bunt	Goodman	Mundy	Sturla
Buxton	Grucela	Myers	Surra
Caltagirone	Gruitza	Nailor	Tangretti
Cappelli	Haluska	O'Brien	Taylor, J.
Casorio	Hanna	Oliver	Thomas
Causar	Harhai	Pallone	Tigue
Cawley	Harhart	Parker	True
Civera	Harper	Payne	Veon
Clymer	Harris	Petrarca	Vitali
Cohen	Hasay	Petri	Walko
Cornell	Hennessey	Petrone	Wansacz
Corrigan	Herman	Phillips	Waters
Costa	Hershey	Pickett	Watson
Cruz	Hess	Pistella	Wheatley
Curry	Hickernell	Preston	Williams
Daley	James	Ramaley	Wojnaroski
Dally	Josephs	Raymond	Wright
DeLuca	Keller, W.	Readshaw	Youngblood
Dermody	Kenney	Roberts	Yudichak
DeWeese	Killion	Roebuck	Zug
DiGirolamo	Kirkland	Rohrer	
Diven	Kotik	Rooney	
Donatucci	LaGrotta	Ruffing	Perzel,
Eachus	Leach		Speaker

NAYS-28

Boyd	Hutchinson	Mustio	Ross
Crahalla	Kauffman	Nickol	Rubley
Denlinger	Keller, M.	Pyle	Smith, S. H.
Ellis	Mackereth	Quigley	Sonney
Gabig	McIlhattan	Rapp	Stevenson, R.
Good	Metcalfe	Reed	Turzai
Grell	Miller, S.	Reichley	Yewcic

NOT VOTING-0

EXCUSED-11

Creighton	Leh	Rieger	Taylor, E. Z.
Forcier	Levdansky	Sather	Wilt
Gergely	O'Neill	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.

* * *

The House proceeded to third consideration of **HB 1588, PN 1989**, entitled:

An Act providing for fluoridation of public water.

On the question,

Will the House agree to the bill on third consideration?

Mr. **FLICK** offered the following amendment No. **A08202**:

Amend Sec. 3, page 1, line 12, by striking out "500" and inserting

1,000

Amend Bill, page 2, by inserting between lines 6 and 7
Section 4. Cost recovery.

A public water supplier whose rates for service are established by the Pennsylvania Public Utility Commission may file tariffs establishing a sliding scale of rates or other method for the automatic adjustment of the rates of the public water supplier as provides for the recovery of all costs incurred in compliance with or resulting from the requirements of this act, including operating expenses and a return on and return of capital investment.

Section 5. Limitation of liability.

A public water supplier whose rates for service are established by the Pennsylvania Public Utility Commission shall be held harmless and indemnified from liability by the Department of Environmental Protection for implementing fluoridation under this act if equipment and facilities employed in fluoridating the water supply were constructed in compliance with a permit amendment from the Department of Environmental Protection and are operated in compliance with the permit and with 25 Pa. Code Ch. 109 (relating to safe drinking water).

Amend Sec. 4, page 2, line 7, by striking out “4” and inserting
6

Amend Sec. 5, page 2, line 10, by striking out “5” and inserting
20

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

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

Mr. FLICK. Thank you, Mr. Speaker.

HB 1588 establishes the Fluoridation Act to require fluoride to be added to public water sources.

My amendment does three things: It raises the minimum level of public water suppliers required by this act to those serving over 1,000 households, going from 500 up to 1,000. It also provides that the public water supplier may file tariffs with the Public Utility Commission to provide for the recovery of all costs based on the implementation of this law. And the third thing my amendment does is it would provide the public water supplier whose rates for service are established by the Public Utility Commission, they would be held harmless and indemnified from liability by the Department of Environmental Protection if the fluoridation operation was constructed in compliance with a permit and if it was operating in compliance with a permit.

So it merely does three things, which I believe the prime sponsor of this act supports, and I would encourage all members to support this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—171

Adolph	Feese	Major	Sabatina
Allen	Fichter	Manderino	Sainato
Argall	Flaherty	Mann	Samuelson
Baker	Fleagle	Markosek	Santoni
Baldwin	Flick	Marsico	Saylor
Barrar	Frankel	McCall	Scavello

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

NAYS—21

Armstrong	Gabig	Kotik	Rapp
Bastian	Hershey	Metcalfe	Reed
Causer	Hutchinson	Miller, S.	Stevenson, R.
Denlinger	Kauffman	Pallone	Surra
Ellis	Kenney	Pyle	Yewcic
Fabrizio			

NOT VOTING—0

EXCUSED—11

Creighton	Leh	Rieger	Taylor, E. Z.
Forcier	Levdansky	Sather	Wilt
Gergely	O'Neill	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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—150

Adolph	Fairchild	Maitland	Sabatina
Allen	Feese	Major	Sainato
Baker	Fichter	Manderino	Samuelson
Barrar	Flaherty	Mann	Santoni
Bebko-Jones	Fleagle	Markosek	Saylor
Belardi	Flick	Marsico	Schroder
Belfanti	Frankel	McCall	Semmel
Benninghoff	Freeman	McGeehan	Shapiro
Beyer	Gannon	McGill	Siptroth
Biancucci	Geist	McIlhinney	Smith, B.
Bishop	George	McNaughton	Solobay
Blackwell	Gerber	Melio	Staback
Blaum	Gillespie	Micozzie	Steil
Boyd	Grell	Mundy	Stetler
Bunt	Grucela	Mustio	Stevenson, T.
Buxton	Gruitza	Myers	Sturla
Caltagirone	Haluska	Nailor	Tangretti
Cappelli	Hanna	Nickol	Taylor, J.
Casorio	Harhai	O'Brien	Thomas
Cawley	Harhart	Oliver	Tigue
Civera	Harris	Parker	True
Clymer	Hasay	Payne	Turzai
Cohen	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Vitali
Corrigan	Hickernell	Petrone	Walko
Costa	James	Phillips	Wansacz
Cruz	Josephs	Pickett	Waters
Curry	Keller, M.	Pistella	Watson
Daley	Keller, W.	Preston	Wheatley
Dally	Kenney	Ramaley	Williams
DeLuca	Killion	Raymond	Wojnaroski
Dermody	Kirkland	Readshaw	Wright
DeWeese	LaGrotta	Reichley	Youngblood
DiGirolamo	Leach	Roberts	Yudichak
Diven	Lederer	Roebuck	Zug
Donatucci	Lescovitz	Rooney	
Eachus	Mackereth	Ross	Perzel,
Evans, D.	Maher	Ruffing	Speaker

NAYS—42

Argall	Gabig	McIlhatten	Rohrer
Armstrong	Gingrich	Metcalfe	Rubley
Baldwin	Godshall	Millard	Scavello
Bastian	Good	Miller, R.	Smith, S. H.
Birmelin	Goodman	Miller, S.	Sonney
Causar	Harper	Pallone	Stairs
Crahalla	Hershey	Pyle	Stern
Denlinger	Hess	Quigley	Stevenson, R.
Ellis	Hutchinson	Rapp	Surra
Evans, J.	Kauffman	Reed	Yewcic
Fabrizio	Kotik		

NOT VOTING—0

EXCUSED—11

Creighton	Leh	Rieger	Taylor, E. Z.
Forcier	Levdansky	Sather	Wilt
Gergely	O'Neill	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.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The gentleman from Berks County, the majority whip, is recognized, Mr. Argall.

Mr. ARGALL. Berks and Schuylkill, Mr. Speaker.

Mr. Speaker, the House Republicans will begin immediately an informal caucus, and then at 12:15 we will begin our formal caucus procedures.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there other announcements?

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I yield to Mr. Clymer.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. CLYMER. Thank you.

Mr. Speaker, I hope that the Democrat colleague to my left over here will listen to what I have to say so that they can schedule any informal caucuses after we have our State Government meeting, so I can get members of the Democrat Caucus to attend our State Government Committee meeting, which is going to occur in room 60 upon the call of recess by the Speaker; that is room 60, State Government Committee. We need 20 minutes to finish our agenda. So if Representative Cohen would take that into consideration.

Thank you.

The SPEAKER pro tempore. The State Government Committee will meet at the recess in room 60.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be informal discussions in the Democratic caucus room immediately upon the call of the recess. A formal caucus will start after the completion of the State Government Committee meeting, sometime around 12 m. I would urge members to report to the Democratic caucus as quickly as possible so that we can begin the formal discussions as soon as possible.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Harhai.

Mr. HARHAI. Mr. Speaker, I would like to be corrected on the vote for HB 1588. I was voted in the affirmative and wanted to be voted in the negative.

The SPEAKER pro tempore. The remarks of the gentleman will be spread across the record.

Mr. HARHAI. Thank you very much, Mr. Speaker.
The SPEAKER pro tempore. The Chair recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.
To correct the record.

The SPEAKER pro tempore. The gentleman is in order.

Mr. McCALL. On final passage of HB 1588, I was recorded in the affirmative. I would like the record to reflect I would have voted in the negative.

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

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. Argall, for the announcement that there will be an informal caucus of Republicans immediately upon recess.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MYERS. Mr. Speaker, as I had said earlier this week, I wanted to bring up a couple of discharge resolutions, and I need some direction from the Speaker's desk with regard to when that would be appropriate. Would it be possible to do it before we recess? I mean, would I be able to do it before we recess for the day or before we move to a supplemental calendar? What should I do and how should I do it?

The SPEAKER pro tempore. The gentleman, Mr. Myers, is thanked for his inquiry, and I believe that your area of interest is going to be a subject of discussion in the caucuses, and when we return to the floor, we should have a clarity on scheduling.

Mr. MYERS. What did he say? I did not hear you. Oh, we are going to talk about it in caucus.

All right. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any further announcements?

RECESS

The SPEAKER pro tempore. The House will recess until 2:15.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 804, PN 4437**, as further amended by the House Rules Committee:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an electronic titling program, for unattended children in motor vehicles and for fleeing or attempting to elude police officer; and further providing for exemption from additional requirements for highway occupancy permits for agricultural purposes.

On the question,

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

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 804 be recommitted to Rules without exception.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Mr. O'Neill, and would request that his name be added to the master roll call.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2757, PN 4208**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. METCALFE. Mr. Speaker, either we have not had the caucus chairs talk about the leaves that are needed or we need more members on the floor to cover the buttons, because there are obviously not that many people here to carry on with this vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Members will please proceed to the floor.

VOTE CORRECTION

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

Mr. REICHLEY. Mr. Speaker, I need to correct the record on amendment A7999 from yesterday on HB 1959, and I need to be corrected on that amendment. I was incorrectly listed as a “yea,” and I need to be listed in the “nay” column on that amendment.

The SPEAKER pro tempore. The gentleman’s remarks will be spread upon the record.

Mr. REICHLEY. Thank you.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize guests that are with us today from the gentleman, Mr. Mark Mustio’s 44th Legislative District. Today the Boy Scout Troop 310 leaders John Bubeck, Sr., and Fred Geldmaker are visiting Harrisburg. They are seated in the gallery. Boy Scout Troop 310 hails from Sharon Presbyterian Church in Moon Township. Scout leaders Bubeck and Geldmaker are accompanied by Boy Scouts John Bubeck, Jr.; Tim Geldmaker; and Thomas and Zachary Kernick. Would they all rise in the gallery, and would the members please give them a wonderful round of applause.

LEAVE OF ABSENCE CANCELED

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

VOTE CORRECTION

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

Mr. STEIL. To correct the record.

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

Mr. STEIL. On HB 1588 I was recorded in the positive. I wish to be recorded in the negative.

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

CONSIDERATION OF HB 2757 CONTINUED

The SPEAKER pro tempore. Returning to page 5 of today’s calendar, HB 2757, PN 4208.

On the question recurring,
Shall the bill pass finally?

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

Mr. VITALI. To get a brief explanation of the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will temporarily go over the bill.

RULES COMMITTEE MEETING

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

LEAVE OF ABSENCE CANCELED

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

BILLS REREPORTED FROM COMMITTEE

HB 1695, PN 4331

By Rep. S. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

RULES.

HB 2625, PN 3956

By Rep. S. SMITH

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

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 1695, PN 4331; and HB 2625, PN 3956.

BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2625 and HB 1695 be recommitted to the Appropriations Committee.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2667, PN 4418**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER pro tempore. The gentleman, Mr. Wansacz, is back from Capitol leave.

CONSIDERATION OF HB 2667 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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

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

SUPPLEMENTAL CALENDAR A**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1320, PN 4308**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, restricting the transport, sale, importation or release of non-native injurious fish.

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

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

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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

Ordered, That the clerk inform the Senate accordingly.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. GRUCELA. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The Chair thanks the gentleman. His name will be so moved.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1725, PN 3757**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for basic and continuing education programs for tax collectors; providing for records in possession of tax collector; further providing for expenses paid by taxing districts and for discounts, penalties and notice; providing for compensation for interim tax bills; and further providing for penalty.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentlelady, Representative Gingrich, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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 **SB 660, PN 1423**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding the Uniform Trust Act; abolishing the rule against perpetuities; making conforming amendments; and making a related repeal.

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

Mr. **DALLY** offered the following amendment No. **A08644**:

Amend Sec. 9 (Sec. 7710), page 46, line 26, by removing the period after "Commonwealth" and inserting
and the right to notice of any proceeding or nonjudicial settlement agreement in which there is a charitable interest or purpose.

Amend Sec. 9 (Sec. 7732), page 56, line 24, by inserting after "power"
with respect to a noncharitable trust

Amend Sec. 9 (Sec. 7740.3), page 62, line 22, by striking out "only"

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	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. **O'BRIEN** offered the following amendment No. **A08859**:

Amend Sec. 9 (Sec. 7799.3), page 121, line 24, by striking out "only on behalf" and inserting

for the sole benefit

Amend Sec. 9 (Sec. 7799.3), page 121, lines 25 and 26, by striking out "shall be in the best interest" and inserting

must have a reasonable relationship to the needs

Amend Sec. 9 (Sec. 7799.3), page 121, line 27, by inserting after "fund.—"

Before the funding of a pooled trust, all liens and claims in favor of the Department of Public Welfare for repayment of cash and medical assistance shall first be satisfied.

Amend Sec. 9 (Sec. 7799.3), page 123, line 2, by inserting after "trust"

that has been approved by the Department of Public Welfare

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	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 recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FLAHERTY. Mr. Speaker, is it possible to interrogate somebody on this SB 660?

The SPEAKER pro tempore. The gentleman, Mr. Dally, indicates that he would subject himself to interrogation. The gentleman, Mr. Flaherty, is in order and may proceed.

Mr. FLAHERTY. Mr. Speaker, I have some questions. What is the intent behind SB 660?

Mr. DALLY. Thank you, Mr. Speaker.

SB 660 is really a culmination of 4 years of work by the Advisory Committee on Decedents' Estates Laws. It was a group of attorneys that were impaneled to basically bring in all of the extraneous trust law that is out there, both statutory and case law, and bring it into one statute so it can be easily used by practitioners.

Mr. FLAHERTY. As I look towards the fifth paragraph down, it indicates that all trusts created after the effective date of PUTA (Pennsylvania Uniform Trust Act) are presumed to be amendable and revocable. Does that hold true for irrevocable trusts? It says all trusts. Are all irrevocable trusts now revocable?

Mr. DALLY. Mr. Speaker, I think that goes to the issue under our common law where trusts were deemed to be irrevocable. I think if the body or the document itself states that it is irrevocable, and it may be for certain tax reasons, that it would remain irrevocable.

Mr. FLAHERTY. So I am not sure if I understand that. If we have a trust 1 week prior to PUTA or, say, 100 years prior to PUTA that was irrevocable, according to just the plain reading of this language, it appears now that these trusts are now revocable. Is that right?

Mr. DALLY. I think it goes to the presumption that is in the law currently that a trust is irrevocable. What this statute does is codify the presumption that trusts are revocable unless otherwise stated.

Mr. FLAHERTY. I guess I am not understanding the answer. The language reads that all trusts created after PUTA are presumed to be revocable. That is the way the language reads. Now, my question is, an irrevocable trust is a trust as all trusts. Are they now revocable?

Mr. DALLY. I am sorry, Mr. Speaker. Could you just repeat that question, please?

Mr. FLAHERTY. Okay. I am simply looking at the language, and it indicates that all trusts created after the effective date of the PUTA are presumed to be amendable and revocable. That means from a fair reading of the language that all trusts are presumed to be revocable. Does that include irrevocable trusts under the words “all trusts”?

Mr. DALLY. No, it will not, Mr. Speaker.

Mr. FLAHERTY. Does it say that anywhere in the act, or are we just relying on our understanding of language that has come from somewhere outside this document?

Mr. DALLY. Basically what the statute establishes is the presumption of revocability. If the document itself says that it is irrevocable, then the presumption does not apply.

Mr. FLAHERTY. A long-standing rule of law has been the rule against perpetuities. Why is it that we are eliminating several hundred years of the rule against perpetuities in this document?

Mr. DALLY. I think the general consensus among the practitioners that practice in this area of the law is that the rule against perpetuities is understood by few and can be explained by fewer yet and that other jurisdictions have eliminated the rule against perpetuities in favor of a defined statutory provision.

Mr. FLAHERTY. I have no more questions, but if I may make a comment, Mr. Speaker?

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

Mr. FLAHERTY. I am not saying that this bill should be voted up or down today. I am going to vote “no” today because the entire bill is over 140, 150 pages almost, and I really think that we need some more comment before we go changing something as historic as the rule against perpetuities and amending what may be or may not be irrevocable trusts that have been created for 50-, 100-plus years.

So I am asking for a “no” vote, that we bring this vote up after we have had a further opportunity to understand it and the complexities that are put forth in this bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I rise to support SB 660.

As I stated in the interrogation, this is a culmination of 4 years of work by the Advisory Committee on Decedents’ Estates Laws, and it was also the subject of a Joint State Government Commission study and report that is 158 pages

long. This report was presented to the House Judiciary Committee several weeks ago. This bill was voted out of committee unanimously. It is something that is needed by practitioners in this area of the law in Pennsylvania, and I would urge that the members support this legislation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Caltagirone, from Berks County.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to reiterate what Representative Dally had just said. There was a hearing in which members of the House Judiciary Committee participated with the National Conference of Commissioners and the Joint State Government Commission, who have worked on this legislation for some time. It is absolutely correct that it was a unanimous vote out of the committee. There has been a lot of work that has been done on this piece of legislation, and I wholeheartedly support it. Due diligence has been given, and I would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I also rise to support final passage of SB 660. About 3 1/2 years ago the Speaker of the House appointed me to the task force on the Decedents, Estates and Fiduciaries Law, so I have been watching this process very closely and can attest that this is an excellent product that will help attract trust business to Pennsylvania. Trust funds are highly movable. They flow to States that have repealed the rule against perpetuities, and as a law student, I wrote a paper on the repeal of the rule, which I would like to submit for the record.

So please support this measure. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair would recognize that the previous Chair had wise authority in selecting you to serve on that committee.

REMARKS SUBMITTED FOR THE RECORD

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

A Model Law for the Repeal of the Rule against Perpetuities

By Stephen R. Maitland
December 2005

A model law for the repeal of the Rule against Perpetuities is a noble endeavor. When adopted by a majority of jurisdictions, generations of law students and law professors will be able to spend several weeks learning and teaching something else. This essay sets out to briefly describe the Rule, its history and evolution; the policy reasons for and against it as it exists today in terms of perpetual trusts; and to justify calls for its repeal.

The actual statutory language for the repeal of the Rule against Perpetuities (RAP) is not particularly difficult to write. Rhode Island, for example, is a state that has already repealed its RAP.

§ 34-11-38 Rule against perpetuities reform.—The common law rule against perpetuities shall no longer be deemed in force and/or of any effect in this state, provided, the provisions of this section shall not be construed to invalidate or modify the terms of any interest which would have been valid prior to the effective date of this act, and, provided further, that the provisions of this section shall apply to both legal and equitable interests.[1]

The difficulty lies in understanding the Rule and the effects of its repeal, as well as in getting state lawmakers to take an interest in reforming the Rule.

What is the Rule against Perpetuities?

The Rule against Perpetuities is a rule that invalidates contingent future interests that might vest too remotely.[2] There is a spectrum of forms of the rule, from the common-law rule, to various state codifications, to the model United States Rule against Perpetuities.

The rule emerged in England in the Duke of Norfolk's Case, 3 Ch. Cas. 1, 22 Eng. Rep. 931 (Ch. 1681).[3] It was designed as a compromise between the landed classes who wanted to protect their family land from incompetent heirs, and judges who wanted to prevent "dead hand control" beyond the period of time when the head of the household could have known and evaluated the capabilities of his potential heirs. Over time, this period of time became fixed at "lives in being plus 21 years." [4]

John Chipman Gray reduced the rule to one classic sentence: "No interest is good unless it must vest, if at all, not later than twenty-one years after some life-in-being at the creation of the interest." [5]

That simple sentence hides some enormous complexities. It creates problems such as the "fertile octogenarian" and the "unborn widow." The rule was attacked as a "technicality-ridden nightmare" in urgent need of reform.[6] Many states resolved the problems by legislating them away; for example, defining a woman over the age of 50 as infertile as a matter of law (to prevent the problem of the "fertile octogenarian"). In 1947, Pennsylvania addressed the problem by adopting the "wait and see" doctrine.

"Wait and see" was a reform advocated by W. Barton Leach as a way to preserve a reasonable gift that would almost surely vest in time. Consider this example: T devises a fund in trust to pay the income to A for life, then to pay the principal to A's children who reach 25 years of age. The remainder is a class gift, and if a share in a class gift may vest too remotely, the entire class gift is void. If A died leaving a child younger than four, the gift would vest more than 21 years after A's death, which invalidates the entire class gift.[7] Under "wait and see," the court would watch what happened and not strike the gift for remoteness in vesting unless A actually did die leaving a child under the age of four.

The next step was taken by the National Conference of Commissioners on Uniform State Laws, when they approved the Uniform Statutory Rule against Perpetuities (USRAP). The USRAP provided a 90-year wait-and-see period. "[A]n interest is valid if it satisfies the common-law Rule or if the interest either vests or terminates within 90 years of its creation." [8] Under USRAP, generally no interest can be declared void for 90 years. "If, at the end of 90 years, an interest remains contingent and has not satisfied the common-law rule, the Uniform Statute requires a court to reform the interest in the manner that most closely approximates the transferor's manifested plan..." [9]

As you might imagine, the states are literally all over the map (!) in terms of variations on the RAP. According to a December 2000 study by The American College of Trust and Estate Counsel [10], five states had no RAP (and have since been joined by more), five states have no statutory RAP, twenty-one states have adopted the USRAP in one form or another and twelve states have wait-and-see. There are a wide variety of exceptions to the RAP in state law, the menu including among others cemetery plots, condominium associations, planned

residential communities, charities, pensions and non-donative transfers.[11]

Leading scholars like Lewis Simes and Jesse Dukeminier saw RAP reforms like wait-and-see and USRAP as long strides toward the demise of the Rule. Simes said, "If the wait-and-see doctrine is generally adopted, in my opinion the common law rule against perpetuities, in anything like the form in which we know it, will cease to exist." [12] Dukeminier said about the USRAP, "The Uniform Statute is a radical remedy for what ails the Rule against Perpetuities. It is a long step toward abolishing the Rule against Perpetuities itself." [13]

Dukeminier believed that 90 years is by far too long a period of time to inactivate the Rule. The Rule would effectively go into a state of suspended animation, to awaken 90 years hence. If the current and the next generation of lawyers need not worry about the Rule, it will not be practiced and it will not be taught in law schools. When non-vested contingent interests raise their ugly head in the year 2075 or so, Dukeminier speculates that Gray on Perpetuities will not be revived. Rather, he believes the then-members of the bar will clamor for formal abolishment of the Rule at that point.[14]

He may have been correct. But we poor law students and law professors in non-USRAP states are still suffering through it. The hope for us is not that the Rule dies a slow death through atrophy, but rather is dispatched as a matter of public policy and economic competition. Federal estate tax law changes have fostered a growing industry: the perpetual trust. First we will examine federal tax laws, then their applicability to perpetual or dynasty trusts.

Chief Justice John Marshall once said, "[T]he power to tax involves the power to destroy..." [15] Ironically, the federal estate tax is destroying the Rule against Perpetuities.

Congress enacted a federal estate tax in 1916. Taxpayers could avoid the tax by making inter vivos gifts, but Congress closed that loophole with a gift tax in 1924. These two taxes could be avoided somewhat by use of the life estate "to my children for life, then to my grandchildren." The first transfer was subject to tax, the second was not. Wealthy people took advantage by creating generation-skipping trusts, which could last as long as the applicable state RAP allowed.[16]

Congress caught on to that loophole eventually and enacted a tax on generation-skipping transfers in 1976, subsequently revised in 1986. The goal was to subject the trust assets to taxation once each generation. But the 1986 revision that enacted the Generation-Skipping Transfer (GST) Tax included an exemption of \$1 million per transferor, gradually increasing to \$3.5 million for decedents dying in 2009. The 2005 exemption is \$1.5 million, which steps up to \$2 million in 2006, 2007, and 2008. A husband and wife can now create a generation-skipping trust today with combined assets of \$3 million that will not be subject to the GST tax. This trust can continue to pass down income or principal free of federal transfer taxes to an infinite number of generations, unless Congress again changes the law.[17]

The advantages are considerable. "A trust that was funded with \$1,000,000 in 1987, accumulated all of its income, made no distributions, and grew at a rate equal to the increase in the U.S. consumer price index would have been worth \$1,666,373 in 2004. (In 2004, \$1,000,000 was worth \$600,105 in 1987 dollars)." [18]

A key point is that the tax code puts no limit on the duration of the GST tax exemption. Congress left it to the states' perpetuities laws to put a limit on the duration of GST tax exempt trusts. Thus, the 1986 federal tax revisions made state perpetuities law a key factor in estate planning. The longer a trust can be extended, the more generations that can benefit from the initial federal-wealth-tax-avoiding transfer.[19]

Another tax problem of importance in the perpetual trust world is the "Delaware Tax Trap." The RAP provides that the validity of an interest in trust created by the exercise of a non-general or testamentary general power of appointment "relates back" to the date of the creation of the trust. Therefore, the measuring period for validating non-vested interests "relates back" to the trust's creation. If a beneficiary exercises

a non-general power of appointment to create a further trust, giving a successive beneficiary a non-general power of appointment, the time period for which an interest created by the second power must vest is measured by calculating the perpetuities period from the date of the first trust's creation. This springs the Delaware Tax Trap, subjecting all trust assets to the estate or gift tax.[20]

The Delaware Tax Trap (I.R.C. § 2041(a)(3)) was a response by Congress to a practice once heavily used in Delaware to essentially create dynasty trusts by use of successive powers of appointment. Delaware law allowed the perpetuities period to be reset upon a successive appointment. To maximize the return on trust assets, both trust instruments and state laws must be carefully crafted to avoid falling into this trap.

The Demise of the Rule

By December 2004, it was reported that at least twenty-three jurisdictions in the United States had enacted statutes abolishing the Rule in the case of perpetual trusts, with seven more attempting to do so.[21] Two key factors are hastening the Rule's demise. First, the policy reasons for the Rule's existence are no longer important. Second, there is jurisdictional competition among the states for the dynasty trust business.

Perpetuities today are generally not regarded as "bad." Corporations, not-for-profits, college endowments, pension funds and intellectual property that go on forever are all around us. The modern perception is that perpetuities are not harmful. The longer things last, the better.[22]

The harms usually attributed to perpetuities include tying up the management of property and preventing it from reaching its highest and best use, concentrating wealth to the detriment of society, damaging the work ethic and character of the beneficiaries, and intergenerational inequities.[23]

The division between legal and equitable ownership enabled by the trust arrangement has largely obviated the problem of tying up property. Where we used to care about tying up the land, today we worry about highly mobile paper assets. No one worries about dead-hand control of a mutual fund. Property held in trust is readily alienable.

We don't mind rich people these days. Middle-class Americans aspire to be rich. If rich people have dynasty trusts, then by golly I want one too! The rich don't control assets we care about.[24] Who cares what Bill Gates does with his money?

Big pools of capital are good because of economies of scale. They bring us scientific research, new products, national prosperity. They fund our major museums and universities and our charitable endeavors. Perpetual trusts are viewed like any other pool of capital.[25]

[M]odern trusts give something akin to ownership to the equitable beneficiaries. In other words, modern trust interests are often more like fee ownership than some people realize. This trend is a relatively recent phenomenon. If a beneficiary has the trust income, a five and five power, a broad special testamentary power of appointment, and the right to seek principal for health, education, support, welfare and maintenance, we are less concerned that the beneficiary is not the owner of an equitable, or legal, fee simple.[26]

When the trustee can alienate the assets at any time and the beneficiaries can do much of what they want with their equitable interest, there is not much control left for the dead hand to control.[27]

The argument above that the modern trust beneficiary's interest is very much like ownership destroys the archaic consensus that trusts made beneficiaries lazy and weak. "To hold such an interest is to be an autonomous person and not a weak or constrained trust beneficiary." [28]

The most important social policy served by the Rule was to make land more mobile. Land is economically less important today. Much of our wealth is incredibly mobile. Preserving the mobility of capital as a

reason for holding onto the Rule fails because today's wealth is mobile and is often held in perpetual trusts.[29]

There are many reasons why a customer might want to establish a dynasty trust. The pool of potential customers is growing rapidly.

[B]y 2010 the number of millionaires in the population will grow five to seven times faster than the household population in general and the number of decedents with estates in excess of \$1,000,000 will increase by 246%. It is expected there will be 5,600,000 millionaire households by 2005. In addition, we have the current tech and dot.com entrepreneurs who have made their first million by age 30 with the result that they have significant estates of their own and the wealth accumulated by their parents may not be essential to maintaining their lifestyle. Under this scenario the dynasty trust becomes an outstanding method to preserve family wealth for future generations.[30]

The primary reason marketed by law firms is to take advantage of the GST tax exemption.

Get the benefits of a Dynasty Trust. The assets in a Dynasty Trust are not subject to the estate tax, so long as the assets remain in the trust. Gift tax may be avoided on transfers into the trust, depending on the terms of the trust, size of the transfer and other taxable gifts the transferor has made. With proper planning, the trust may be eligible to receive annual exclusion gifts of \$10,000, multiplied by the number of beneficiaries. The estate and gift tax exemptions will also apply to appreciation of assets in the trust. The assets will continue to grow, undepleted by the estate and gift tax, for the benefit of future generations. Some states have a Rule Against Perpetuities, which limits the life of a trust to no more than 21 years after the death of the last beneficiary alive at the time the trust was created – a duration of about 80 to 110 years. It is possible to establish a Dynasty Trust in a state that has abolished this rule, no matter where you reside.[31]

Other reasons include broader fears about what might happen to your wealth after your death, such as your irresponsible child's fourth spouse partying your fortune away; using the funds to promote positive behavior, such as providing distributions upon college graduation or remaining gainfully employed; or simply having your wishes carried out after your death by making sure your money is put to good use. A dynasty trust can help a settlor achieve these goals.[32]

Competitive pressure to abolish the Rule began in 1983 when South Dakota, which had recently abolished its interest rate caps on consumer credit cards in order to attract banking and trust business to the state, repealed its RAP by explicitly stating that "there is no suspension of the power of alienation by a trust...if the trustee has the power to sell, either express or implied..."[33] South Dakota had also rejected a state income tax, partly to appeal to trust business. Repeal of its RAP was part of a conscious effort to gain a competitive advantage over other states in the trust field.[34]

When other states started to see the flow of trust funds to South Dakota, they enacted their own RAP reforms. Delaware and Alaska followed suit, in order to compete with South Dakota for trust funds and business.[35] And still other states reformed their RAP to keep up with those states, until "In less than six years, at least fourteen states and the District of Columbia have abolished a rule that has been in place for four centuries." [36]

States compete for trust business because it is good for their economy. Trust settlors are advised to use the bank or trust companies of the state they set their trust up in, in order to secure the jurisdiction of that state's courts and the benefits of that state's laws. The state benefits from more jobs.[37]

There may be other legal advantages to certain jurisdictions than just their perpetuities law. One analyst ranked the perpetual trust jurisdictions by quality of advantages offered. The top jurisdictions are Delaware and South Dakota, because both allow truly perpetual trusts; each has a full range of trust law advantages; and neither has a state income tax on trust assets or earnings. Next is Alaska, the only flaw being that its trust is not truly perpetual but rather is limited to only 1000 years. The other states shake out below these three, for reasons including state income taxes, lack of a trust protector statute, or statutes that are unclear in their ability to avoid the GST tax, among other things.[38]

There also seemed to be little reason for states to not reform their perpetuities law. Capital today is so mobile that states retaining their common law or US RAP would only see capital flow away from them, leaving a diminishing pool of capital covered by the RAP.[39]

A landmark empirical study offers strong evidence that the flow of trust capital to perpetual trust-friendly states is not merely occurring in theory, but in practice. Good data has been hard to obtain, because “the domestic perpetual trust phenomenon exists at the intersection of several varied and complex bodies of law including the Rule Against Perpetuities, federal wealth transfer taxes, and state fiduciary income taxes.”[40]

Our findings imply that roughly \$100 billion in trust funds have poured into states that permit perpetual trusts. This represents about 10 percent of the total trust assets reported to federal banking authorities in 2003. Our findings thus provide strong evidence of a national market for trust funds, one that is quite sensitive to the interplay between state trust law and federal tax law.[41]

The study also found that there was no such migration of trust funds to the few pre-1986 non-RAP states. These findings indicate that there is a very real competition between the states for trust business, spurred by federal tax law, and suggests that the future of the Rule against Perpetuities is doubtful in the face of this competition.[42]

Pennsylvania may join the trend in 2006. There is likely to be an attempt to repeal the state RAP in legislation amending the state’s Uniform Trust Code.[43] The issue was debated extensively among the members of the Joint State Government Commission Task Force on Decedents’ Estates and Fiduciaries Law in 2004 and 2005, but the Task Force decided not to include repeal of the RAP in its recommendation to the Pennsylvania Legislature. The two main reasons were to keep revision of the UTC “simple”[44] and that a majority of the Task Force favored “limits” over “no limits.”[45] However, effective lobbying by banks and trust lawyers may carry the day.

What might derail the RAP-repeal metroliner? I see four possibilities: the Rule Against Accumulations; Federal Tax reform; inefficiencies and problems that might become important in the future; and the possibility that future generations simply decide to limit dead-hand control.

The Rule Against Accumulations arose as an important check on perpetuities in the Maine Supreme Court case of *White v. Fleet Bank of Maine*, 739 A.2d 373 (Me. 1999). This case did not discuss perpetual trusts because Maine had not abolished its RAP.[46] The Rule Against Accumulations prohibits trust income from being accumulated longer than the perpetuities period of life in being plus twenty-one years. The Maine high court held that their wait-and-see statute applied only to the Rule Against Perpetuities and not to the Rule Against Accumulations, because the two rules are separate and must be addressed separately. Therefore, the accumulation provision of a trust that met the perpetuities period could still be void.[47]

The implications could be important, because most states do not address the Rule Against Accumulations in their statutes.[48] Furthermore, most practitioners who draft trusts do not even know about the Rule Against Accumulations, and therefore do not take it into consideration when drafting trust instruments.[49]

The origin of the Rule Against Accumulations (RAA) is quite similar to the origin of the RAP. “Both Rules disfavor contingent future interests, ‘dead hand’ control, and the inability of beneficiaries to spend the trust money.”[50] But the RAA arose from the consequences to the immediate family of the settlor or testator who could benefit neither from the principal or the income of the trust. In *Thelluson v. Woodford*, 32 Eng. Rep. 1030 (Ch. 1805), the trustees of the Thelluson estate were directed to accumulate trust income for several lives in being and then distribute the trust to the oldest living male descendant of the testator’s son. The widow and children of Thelluson sued in equity to have the trust declared void. The decision was that as long as the accumulation period did not exceed the perpetuities period, the accumulation provision was valid.[51] The English Parliament, in reaction to negative public opinion over this ruling, enacted the Thelluson Act which restricted accumulation to either (1) the life of the settlor; (2) the passing of 21 years after the death of the settlor or testator; (3) the minority of any person alive at the death of the settlor or testator; or (4) the minority of any person who, under the terms of the instrument, would be entitled to the accumulated income if the person were of majority age.[52] Many American jurisdictions adopted restrictions similar to those in the Thelluson Act, and U.S. courts had to create their own common law on accumulations. The common law accumulation period is the same as the common law RAP.[53]

The RAA is concerned with the length of the accumulation period, not with the dollar amount involved. The RAA is implicated when a will, deed or other document expressly or impliedly commands or allows a trustee or fiduciary to accumulate income and withhold that income from the beneficiaries.[54]

One analyst agrees that the RAA could be important in the area of perpetual trusts, because settlors creating these trusts may be more likely to want to accumulate income within the trust than settlors creating the more garden-variety trusts. Because these dynasty trusts may endure longer than the common-law perpetuities period, they may violate the Rule Against Accumulations.[55]

However, if states can repeal or abrogate their Rule against Perpetuities, they can certainly do so with the Rule Against Accumulations. Delaware abrogated its RAA, South Dakota repealed its statutory RAA and Illinois law provides that the RAA does not apply when the settlor opts out of the RAP. The situation is less clear in states like Maine that have not taken legislative action to repeal either rule.[56]

The RAA is only a problem in the subset of states that allow perpetual trusts that are outside of Delaware, South Dakota and Illinois. In the other states, if the RAA becomes a problem, the bankers and attorneys who secured legislative action to repeal the RAP are likely to secure a repeal of the RAA. Finally, if the RAP is repealed, the effective period of the Rule is infinite. “Since the common law rule against accumulations of income absorbs the applicable perpetuities period, in such a state the permissible accumulation period should likewise be infinite.”[57]

Should the RAA be used to rein in perpetual trusts? Most trusts permit but do not require the discretionary accumulation of income. Both *White* and *Thelluson* required mandatory accumulations. The trust beneficiaries in discretionary trusts have leverage to urge the trustee to disburse part, if not all, of the income. Furthermore, income accumulated within the trust is subject to a high fiduciary income tax.[58] “Income distributed to a beneficiary in the year it is received is taxable to the beneficiary; income that is not so distributed is taxable to the trust.”[59] The federal tax rates in recent years are much less for individuals than for trusts, though the fiduciary income tax is still less than the wealth transfer taxes, which will be 46% in 2006.[60]

The Rule Against Accumulations served two main policy goals: preventing the accumulation of large fortunes in trust; and preventing distortions to the economy. In order to build up a large fortune in trust, the investments must outperform the market over time. There is no evidence of trustees having any more luck or skill at choosing investments than anyone else, so vast fortunes are unlikely to accumulate. Economic distortions are less likely with today’s equity

economy than when land was the main source of wealth. The modern fiduciary duty of requiring prudent investment all but does away with the risk of economic distortion.[61] For all the forgoing reasons, the Rule Against Accumulations is unlikely to impede the rise of perpetual trusts.

Federal tax reform is the most likely candidate to impede the rise of perpetual trusts. “Today the issue of wealth accumulation and distribution has become a question of tax policy to be dealt with, if at all, through the income and estate taxes, **not through obscure property rules of limited application.**”[62]

The Congressional Joint Committee on Taxation issued a report in January 2005 calling for reform of “perpetual dynasty trusts” because they are

...inconsistent with the uniform structure of the estate and gift taxes to impose a transfer tax once every generation. In addition, perpetual dynasty trusts deny equal treatment of all taxpayers because such trusts can only be established in the States that have repealed the mandatory rule against perpetuities.[63]

The Committee proposes to eliminate the generation skipping tax exemption to a perpetual dynasty trust except to the extent it provides distributions to the settlor’s children or grandchildren. The trust could obtain a GST tax exemption for only one “skip” of one generation.[64]

The Committee sees this proposal as being consistent with the intent of Congress when it originally imposed the GST tax in 1976 and revised in 1986. The GST tax was “not only to raise revenue, but to do so in a manner that has as nearly as possible a uniform effect.”[65] Congress believed that the tax law should be neutral, without any tax advantage in setting up trusts.[66] These reasons seem valid. But the Committee goes on to present other justifications that do not seem valid, such as preventing the accumulation of vast fortunes, unequal access to perpetual dynasty trusts based on the various state laws, and serving the policy goals of the Rule against Perpetuities.[67] As discussed, vast accumulations are unlikely given taxes, overhead costs and the demand of beneficiaries for trust income. Trust assets flow across state lines, so a settlor in Maine can easily set up a dynasty trust in Delaware. And empirical studies have shown that trust funds are substantially flowing to dynasty trust states. Finally, the policy goals of the RAP are obviated in an economic world based on liquid assets in equity.

Will future problems reverse the tide that is carrying the RAP into history? One major problem is the uncertainty that comes from duration. The future is uncertain. Eventually, something will happen that the trust settlor never foresaw, such as changes in the number and needs of the beneficiaries; tax law changes; changes in the global economy and the value of the dollar; changes in the skill of the trustees. Without the Rule to terminate the trust and distribute the assets, these problems will have to be dealt with in other ways.[68]

Because the Rule tolerates contingencies that might persist as long as a hundred years or so, there has always been a need for other means to deal with unforeseen exigencies, and courts and lawyers have developed them. The means remain available, even where the Rule has been abolished. The issue is their effectiveness in coping with the most significant difficulties.[69]

The main tool is judicial termination or modification of the trust. This is difficult to attain under current law. The *Clafflin Doctrine* (see *Clafflin v. Clafflin*, 20 N.E. 545 (Mass. 1889)) permits early termination of a trust by the court only when all the beneficiaries consent **and** early termination would not frustrate a material purpose of the settlor. The Restatement (Second) of Trusts permits a trustee to deviate from the dispositive provisions of the trust only when circumstances arise that were not known or anticipated by the settlor that would substantially impair the purposes of the trust. The trustee

can’t deviate merely because deviation would be advantageous to the trust.[70]

To better cope with changed circumstances, the law should be relaxed to allow more judicial discretion in terminating or modifying a trust. England enacted a 1958 law that allows greatly expanded powers of the court to terminate and modify trusts. The court may modify or terminate trusts whenever the court finds it to the beneficiaries’ advantage. The settlor’s intent, while relevant, does not control.[71] The Restatement (Third) of Trusts, when adopted, would liberalize judicial discretion to some extent, but not to the extent as the law in England.

Judicial modification or termination is expensive and, for the litigants, risky. One advantage to the RAP is that it fixes a termination point for trusts inexpensively.[72]

Multiplication of beneficiaries is another potential problem. The RAP’s limit of 90 years or so kept the number of potential beneficiaries to a manageable size. But with a perpetual trust, after two or three hundred years, the number of beneficiaries could be in the thousands. The trust could be unduly burdened with administrative costs. One solution could be to allow the trustee to divide the original trusts into successor trusts.[73] Another problem is the dilution of wealth. If the family size increases faster than the trust assets, you could reach a point where several hundred beneficiaries are receiving only a few dollars. A possible solution would be a statute giving the power of modification or termination to the income beneficiaries in succession, but only after all of the income beneficiaries known to the settlor have died.[74] Alternatively, that discretionary power could be vested statutorily in the trustee.

Conclusion

The Rule against Perpetuities was developed during the late 1600s as a way to cut off contingent future interests that might not vest or might vest too remotely. It contains much medieval baggage, in terms of unnecessary complexity. It elevates form over substance and frustrates the very transactions it should facilitate.[75]

While vital to prevent the tying up of land when land was the most important component of wealth, in today’s modern world of paper assets that are highly mobile, the Rule against Perpetuities is of fading significance.

If we choose to limit control of the dead hand, there are sharper tools than the RAP to do it. State and Federal tax law, the law of trusts, and termination or modification of trusts by courts are among those sharper tools.

* * *

(For footnotes, see Appendix.)

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—2

Flaherty Ramaley

NOT VOTING—0

EXCUSED—8

Forcier Levdansky Sather Taylor, E. Z.
Leh Rieger Shaner Wilt

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

Ordered, That the clerk 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.

CONSIDERATION OF HB 2757 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

Mr. VITALI. Could we have a brief explanation of this bill from its maker?

The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates he will answer your brief question, or answer your question briefly, whichever the case. The gentleman,

Mr. Gannon, is recognized for a brief explanation of the intent of HB 2757.

Mr. GANNON. Thank you, Mr. Speaker.

This bill amends the act of April 9, 1929, Public Law 343, No. 176, by providing for enforcement powers and duties and further providing for violations and penalties.

The SPEAKER pro tempore. Does that explanation satisfy the gentleman?

Mr. GANNON. I am sorry, Mr. Speaker. Let me clarify on that. Let me just clarify.

The SPEAKER pro tempore. The gentleman, Mr. Gannon. If the gentleman, Mr. Vitali, will suspend, the gentleman, Mr. Gannon, is recognized.

Mr. GANNON. 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, packaging, and for administration powers and duties; providing for enforcement powers and duties; and further providing for violations and penalties, and this deals with concerning the sale of cigarettes in the Commonwealth of Pennsylvania.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, wish to interrogate the prime sponsor of the bill?

Mr. VITALI. I do, Mr. Speaker.

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

Mr. VITALI. It is my understanding that this bill also imposes a tax on cigarettes. Could you explain what that tax is?

Mr. GANNON. Yes. Mr. Speaker, this imposes a 7-cent-per-carton tax on cigarettes sold in the Commonwealth, and that money is to be used to enforce the provisions of the act.

Mr. VITALI. Okay. Now, I am trying to get at the amount of money this tax will raise and how that compares to, it is my understanding there is an agency being set up in the Attorney General's Office for enforcement? I guess it is a compound question: One, how much is this 7-cent-a-carton tax going to raise; and two, what is it going to cost to run this department in the Office of the Attorney General?

Mr. GANNON. The Department of Revenue did not give us specific numbers on the amount of money that would be raised, but they did tell us that the 7 cents per carton would be sufficient to underwrite the cost of the enforcement, which is moved from the Department of Revenue to the Attorney General.

Mr. VITALI. I mean, do you have any idea of the amount of revenue, rounding it off to the nearest, you know, \$10,000 or—

Mr. GANNON. Well, I can give you the exact amount. It is 7 cents per carton.

Mr. VITALI. No; the gross revenue is what I am talking about, I mean how much this is going to raise.

Mr. GANNON. 7 cents per carton.

Mr. VITALI. No, I mean total.

Mr. GANNON. Total is 7 cents per carton.

Mr. VITALI. I might just note for the record the speaker is being very discourteous and showing disrespect for the citizens of the Commonwealth of Pennsylvania. It is the total—

The SPEAKER pro tempore. Would the gentleman yield, please.

I think that is a determination that others can make, not necessarily yourself. If the gentleman does not know how many cartons are sold in a year's period of time, I do not think he can calculate that.

Mr. VITALI. Mr. Speaker, I am asking a very straightforward question, which would be the total amount of revenues raised by this provision of the act. I am not asking for the amount raised per one carton but the total amount raised. The gentleman knows that—

The SPEAKER pro tempore. The gentleman will yield, please.

The gentleman has answered your question in that it raises 7 cents a carton. While you may not appreciate that that is a complete answer, that is an answer to your interrogation. Do you have a further question?

Mr. VITALI. I do, Mr. Speaker.

Does the gentleman know of the total amount raised on all cartons sold in the Commonwealth?

Mr. GANNON. The Department of Revenue did not give us that number, Mr. Speaker.

Mr. VITALI. I understand. Does the gentleman know the cost of running this new office in the Attorney General's Office to enforce this act?

Mr. GANNON. The department did not give us specific numbers, but they did tell us that, in their view, the 7 cents per carton would be sufficient to fund the enforcement in the Attorney General's Office.

Mr. VITALI. Okay.

The SPEAKER pro tempore. If the gentleman, Mr. Vitali, would yield for a second.

The Chair would just like all members to know that there is a fiscal note on this legislation, and the fiscal note is available on the legislative services, on the legislative site. That might answer some of the questions which you have.

Mr. VITALI. Okay. The next question I have concerns raising the price, raising the price that retailers must charge per pack of cigarettes. Could you explain how much it is going to be raised and why it is going to be raised?

Mr. GANNON. Mr. Speaker, it is my understanding that the increase would go from 6 percent to 10 percent.

Mr. VITALI. Of the cost of a carton of cigarettes? I am trying to get what that fraction is.

Mr. GANNON. That is what they call a presumptive cost of doing business.

Mr. VITALI. Which means?

Mr. GANNON. Which is a term of art for all of the records— This would be the cost that the retailer incurs in handling this type of business. For example, what it would cost for his telephone, his administrative costs, his employees, his tax services, his electricity, his heat. So that is the presumptive cost that is incorporated into that 10-percent figure.

Mr. VITALI. Mr. Speaker, are you aware of the amount per pack of cigarettes this legislation will raise, the price of a pack?

Mr. GANNON. The presumptive costs would be 10 percent, from 6 percent to 10 percent, but it would have the effect of increasing the retail price of cigarettes by 4 percent.

Mr. VITALI. That is your belief.

Mr. GANNON. No; that is what they gave us in this fiscal note. I am not an accountant, so these are numbers that I am using that were provided both to you and to me from the Committee on Appropriations.

Mr. VITALI. And this is not revenue that would go to the Commonwealth. This is simply forcing retailers to increase the amount they are selling but not moneys that would go to the Commonwealth. Is that correct?

Mr. GANNON. There is a two-pronged answer to that, Mr. Speaker. Yes, it will increase the cost of a pack of cigarettes by 4 percent, but that increase will result in a slight increase in revenues to the Commonwealth, because there is a percentage tax on the price of a pack of cigarettes and a carton of cigarettes. So there will be money going to the Commonwealth as a result of this increase. A portion of that will go to the Commonwealth.

Mr. VITALI. And could you explain the policy reason behind requiring this 4-percent increase in the price of what retailers have to sell cigarettes for?

Mr. GANNON. Mr. Speaker, there is an overall policy here involved. This increase, which resulted from this change in policy, is only one component of the overall policy. What we are now going to do is we are going to license manufacturers and wholesalers of cigarettes – we do not do that currently – so that we will be able to better control the sale and importation of illegal cigarettes in the Commonwealth. This policy is particularly focused on attacking the sale of illegal contraband cigarettes in the Commonwealth on which the Commonwealth gets absolutely no revenue at all right now. This licensing mechanism will now permit us to better monitor the importation and sale of cigarettes, and in addition to that, by beefing up the enforcement, we will now be able to better track and prosecute those people who sell cigarettes illegally to children in the Commonwealth of Pennsylvania. This is one of the focuses of this bill, by the licensing mechanism and the prohibition against rebating. Further restricting that is to further restrict sale of cigarettes, particularly illegal contraband cigarettes, to our young children, to our youth.

The SPEAKER pro tempore. If the gentlemen, Representative Gannon and Representative Vitali, will suspend for a second.

PARLIAMENTARY INQUIRY

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

Mr. PAYNE. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

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

Mr. PAYNE. Mr. Speaker, my understanding is, it is fine to interrogate a member of this House when you do not have the answers and specifically when you do not have the answers on the fiscal note that is in front of you or should be in front of you that we all have. Now, while I respect anybody's chance to interrogate and ask a question – I am asking the Parliamentarian – at least three questions that were asked, that the Representative answered the questions, have been reasked, and they are on the fiscal note.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman is correct, and I believe the gentleman, Representative Vitali, is concluding his interrogation?

Mr. VITALI. My interrogation is concluded. Thank you.

Mr. PAYNE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks everyone.

The question is, will the House agree to the bill, and on that question, the gentleman, Mr. Metcalfe, is first; Mr. Samuelson is second.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rose last week to join with the sponsor of this bill to oppose the tax that was being proposed for the voice-over technology, and we have been hearing a lot this budget week, Mr. Speaker, we have been hearing a lot this budget week how this new budget is not going to include any new taxes. Well, Mr. Speaker, here it is, Thursday, anticipation of a budget being done tomorrow or maybe Saturday; now we have legislation running in this budget week that increases taxes. Now, Mr. Speaker, I do not smoke and do not believe that smoking is a good choice, a good healthy choice, but I do not believe that we should penalize those people who choose to smoke with yet another tax increase.

Mr. Speaker, I think many of us found it surprising from the interrogation and from the fiscal note to realize that the impact of these changes in the law would increase the price of cigarettes by 4 percent. It sounds like a 4-percent tax increase, Mr. Speaker, to those people who do choose to smoke, which I am not one of those, as I said. But I am against tax increases, Mr. Speaker, when the government is taking as much as it is already. Plenty of revenue is coming into this Commonwealth. We have a huge surplus this year, which we are hearing will be proposed to be spent instead of given back to the taxpayers, as they would desire, Mr. Speaker.

Now, Mr. Speaker, I would like everyone in this chamber to be aware when they cast this vote and they are going home, telling the people of Pennsylvania that they voted for a budget with no tax increases, Mr. Speaker, I hope that they will be reminded by those who are watching that they did vote for a tax increase if they support HB 2757, Mr. Speaker. I will be voting “no” on HB 2757, and I thank the gentleman who led the interrogation previously for bringing out some of these points.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and is not surprised by that.

The gentleman, Mr. Samuelson, is recognized.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to interrogate the chairman of Judiciary.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You are in order and may proceed.

Mr. GANNON. Mr. Speaker, he is interrogating the wrong guy. I am not chairman of Judiciary.

The SPEAKER pro tempore. Well, we will bring him into the future tense now.

Mr. GANNON. Okay, Mr. Speaker.

The SPEAKER pro tempore. The chairman of the Liquor Control Committee.

Mr. SAMUELSON. I am sorry; my mistake. The prime sponsor of the bill; my mistake.

I understand the gentleman’s explanation that the 7 cents per carton would fund a new office in the Office of Attorney General. My question is about the other part of your statement, the 4-percent increase on a pack of cigarettes. I thought I heard the gentleman say that that would increase tax revenue to the State. I took the Speaker’s advice and I read the fiscal note, and the fiscal note says it would decrease revenue to the State. The sentence is that it talks about revenue to the General Fund and also “Enactment of this legislation is estimated to reduce cigarette tax collections by \$17.1 million...” next fiscal year “due to increased prices of cigarettes resulting in fewer packs of cigarettes being consumed,” and it separates out a \$13.9 million reduction to the

General Fund and a \$3.2 million reduction to the Health Care Provider Retention Account.

My question is, do you concur with that fiscal note statement that this actually reduces the revenue, and if so, what effect would that have on the Health Care Provider Retention Account? What initiatives does that fund in our State budget? And I note this bill was only in the Finance Committee for 8 days. Was there any discussion or public hearings during that 8 days in the first part of June about the impact on the Health Care Provider Retention Account?

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I am so glad that the gentleman has pointed out that this is actually a tax cut.

Now, Mr. Speaker, this bill was a result of a public hearing that was held some weeks ago, and at that hearing, we had testimony from the Department of Revenue, from cigarette wholesalers and manufacturers and all those involved in the sale of cigarettes in Pennsylvania. Out of that hearing, which was focused on the illegal sale of cigarettes in the Commonwealth, the unfortunate fact is we do not know totally the number and scope of illegal sales. We know they are going on. We know that those cigarettes are reaching our most vulnerable population, which is our children, and if you look at some of the pro/cons on this, there are folks that represent the interests of children and trying to get them away from tobacco that support this legislation.

Let us talk about that cost-of-doing-business increase, which is very, very modest, and it does not necessarily mean that there will be a 4-percent increase in the cost of a pack of cigarettes. What it does mean is that we have now allowed an additional 4 percent, we have allowed an additional 4 percent to be incorporated in that. That does not necessarily mean that a seller, a retail seller of cigarettes, is going to see any increase. This is a very competitive market, and if you drive by a local convenience store, a gas station, or a drug store or a supermarket, you can see how competitive the sale of cigarettes is in the Commonwealth of Pennsylvania.

One of the other problems that we have is these illegal rebates, where money is exchanged back and forth between a wholesaler or a dealer and the retail dealer to get them to give primacy to a particular brand. This type of activity which is illegal to a great extent takes place. This bill is designed to put a stop to that. So we are now further regulating by licensing; we are licensing manufacturers. We are charging them a fee, by the way. It is \$1,000 for a manufacturer to have a license. We are charging \$1,000 for wholesalers to have a license. That is going to generate a significant amount of revenue.

Now, I do not know whether these numbers are correct or not. I tend to disagree with them with respect to any loss in revenue, because as I said before, if there is an increased cost, if a dealer does take advantage of that 4-percent margin that he can now have as part of his cost of doing business – and by the way, this is not stuff that is picked out of the air; this is subject to audits and review to make sure that the dealer stays within the confines of those parameters that we now earmark in this legislation – so if there is a slight increase in the cost of a pack of cigarettes, then that increased cost, a portion of that is going to go to the Commonwealth. We do not know exactly how much that is, but we do know that every other time this General Assembly has put a tax, an additional tax, on the sale of cigarettes, we have not lost revenue. We have not seen revenue

go down at all. In fact, we put tax on those cigarettes to raise revenue.

So this is the first time that I have ever seen somebody from Revenue or somebody come out and say, oh, we put a tax on cigarettes; it is going to decrease revenue. That is the first time I ever saw that. Every other time it was an increase in revenue. So I think that is kind of interesting that now that we are trying to put an additional tax on cigarettes to fund the enforcement of our laws dealing with the sale of cigarettes, all of a sudden everybody is turning around and saying, oh, we are going to lose money.

The SPEAKER pro tempore. Would the gentleman—

Mr. GANNON. I hope that answered your question.

The SPEAKER pro tempore. Would the gentleman yield.

I think the gentleman has answered the gentleman's question.

Mr. SAMUELSON. I have one more follow-up question.

It sounds like this bill has two parts. One part of the bill talks about a 4-percent increase in the cost of a pack of cigarettes, the other part of the bill talks about the enforcement activities that you are alluding to, and that is 7 cents a carton, which would be less than a penny a pack. My question is, is it true that the enforcement activities that you are talking about are only related to the 7 cents per carton on page 11 and beyond?

Mr. GANNON. The money, the 7 cents per carton, is earmarked to enforcement—

Mr. SAMUELSON. Okay.

Mr. GANNON. —of the law to prevent the sale of cigarettes outside of the legal channels that we now set up. But let me correct another thing. Do not misunderstand, this does not include a 4-percent increase in the cost of cigarettes. It increases from 6 percent to 4 percent the allowable margin for a retailer to earn on the sale of cigarettes. That does not necessarily mean a 4-percent increase per pack or a 4-percent increase per carton, and this is only an allowable margin. It does not mean that a retailer is going to be required or in any case increase his margin by 4 percent. As I said before, this business is extremely competitive, and with us shutting down the illegal market, shutting down the illegal market, which is what this bill is intended to do and will do, should result in an increase in the legal sales, because those people are going to have to go to the legal market to get cigarettes that they now get illegally and do not pay any taxes on.

Mr. SAMUELSON. Thank you, Mr. Speaker. That concludes my interrogation, and I just want to say, that statement about increasing the cost of cigarettes I got directly from the fiscal note. I quote: "This will have the effect of increasing the retail price of cigarettes by 4%." That is a sentence that is right in the fiscal note.

PARLIAMENTARY INQUIRY

Mr. SAMUELSON. It sounds like there would be support for the second part of this bill, the enforcement to the Attorney General's Office, but it sounds like there are a lot of questions about that 4 percent, so I have a parliamentary inquiry.

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

Mr. SAMUELSON. I am asking if it is possible to just separate out that 7 cents for the enforcement activities, 7 cents

per carton, and so I ask if this bill is divisible on page 11 between lines 3 and 4 so that we would—

The SPEAKER pro tempore. The Chair thanks the gentleman. We cannot divide a bill. We could divide an amendment, possibly, but we cannot divide the bill. You would have to have an amendment to delete that section of the bill.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is welcome.

Did the gentleman, Mr. Gabig, wish to be recognized?

Mr. GABIG. Thank you, Mr. Speaker.

I have the fiscal note in front of me, and I think Chairman Gannon, the maker of the bill, was answering some of the questions that were raised in my mind by his comments which suggested that he disagreed with what is contained in the fiscal note, if I understood his answers correctly. And I did follow the interrogation that Mr. Vitali had with him, and I could sense a little frustration, but I would ask if I could interrogate the maker of the bill.

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

Mr. GABIG. Mr. Speaker, number one, I find it interesting, and I think you pointed out, Mr. Speaker, that this fiscal note is a little bit different than many of the ones we have seen or many of the ones I have seen in the past. It seems to be a little bit more based on Reagan economics whereas if you raise the rate, you might actually reduce revenue, or if you lower the rate, you might increase revenue, which I tend to think has some sense. But my question is more specific. I like the idea of moving the enforcement to get rid of these black marketeers from, I guess, the revenueurs to our law enforcement people, the Attorney General's Office, and I think that is the intent of your bill. I think I know the answer to that, but the gentleman would certainly concur with me on that, right?

Mr. GANNON. Yes, Mr. Speaker, the intent is to move it away from Revenue into the Attorney General, where I believe law enforcement properly belongs.

Mr. GABIG. And that would give them the more powerful existing tools; it is the right institution to go after these black marketeers. But the question I have, given the status of this fiscal note that is in front of me, how do we know— My question is getting back to that funding issue. Are there going to be sufficient funds for the Attorney General's Office to be able to accomplish the goal that we seem to share, this goal of fighting the black marketeers?

Mr. GANNON. Mr. Speaker, this was a figure that was worked out with Revenue and the Attorney General to determine what amount would be sufficient to fund this, and I think somebody pointed out, it is a fraction of a cent per pack of cigarettes to get that enforcement in place. And I also think it is important to note, and I do not think the fiscal note properly addressed this, is that we will see an increase in revenues because the black marketeers will be shut down as a result of the licensing and the better enforcement.

Mr. GABIG. So that the gentleman obviously had a lot of committee work, and then if I understood some of the prior answers and questions, you are confident then that the Attorney General's Office is going to have the resources to be able to meet the mission that we are going to be giving them if we pass your bill. Is the Attorney General's Office in support of your bill?

Well, let me rephrase that question, Mr. Speaker. Have you had any opposition from the Attorney General's Office on the bill?

Mr. GANNON. No, we have not had any opposition from the Attorney General's Office.

Mr. GABIG. Okay, Mr. Speaker. That answers my question. I appreciate the gentleman's hard work on this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, who I believe is the last person who wishes to speak on this bill?

Mr. BELFANTI. Thank you, Mr. Speaker, and I will be very brief.

For the second time this session, I agree with the gentleman, Mr. Metcalfe, and urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Shapiro, wish to be recognized? The gentleman, Mr. Shapiro, is recognized and may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I would ask that the maker of the language stand for brief interrogation.

The SPEAKER pro tempore. The gentleman indicates he will. You may proceed.

Mr. SHAPIRO. Mr. Speaker, working off of the fiscal note prepared by our Appropriations Committee, I note that \$3.2 million, assuming the assumptions that go under this fiscal note, would be reduced from the Health Care Provider Retention Account. Is that correct, Mr. Speaker?

Mr. GANNON. I am going to have to presume that it is correct, Mr. Speaker.

Mr. SHAPIRO. Okay. If we presume it is correct and we further presume that these assumptions are correct in the fiscal note, I would ask, Mr. Speaker, is it not the Health Care Provider Retention Account that goes to funding the Mcare (Medical Care Availability and Reduction of Error) abatement, which helps retain and sustain the physicians in our Commonwealth that we have all worked so hard to keep here in Pennsylvania?

Mr. GANNON. I am going to assume that is correct, too, Mr. Speaker.

Mr. SHAPIRO. So therefore what we are looking at, if we assume that the fiscal note is correct, is a \$3.2 million cut — \$3.2 million cut — to the very account that we have all worked so hard for to try and keep physicians here in the Commonwealth.

Mr. GANNON. Mr. Speaker, these numbers were given to us by the Department of Revenue. Revenue could not give us some numbers and could give us other numbers. So this fiscal note does not give us a complete picture of what the legislation actually does, and that is because Revenue did not give us all of the numbers that we had asked for. The only thing that Revenue assured us specifically was that the 7 cents per carton was going to be sufficient to fund the enforcement by the Attorney General.

I see the numbers, the same numbers that you see that they gave to us. I have no way of making certain or ascertaining whether these numbers are accurate. I disagree with these numbers for the reason that we have a very big illegal market in Pennsylvania because we charge a lot for a pack of cigarettes. We have a pretty heavy cost on a pack of cigarettes and a carton of cigarettes. We know that there is an illegal market out there

and that that black market is affecting the revenues that we receive. It is affecting the access to tobacco by young children; it is making it much easier. This came out in the hearings that we had a couple of weeks ago with respect to this issue.

So this is an attempt to address the black market problem, the illegal sale of cigarettes, the illegal rebating with respect to the sale of cigarettes by certain dealers and distributors, so that we can get a better and improved channel with respect to the legal sale of cigarettes. So we have improved enforcement. We have got more restrictions on manufacturers and dealers because we are now going to require them to have a license, which we do not do currently, and the end result is going to be elimination of the black market.

Now, if we want to continue the black market sale of cigarettes and the loss of revenue both to legitimate dealers and sellers of cigarettes and to the Commonwealth, well, then you simply reject this bill. If you perceive this as a tax increase, I think that— I feel sorry for anybody that feels this is a tax increase. It is something that has got to be paid for.

Mr. SHAPIRO. Mr. Speaker?

Mr. GANNON. And I am continuing my answer to your question, because I have heard repeatedly on this floor people attacking this, that this is a tax increase. A fraction of a cent for a pack of cigarettes to get cigarettes and tobacco out of the hands of our children, and I think that that is pathetic when somebody gets up and makes those kinds of comments, that this is a tax increase—

The SPEAKER pro tempore. Would the gentleman yield for a second, please.

Mr. SHAPIRO. Mr. Speaker?

Mr. GANNON. Mr. Speaker, if I may.

Mr. SHAPIRO. Mr. Speaker, I believe I have the floor.

The SPEAKER pro tempore. One second, please. I asked the gentleman to suspend. I would ask you to suspend.

Did the gentleman wish to make a point? My point was that the purpose of the interrogation is for you to answer questions that he asks, not for you to use it as a springboard to go diving high into the sky and coming down with all sorts of other—

Mr. GANNON. Okay. Mr. Speaker, I take your admonishment in good spirit. But if the gentleman wishes to ask another question, I will be glad to be interrogated.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Shapiro.

Mr. SHAPIRO. Mr. Speaker?

The SPEAKER pro tempore. Yes?

Mr. SHAPIRO. I have completed my interrogation. I would like to speak on the legislation, please.

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

Mr. SHAPIRO. I would just simply remind the members here that we are all charged with relying on this fiscal note, the fiscal note prepared by Chairman Feese's staff, and that is exactly what I do, and based upon the statements made by the maker of the legislation, I will rely on the assumptions of the fiscal note and the candid answers that he provided. I certainly laud him for his attempts here, and I think we all appreciate what he is trying to do, but I just simply believe that this language is poorly constructed. Let me state the two reasons why I believe that.

Number one, it is a tax increase; and number two, it is a cut to the very fund that we all supported several months ago to try

and retain physicians in our Commonwealth. That is one of the largest health-care challenges we face, and a \$3.2 million cut to that will leave our physicians worse off, it will leave our patients worse off, and it will leave our Commonwealth worse off, and therefore, Mr. Speaker, I would urge a “no” vote on this legislation.

Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have sharp disagreement with the fiscal note. I do not think the fiscal note is complete, and members have risen and have asked, I think, some legitimate questions based on the fiscal note but not the bill. I think the focus of our debate should be on the bill itself and not the fiscal note and not some of these guesstimates that we have received.

One of the numbers that we do not have is how much revenue we will see in enhancement when we start eliminating the black market of cigarettes in the Commonwealth. Another question is with respect to any cost increase on a pack of cigarettes, and if you read the language in the bill, it differs then with the language in the fiscal note.

So, Mr. Speaker, I would like to make a recommendation – and I want to answer every question honestly and legitimately and fully – that I would like to go over this bill for the time being so that we can go back to the Department of Revenue and pin them down exactly on, first of all, the revenues gained from eliminating the black market sale of cigarettes, and also exactly a clear interpretation of the language on page 3, line 5 – well, 4 through 5 – with respect to the cost of doing business, which as was referenced in the fiscal note I think is incorrect, and I think the department, the experts, I am not an expert, but the experts should come back and give us a better number on this.

So I would ask that we go over the bill temporarily, although I am prepared to go forward, because I think it is a good piece of legislation, but out of respect for those members who have asked legitimate questions and referenced the fiscal note, which I think is extremely vague, and based on the information that has come out and is not completely reliable, that we would go over the bill and we can get answers to those questions and bring the bill back up when we have better numbers on that.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER pro tempore. HB 2757 will go over for the day.

* * *

The House proceeded to third consideration of **HB 2596, PN 3914**, entitled:

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

mandatory reporting of infants born and identified as being affected by illegal substance abuse.

On the question,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A07860**:

Amend Sec. 2 (Sec. 6303), page 2, lines 20 and 21, by striking out all of said lines and inserting

“Nonaccidental.” Resulting from an intentional act which is committed with disregard of a substantial and unjustifiable risk.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	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?
Bill as amended was agreed to.

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

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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

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

* * *

The House proceeded to third consideration of **HB 2741, PN 4179**, entitled:

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.

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

Mrs. **BEYER** offered the following amendment No. **A08521**:

Amend Sec. 1 (Sec. 7304.1), page 1, line 11, by inserting brackets before and after "a city of the first class"

Amend Sec. 1 (Sec. 7304.1), page 1, lines 11 and 12, by striking out "or second class" and inserting certain cities

Amend Sec. 1 (Sec. 7304.1), page 1, line 16, by striking out "or a city of the second class" and inserting , a city of the second class or a city of third class

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the gentlelady, Mrs. Beyer, is recognized.

Mrs. BEYER. Mr. Speaker, that amendment has been withdrawn.

The SPEAKER pro tempore. The Chair thanks the lady.
Mrs. BEYER. Thank you.

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

The SPEAKER pro tempore. The gentleman, Mr. Pallone. Does the gentleman, Mr. Pallone, have an amendment he wishes to offer?

Mr. PALLONE. Thank you, Mr. Speaker.

There should be an amendment that was timely filed.

The SPEAKER pro tempore. That would be amendment 8829?

Mr. PALLONE. I believe so. Yes, sir.

The SPEAKER pro tempore. And the gentleman wishes the amendment be run?

Mr. PALLONE. Yes, sir.

The SPEAKER pro tempore. Okay.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **PALLONE** offered the following amendment No. **A08829**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for identification of municipal
vehicles; and

Amend Sec. 1, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 6107.1. Identification of municipal vehicles.

In the event a municipal authority or political subdivision purchases, leases or otherwise obtains a motor vehicle for official use, the municipal authority or political subdivision shall ensure the motor vehicle is plainly identified, with lettering at least one inch in height on each side of the motor vehicle, as a motor vehicle of that municipal authority or political subdivision. This section shall not apply to vehicles obtained for undercover law enforcement purposes.

Section 2. Section 7304.1 heading of Title 75 is amended and the section is amended by adding a subsection to read:

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Pallone, is recognized.

Mr. PALLONE. I am sorry, Mr. Speaker. We are withdrawing that amendment. I am sorry.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. It is the Chair's understanding that all the amendments have been withdrawn on this bill, which is HB 2741. Is there a member having an amendment that wishes to be heard? The gentleman, Mr. Siptroth, is recognized.

Mr. SIPTROTH. Mr. Speaker, with your indulgence, we would like to put the House at ease for just a moment, please.

The SPEAKER pro tempore. The House will be at ease for 1 minute.

Mr. SIPTROTH. Thank you, Mr. Speaker.

BILL REREPORTED FROM COMMITTEE

HB 2650, PN 4020

By Rep. S. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Game Commission.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 2650, PN 4020.

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

HB 2830, PN 4441 (Amended)

By Rep. CLYMER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for district election boards, for nominations by political bodies, for requirements of electronic voting systems, for cards of instructions and supplies and for reporting by candidate and political committees and other persons.

STATE GOVERNMENT.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2650 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONSIDERATION OF HB 2741 CONTINUED

The SPEAKER pro tempore. Mr. Siptroth, the recess has concluded. Do you seek recognition for offering an amendment? The gentleman indicates he may not be seeking recognition. The Chair thanks the gentleman.

For what purpose does the gentleman rise?

Mr. SIPTROTH. To speak on the amendment, Mr. Speaker.

The SPEAKER pro tempore. We were advised that all amendments were withdrawn. Is that not correct?

Mr. SIPTROTH. That will be correct in a moment, Mr. Speaker. If I may.

The SPEAKER pro tempore. Well, then the gentleman is recognized under unanimous consent. He may proceed.

Mr. SIPTROTH. Thank you very much, Mr. Speaker. I appreciate that.

Mr. Speaker, at this time I will withdraw this particular amendment, amendment 08836 attached to this particular bill, with the understanding that HB 804, which is coming out of

Rules, will be run tomorrow with this particular language attached to it, going back to the Senate for concurrence.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, does the gentleman, Mr. Petrone, wish to be recognized?

Mr. PETRONE. Yes.

The SPEAKER pro tempore. The gentleman is so recognized on final passage.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I just want to briefly explain some of the contents and reasons for HB 2741 and would appreciate my colleagues' support, and I appreciate my colleagues who withdrew amendments to this legislation. We would like to get it passed as clean as possible.

HB 2741 amends chapter 73 of Title 75, the Vehicle Code of Pennsylvania, and presently this provision of the Vehicle Code only applies to a city of the first class, that being Philadelphia. It now provides the city of Philadelphia with the authority and obligation to investigate and report any vehicle which appears to be abandoned after 5 days. Should the vehicle be determined to be abandoned, the vehicle must be removed within 10 days by the police or an authorized salvor. An abandoned vehicle with a registration and inspection sticker outdated more than 90 days must be removed immediately by the police or any authorized salvor.

HB 2741 would extend the applicability of chapter 73 to a city of the second class, that being my home, Pittsburgh, PA, thereby giving Pittsburgh the same authority and obligation as Philadelphia to address the serious problem of motor vehicles being abandoned within the city. This legislation will aid in the removal of abandoned vehicles from public and private properties within the city. In addition to being blight, such vehicles have become outlets for criminal activity, including drug use and storage, and are a deterrent to efforts to revitalize certain neighborhoods.

This legislation is strongly supported by the mayor of the city of Pittsburgh, the chief of police, and city council members, and I ask for the support of my colleagues in the passage of HB 2741.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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

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

* * *

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

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The gentleman, Mr. Causer, is recognized for a motion to suspend the rules to offer an amendment.

The gentleman, Mr. Causer, is recognized for the purpose of offering a suspension of the rules for the purpose of considering an amendment and would like to make a brief explanation of the amendment. Thank you. The gentleman is recognized.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion to suspend the rules to offer amendment A08985. This bill and amendment deal with the payment in lieu of taxes that are paid in our Commonwealth on State forests and State game lands. This is a very important bill in many parts of the State that have large holdings of State-owned land.

Currently on these State landholdings, the Commonwealth pays an in-lieu-of-tax payment of \$1.20 per acre with 40 cents being divided between the school districts, the counties, and the municipalities in which the land is located. Under this particular bill, that \$1.20 payment would be increased to \$3.60 per acre and still be divided between the three local government units. This amendment that I am seeking a suspension of the rules to offer would clarify that the \$1.20 will continue from existing revenue sources. The additional \$2.40 that is necessary to increase this payment would come from future gaming revenue, out of the Gaming Fund.

So I would ask for the members' support in suspending the rules so that I can offer this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. On the suspension, does the gentleman, Mr. DeWeese, defer to the gentleman, Mr. Surra, for purposes of suspension of the rules? He indicates he does. Representative Surra is recognized.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I would encourage our members on our side of the aisle to join in the suspension vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for those comments and suspects the suspension will be agreed to.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	Shaner	Wilt

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. CAUSER offered the following amendment No. A08985:

Sec. 1 (Sec. 1), page 2, lines 8 through 14, by striking out all of said lines and inserting
annual charge of forty cents per acre plus eighty cents per acre as a supplement, for the benefit of the county in which said lands are located, forty cents per acre plus eighty cents per acre as a supplement for the benefit of the schools in the respective school districts in which such lands are located, and forty cents per acre plus eighty cents per acre as a supplement for the benefit of the township where such lands are located, which charge shall be payable by the Commonwealth, subject to the availability of funds pursuant to section 2(b)(2). (b)

Amend Sec. 2 (Sec. 2), page 3, line 9, by inserting after "2."

(a)

Amend Sec. 2 (Sec. 2), page 3, line 20, by striking out all of said line and inserting
districts and townships.

(b) (1) The State Treasurer shall, upon

Amend Sec. 2 (Sec. 2), page 3, by inserting between lines 27 and 28

(2) Eighty cents per acre of the charge imposed under section 1 shall be paid by the State Treasurer to the several counties, school districts and townships from the State Gaming Fund established and collected under 4 Pa.C.S. § 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution), for each acre of land owned by the Department of Conservation and Natural Resources, on behalf of the Commonwealth, and for each acre of land owned by the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission when funds are available in the State Gaming Fund.

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. For interrogation.

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

Mr. VITALI. Thank you, Mr. Speaker.

I just want to— Are we on? Can you hear me? Can you hear me?

The SPEAKER pro tempore. We can hear you. You are in order and may proceed.

Mr. VITALI. I just want to make sure I understand what this is doing. Right now there is 40 cents per acre paid to municipalities if they contain, is it State game and forest land? Is that what triggers the 40-cent-per-acre payment?

Mr. CAUSER. Yes. This is State-owned forest land and State game lands and some State parks.

Mr. VITALI. And the bill itself – I know we considered that in the State Government Committee – the bill itself bumps it up to what per acre?

Mr. CAUSER. The bill itself takes it from \$1.20 per acre up to \$3.60 per acre, but the bill itself did not specify where the revenue will come from to do that, for the increase, but this particular amendment clarifies where we get the revenue.

Mr. VITALI. So your bill takes that from gaming funds?

Mr. CAUSER. This particular amendment would take the increase from gaming funds.

Mr. VITALI. And what amount would be taken per year from gaming funds?

Mr. CAUSER. The amount coming from gaming funds is estimated at \$8 million.

Mr. VITALI. We received printouts and discussed with our constituents the amount the gaming funds would reduce their property taxes. Do you have any sense for how your amendment would affect the property tax relief to everyone's constituents since these gaming funds are where our property tax relief is coming from?

Mr. CAUSER. Mr. Speaker, it would be very minimal to no effect. It would be taking \$8 million out of this fund to be distributed statewide where there are State forest and State game lands.

Mr. VITALI. And do you know how many municipalities would be receiving this payment?

Mr. CAUSER. I do not have that figure in front of me. It is any municipality, school district, or county in the State that has State forest land or State game lands.

Mr. VITALI. Thank you, Mr. Speaker. That concludes my interrogation. I just want to make a brief comment.

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

Mr. VITALI. My only concern here is that we sold gambling to our constituents because it was going to be property tax relief for all of us. Never mind.

The SPEAKER pro tempore. The gentleman has concluded his interrogation, you say?

Mr. VITALI. Let me just, let me just— There is some—

The SPEAKER pro tempore. Does the gentleman wish to interrogate with one further question?

Mr. VITALI. Right.

When we talk about State gaming funds, are we talking about gaming in the sense of slots or are we talking like gaming in the sense of like shooting animals?

Mr. CAUSER. Mr. Speaker, we are talking about gaming in the form of gambling.

Mr. VITALI. Oh, okay. Well, then let me speak then.

The SPEAKER pro tempore. The gentleman is now being recognized for the second time for a brief explanation or a brief statement. The gentleman is in order and may proceed.

Mr. VITALI. My only concern here is that the purpose of passing gaming in Pennsylvania was for property tax relief for all citizens, and although in this particular case it is an \$8 million subtraction, my concern is it starts to set a bad precedent. I know my constituents are really not getting what I feel they should be from the gaming funds, and each time we have another use to detract, it is that much less. So I just have some concerns with the use of gaming funds for non-property-tax-reduction uses.

The SPEAKER pro tempore. The gentleman's concerns will be so noted.

The Chair recognizes the gentleman, Mr. Smith.

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

I would like to interrogate Representative Causer.

The SPEAKER pro tempore. The gentleman indicates he is willing to answer your questions. You may proceed.

Mr. B. SMITH. I want to be certain that I understand the implications of the amendment.

Your amendment also keeps the Game Commission and the Fish and Boat Commission in lieu of taxes at the same level that they now exist?

Mr. CAUSER. That is correct, Mr. Speaker. The Game Commission and the Fish Commission would continue to pay \$1.20 per acre as they are right now.

Mr. B. SMITH. Thank you, Mr. Speaker. That concludes my interrogation. I would like to make a few remarks.

The SPEAKER pro tempore. The gentleman is in order and may make a few brief remarks.

Mr. B. SMITH. Thank you.

The SPEAKER pro tempore. The members are reminded, this will be the final bill considered today.

Mr. B. SMITH. You really put the pressure on me, Mr. Speaker.

The SPEAKER pro tempore. The only thing that stands between dinner and this vote is you, Mr. Smith.

Mr. B. SMITH. Obviously, I urge adoption of this amendment. I also want to go on the record as saying that there were 10 previous amendments added to this bill, and I want to thank the members that agreed to withdraw their amendments to support this amendment, and that is Representatives Hutchinson, Levdansky, and Representative Ron Miller, and I withdrew an amendment also.

If this amendment were not offered and the Game Commission is in such a severe financial crisis, the license increase that I am presently sponsoring would have to go up four additional dollars to cover the bill as it passed the Senate.

So this is a very important amendment, and I urge its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. STABACK. Comments, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of the Causer amendment. As the previous speaker explained, the amendment will relieve the Game Commission and the Fish and Boat Commission of the increase in the in-lieu-of-tax payment now found in the bill. This amendment will relieve them of what would have been a substantial, a substantial drain from their operating fund. The amendment does a service not only to the Game Commission and Fish Commission but to the hunters and anglers and boaters from across the State, those folks who currently are paying all the bills for the services and the work that is done by both of these agencies.

For these reasons, coupled with the fact that the administration is on board with the concept, I, too, would ask for an affirmative vote on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clinton and Centre Counties, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of the amendment. For the benefit of the gentleman from Delaware County, I want to assure him that the funds that will come from the gaming proceeds, this was contemplated when gaming was adopted several years ago. This is not a new drawdown from those proceeds, so this was contemplated before and it will not detract from what was promised to the property tax payers of Pennsylvania. It is just there to correct what happened when the Supreme Court made their decision on that.

So again, I would ask for an affirmative vote for this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you; the Chair thanks the gentleman.

Does the gentleman, Mr. Tigie, wish to be recognized? The gentleman is recognized and may proceed.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to oppose the Causer amendment. I think that the money from the slot machines and the money from the legalization of the gaming should be left in the one fund and should be distributed as we determine the formula to be, whether it is on Act 72 or another formula. I see no reason to take the gaming money to do this.

If we really want to have payments in lieu of taxes for DCNR (Department of Conservation and Natural Resources) and/or for the Game Commission funds – and that is a whole different issue, which I am not sure we should be doing at all – I do not think we should be taking these from the slot machine funds. That money should come from DCNR's budget and it should come from the Game Commission.

So I would ask you to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—159

Adolph	Evans, J.	Lederer	Rohrer
Allen	Fabrizio	Lescovitz	Rooney
Argall	Fairchild	Mackereth	Ross
Armstrong	Feece	Maher	Rubleby
Baker	Fichter	Maitland	Ruffing
Baldwin	Flaherty	Major	Saylor
Barrar	Fleagle	Mann	Scavello
Bastian	Flick	Marsico	Schroder
Bebko-Jones	Frankel	McCall	Semmel
Belardi	Gabig	McGill	Siptroth
Belfanti	Gannon	McIlhattan	Smith, B.
Benninghoff	Geist	McIlhinney	Smith, S. H.
Beyer	George	McNaughton	Sonney
Biancucci	Gerber	Metcalf	Staback
Birmelin	Gergely	Micozzie	Stairs
Bishop	Gillespie	Millard	Steil
Blackwell	Gingrich	Miller, R.	Stern
Boyd	Good	Miller, S.	Stetler
Bunt	Goodman	Mustio	Stevenson, R.
Buxton	Grell	Myers	Stevenson, T.
Caltagirone	Grucela	Nailor	Sturla
Cappelli	Haluska	Nickol	Surra
Causer	Hanna	O'Brien	Taylor, J.
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cornell	Harris	Parker	Veon
Corrigan	Hasay	Payne	Wansacz
Crahalla	Hennessey	Petri	Waters
Creighton	Herman	Phillips	Watson
Cruz	Hershey	Pickett	Wheatley
Daley	Hess	Pistella	Williams
Dally	Hickernell	Preston	Wojnaroski
DeLuca	Hutchinson	Pyle	Wright
Denlinger	James	Quigley	Yewcic
DeWeese	Kauffman	Ramaley	Youngblood
DiGirolamo	Keller, M.	Rapp	Yudichak
Diven	Keller, W.	Raymond	Zug

Donatucci	Kenney	Reed	
Eachus	Killion	Reichley	Perzel,
Ellis	Kirkland	Roberts	Speaker
Evans, D.			

NAYS—36

Blaum	Gruitza	Melio	Samuelson
Casorio	Harhai	Mundy	Santoni
Cawley	Josephs	Pallone	Shapiro
Cohen	Kotik	Petrarca	Solobay
Costa	LaGrotta	Petrone	Tangretti
Curry	Leach	Readshaw	Thomas
Dermody	Manderino	Roebuck	Tigue
Freeman	Markosek	Sabatina	Vitali
Godshall	McGeehan	Sainato	Walko

NOT VOTING—0

EXCUSED—8

Forcier	Levdansky	Sather	Taylor, E. Z.
Leh	Rieger	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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. TIGUE. To speak on the bill.

The SPEAKER pro tempore. The gentleman is recognized and may proceed.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I have been here quite a long time and we have done this occasionally, and I have to admit, I sat there and I voted for some of these things.

Think about what we are doing. We have lands, DCNR lands and Game Commission lands, which we are telling them to pay in lieu of taxes. That is on this hand. On the other hand we are telling people, we will give you money to keep your land from development. How ironic is that? On one hand we are saying, you can put your land in the Clean and Green; you do not have to pay taxes; we are going to give you extra money for that. But on the other hand we are saying, this is land that we own, either through DCNR as the State or the Game Commission owns, which cannot be developed; it does not cause any demand on local services, especially school districts, and now we are saying we are going to increase the money. It just does not add up. It is illogical.

And I know that I am standing here and it probably is going to pass, but I just want to say that I think we are going— It just does not make sense. If we are willing to say, everybody should pay taxes, then let us have everybody pay taxes, not let us just find a way because your district has this or my district has that

we are going to pay somebody. Why pay somebody money not to develop their land and then pay somebody else, have them pay because the land cannot be developed. It just does not make sense.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Causer, wish to be recognized? The gentleman is so recognized and may proceed.

Mr. CAUSER. Thank you, Mr. Speaker.

I want to thank the members for their support for my amendment, and I rise in strong support of SB 868.

I disagree with much of the comments made by the previous speaker. This really is a tax fairness issue in many parts of our State when you think about the benefits that the Commonwealth gets from State-owned land but then look at the disadvantages in areas of the State with large landholdings. How many of you would like to pay \$3.60 an acre for the land that you own? And I have got a county that, Cameron County, that is 60 percent owned by the Commonwealth. Look at the municipalities and school districts and the county itself in that area; look how they struggle because of the tax revenue that they are missing out on with the State owning all the land. We still have to provide services in those areas. Someone still has to provide fire protection. Someone still has to plow the roads. It is revenue and these municipalities are struggling.

It is time for the State to step up to the plate and pay a fair share in lieu of taxes for all the State-owned land that is taken off the tax rolls, and I think that it is very appropriate for us to increase this in-lieu payment to support those municipalities who have these large landholdings of State-owned land.

So I would encourage my colleagues to vote "yes" on SB 868. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Hanna, for what purpose do you rise?

Mr. HANNA. Thank you, Mr. Speaker. To speak on final passage.

The SPEAKER pro tempore. You are recognized and may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

I rise in support of the bill, and in response to the concerns raised by the gentleman from Luzerne, there certainly is an impact on municipalities. There is an impact with townships in maintaining roads. Townships that provide waste hauling are also severely impacted by those who visit the State forest and game lands. So there is a considerable impact through the infrastructure on municipalities.

So I would urge everyone to vote in favor of this legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Smith, for the second time.

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

I would just like to remind the members that this concept, this idea, was part of the gaming bill that was originally passed by this House and by the legislature and signed by the Governor. It was struck down by the courts. This will restore what the courts struck down.

Finally, the administration supports this. The Senate supports it. Let us send it over to the Senate so we can get it to the Governor.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chairs thanks the gentleman for that clarification.

The Chair recognizes the gentleman, Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, could I interrogate the maker of the amendment on the bill?

The SPEAKER pro tempore. The gentleman indicates he wishes to interrogate the maker of the amendment on the bill?

Mr. ADOLPH. Yes.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. You are in order and may proceed.

Mr. ADOLPH. Thank you.

Mr. Speaker, this land that is owned by the State, is this land used for commercial purposes?

Mr. CAUSER. Thank you, Mr. Speaker.

The land that is in question is State game lands and State forest lands that are owned by the Commonwealth, either by DCNR or the Pennsylvania Game Commission.

Mr. ADOLPH. Is there any commercial activity being done on this land?

Mr. CAUSER. At this point these are State-owned lands, and are you referring to the amount of timber that is being taken off these lands?

Mr. ADOLPH. Yes.

Mr. CAUSER. Yes. There are millions of dollars in timber being taken off these State game lands and State forest lands every year coming into the Commonwealth coffers, and at this point the Commonwealth is only paying back \$1.20 per acre in-lieu-of-tax payments. So you are right, Mr. Speaker, millions of dollars of timber are coming off these lands and at the same time services are still being provided.

Mr. ADOLPH. Thank you, Mr. Speaker. On final passage.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 868. I do not believe that all my colleagues understand what type of activity goes on with this type of land, and it does cost the local townships' and the counties' infrastructure as a result of this, and I think the gentleman's amendment really made a good bill better, and I ask my colleagues to support the passage.

Thank you very much.

The SPEAKER pro tempore. The chairman thanks the gentleman for those clarifications.

Does the gentelady from Berks County, Representative Sheila Miller, rise on final passage?

Mrs. MILLER. Yes, Mr. Speaker.

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

Mrs. MILLER. Mr. Speaker, I, too, rise in support of this legislation with the amendment offered by my colleague so that there is some return on the local tax base for municipalities that do have large segments of land in State forests, but I did also want to rise to correct some information that I heard mentioned regarding the Clean and Green Program.

It was inferred by a previous speaker that those who are in the Clean and Green Program pay no taxes on their farmland and/or forest land, and in fact, Mr. Speaker, they do pay

property tax, local property tax, on that land. It is just assessed, Mr. Speaker, at the level for which it is used. In the case of forest land, it is taxed based on the timber potential, and for agriculture it is based on the agricultural value. So I did not want the public or my colleagues to think that those that benefit from that preferential tax assessment actually pay no taxes. In fact, they do pay a considerable amount of taxes.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady for that clarification.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—176

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

NAYS—19

Blaum	Freeman	Leach	Shapiro
Casorio	Gerber	Markosek	Tangretti
Cawley	Godshall	Mundy	Tigue

Cohen
Curry

Harhai
Kotik

Pallone
Petrarca

Vitali

NOT VOTING—0

EXCUSED—8

Forcier
Leh

Levdansky
Rieger

Sather
Shaner

Taylor, E. Z.
Wilt

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

Ordered, That the clerk 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.

STATEMENT BY MR. CAUSER

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

Mr. CAUSER. Mr. Speaker, I want to thank the members for their support for this legislation and especially thank the members that agreed to withdraw their amendments.

Thank you very much.

The SPEAKER pro tempore. Thank you.

There will be no further votes, but there are some committee announcements.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Saylor, is recognized for the purposes of a committee announcement.

Mr. SAYLOR. Mr. Speaker, I would like to announce a Finance Committee meeting at the back of the House for the purpose of considering SB 993.

Thank you.

The SPEAKER pro tempore. Representative Saylor, is that an immediate meeting of the Finance Committee?

Mr. SAYLOR. Immediate meeting, yes, sir.

The SPEAKER pro tempore. Okay. The members will meet in the rear of the House.

SENATE BILL FOR CONCURRENCE

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

SB 993, PN 1893

Referred to Committee on FINANCE, June 29, 2006.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. Does the majority whip, the gentleman, Mr. Argall, seek recognition?

Mr. ARGALL. If I may, Mr. Speaker, comments I would like to submit for the record.

The SPEAKER pro tempore. The gentleman is in order. Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Last night I returned back to the 124th Legislative District to survey the damage from recent flooding. While I would have liked to have been here to cast my vote, it was much more important for me to be back in the district surveying the flood damage and looking for ways State government might be able to help the people I serve.

I was pleased to learn the House last night passed a measure making English the official language of Pennsylvania through HB 1959, A7999. Had I been here, I would have voted "yea" for this important proposal.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. Does the gentleman, Representative Fleagle, wish to make an announcement on the Committee of Appropriations?

Mr. FLEAGLE. Yes, Mr. Speaker.

There will be an immediate meeting of the House Appropriations Committee in the rear of the House; House Appropriations Committee.

The SPEAKER pro tempore. The gentleman indicates the Appropriations Committee will be meeting in the rear of the hall of the House. Members would please go to that meeting.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 243, PN 1836**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1528, PN 4309**; and **HB 2383, PN 4400**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2425, PN 3822; HB 2542, PN 4003; and HB 2740, PN 4349**, with information that the Senate has passed the same without amendment.

**ANNOUNCEMENT BY
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. For those members still on the floor, it is the understanding of the Chair that when we recess, we will be returning to the floor tomorrow morning at 11 a.m. That is the Chair's understanding at this point in time.

RECESS

The SPEAKER pro tempore. The House will be in recess.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 222, PN 4390 By Rep. FEESE

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.

APPROPRIATIONS.

HB 2178, PN 4391 By Rep. FEESE

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.

APPROPRIATIONS.

HB 2498, PN 3672 By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for Gold Star Family registration plate.

APPROPRIATIONS.

HB 2749, PN 4396 By Rep. FEESE

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.

APPROPRIATIONS.**SB 594, PN 668**

By Rep. FEESE

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

APPROPRIATIONS.**SB 1090, PN 1957**

By Rep. FEESE

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

APPROPRIATIONS.**SB 1179, PN 1950**

By Rep. FEESE

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

APPROPRIATIONS.**SB 1188, PN 1910**

By Rep. FEESE

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.

APPROPRIATIONS.**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****BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 993, PN 1893**

By Rep. SAYLOR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for assessment, for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for refund of

sales tax attributed to bad debt, for refund or credit for overpayment, for restriction on refunds, for refunds, for refund petition, for review by Board of Finance and Review, for appeal to Commonwealth Court and for extended time for filing special petition for refund; further providing, in personal income tax, for assessment, for jeopardy assessments, for procedure for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for restrictions on refunds and for limitations on refund or credit; further providing, in corporate net income tax, for definitions, for reports and payment of tax; for changes made by Federal Government, for settlement and resettlement and for enforcement relating to corporate net income tax; providing, in corporate net income tax, for assessments, for jeopardy assessments, for limitations on assessments, for extension of limitation period, for audit by Auditor General and for collection; further providing, in gross receipts tax, for imposition; further providing, in realty transfer tax, for determination and notice, for lien and for refunds; further providing, in mutual thrift institutions tax, for imposition and report; providing, in malt beverage tax, for assessment by department; providing for procedure and administration; further providing, in general provisions, for estimated tax, for underpayment, for refund petitions and for timely filing; and providing, in general provisions, for assessments to be made by department.

FINANCE.

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 at this time recognizes the gentleman from Butler, Mr. Ellis.

Mr. ELLIS. Mr. Speaker, I move that this House do now recess until Friday, June 30, 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., Friday, June 30, 2006, the House recessed.