

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 24, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

The House convened at 12:10 p.m., e.d.t.

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

PRAYER

REV. ROBERT A. GRAYBILL, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O Lord God, we stand in the silence before You as we once again come together as the House of Representatives. We are grateful to You for another day to work, to care for the good people of this State who depend upon this body for sound decisions and clear guidance on the matters of government.

As we gather, we are very aware of the uncertainty that hovers over our world due to unsettling events – from Iraq and Iran to Afghanistan and North Korea. We are still stirred by the anxious moments of our families of this Commonwealth who await reports of their sons and daughters, husbands and wives, after newsclips about another roadside bombing in Baghdad.

The raging violence in our communities heightens the anxious hearts of our families of the police and the innocent in our community. Anxiety, uncertainty fills so much of our lives today.

O Lord God, help us in the face of uncertainty to be reassured by Your ever-present spirit, which is a calm presence that shall never cease, which is a reality of Your love that no evil can destroy. Help us to feel Thy confidence within. It will help the men and women of this body gathered here to stand tall and remain strong in their diligent efforts to work for the best of all.

O Lord God, the uncertainty of the world breeds anxiety in our hearts, that may each of us who stand together now invite our souls to feed on Thy love, which shall endure through the unsettling moments, which shall prevail over the difficult challenges and shall reign victorious over the evils of today.

May Your still, calm presence touch the anxious and the uncertain within us, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 23, 2006, will be postponed until printed.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome, as a special guest of Representative Thomas Creighton, Karen Hamill of Cocalico High School. Karen is doing a Service Learning Internship Program in Representative Tom Creighton's Denver district office this semester. She is seated to the left of the Speaker. Would she please rise and be recognized.

The Chair is about to take up a condolence resolution.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mrs. MILLER called up **HR 885, PN 4764**, entitled:

A Resolution honoring the heroism of Reading Police Officer Scott A. Wertz and noting with sadness his untimely death in the line of duty on August 6, 2006, at 40 years of age.

On the question,

Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentlelady from Berks, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

"Greater love has no one than this, that he lay down his life for his friends." John 15:13.

Fallen Reading police officer, Scott Wertz, was a friend to the people of Reading, Berks County, and our entire community.

Ladies and gentlemen of the House, it is with sadness that I rise today to ask you to join with the Berks delegation in paying tribute to Officer Wertz, a resident of my legislative district, who lost his life in the line of duty. I have asked Representatives Tom Caltagirone and Dante Santoni to join me in this tribute, since the city of Reading is in their legislative districts.

On August 6 of this year, Officer Wertz was on plain-clothes duty as part of a regional auto theft task force when he and his partner responded to a fight at a convenience store on 8th and Walnut Streets in Reading. Shots had already been fired as the

officers were arriving on the scene, so they knew they were facing a very volatile and dangerous situation.

When one of the suspects tried to flee the scene, Officer Wertz did not hesitate to go after him, but when he caught up with the suspect, the man turned around and shot him twice in the chest. In that instant dozens of lives were changed forever. Officer Wertz left behind a loving wife and two young sons. There will be a void in their lives forever.

Officer Wertz's parents— Tom, can you help me?

Mr. CALTAGIRONE. Officer Wertz's parents must live with the loss of their son – the worst pain a parent can endure.

Members of the Reading PD (Police Department) are also suffering the loss of Officer Wertz, not only because he was an outstanding law enforcement officer but also because he was a good friend, a man who truly put the good of others before himself.

I think it is a fitting tribute to Officer Wertz to also let you know that he was loved well beyond the boundaries of his immediate family. Firefighters and other public servants in the city of Reading recognized the honesty and integrity and strong work ethic of Officer Wertz. They respected him not only because he worked hard but also because he had a big heart. He is loved and missed by more people than anyone will ever know.

Officer Wertz was a 1984 graduate of Wilson High School, which is in Sheila's district, and a 1994 graduate of the Reading Police Academy. He received numerous commendations for his work against crime and was also recognized for his efforts on behalf of the Police Athletic League.

At just 40 years of age, Officer Wertz made a difference in the lives of so many people. His legacy will live on through every single one of those lives that he has touched.

To Tricia Wertz and her sons, Jared and Joshua, I extend my deepest sympathies. Our community and the Commonwealth share your grief and pray for peace and healing for your family. Our condolences also go out to Officer Wertz's father, Ed, and Tricia's mother, Barbara Schappel, and brother, Dustin Schappel.

Representing the Reading Police Department this afternoon are criminal investigator Barry Rambo – will you please stand – Officer Mick Eddinger, Officer Wertz's partner who tackled and apprehended the suspect who shot Officer Wertz; criminal investigator Harold Shenk. We also welcome detective Ray Carabello, a Muhlenberg Township police officer and past partner of Officer Wertz.

As we prepare to vote on HR 885, I ask that you pause for a moment of silence for Officer Wertz, his family, and members of the Reading Police Department and all of our law enforcement officers who put their lives on the line every day.

Thank you, Mr. Speaker. I ask for my colleagues' affirmative vote on this HR 885.

Following the vote we will make a presentation to Tricia Wertz and the Reading Police Department with flags flown over the Capitol in honor of Officer Wertz.

(A moment of silence was observed.)

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS–199

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

NAYS–0

NOT VOTING–0

EXCUSED–3

| | | |
|---------|--------|--------|
| Gruitza | Rieger | Rooney |
|---------|--------|--------|

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

RECESS

The SPEAKER. There being no further business of great importance before us, the Chair will recess and we will come back to the floor at 2 p.m.

RECESS EXTENDED

The time of recess was extended until 3 p.m.

AFTER RECESS

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 3066 By Representatives PHILLIPS, GEORGE, CAPPELLI, BUNT, CALTAGIRONE, DeLUCA, GINGRICH, HERSHEY, HESS, JAMES and SONNEY

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for designation of chief and other officers of the police bureau.

Referred to Committee on LOCAL GOVERNMENT, October 24, 2006.

No. 3067 By Representatives GINGRICH, CALTAGIRONE, FLEAGLE, McILHATTAN, O'NEILL, PICKETT, B. SMITH, TIGUE, CREIGHTON, TURZAI, CORNELL, STERN, CRAHALLA and HERSHEY

An Act relating to the donation of blood by certain persons 16 years of age and older.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 24, 2006.

No. 3069 By Representative KENNEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for automated speed timing systems in first class cities; and establishing the Roosevelt Boulevard Pedestrian Bridge Fund.

Referred to Committee on TRANSPORTATION, October 24, 2006.

No. 3070 By Representatives KENNEY, PHILLIPS, CRAHALLA and KILLION

An Act amending the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, further providing for financial plan of an assisted city; and making editorial changes.

Referred to Committee on URBAN AFFAIRS, October 24, 2006.

No. 3074 By Representatives PERZEL, ALLEN, BALDWIN, BARRAR, BEYER, BLAUM, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, COHEN, CORNELL, COSTA, DeWEESE, DIVEN, GEIST, GOODMAN, GRUCELA, HARHART, HENNESSEY, HERSHEY, HESS, JAMES, W. KELLER, KENNEY, KOTIK, LEACH, MARKOSEK, MARSICO, MCGILL, McILHATTAN, MICOZZIE, S. MILLER, MUSTIO, PAYNE, PHILLIPS, PICKETT, PISTELLA, PYLE, RAYMOND, SABATINA, SAINATO, SANTONI, SATHER, SHAPIRO, SONNEY, E. Z. TAYLOR, TIGUE, TRUE, WALKO, WATSON, WOJNAROSKI and ZUG

An Act providing for insurance coverage for routine patient care costs when an insured, enrollee or subscriber participates in approved cancer clinical trials; establishing the Pennsylvania Cancer Clinical Trial Review Board to adjudicate disputes involving third-party reimbursement for routine patient care costs incurred in association with approved cancer clinical trials; and providing for hearings and appeals.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 24, 2006.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 907 By Representatives COHEN, FLAHERTY, ROBERTS, TIGUE, WALKO, JAMES, MELIO and BLACKWELL

A Resolution urging the President and Congress of the United States to lift trade sanctions and normalize diplomatic relations with Cuba while adopting a policy of constructive engagement to improve Cuba's human rights record.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 24, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 668, PN 1623

Referred to Committee on JUDICIARY, October 24, 2006.

SB 1140, PN 2194

Referred to Committee on JUDICIARY, October 24, 2006.

SB 1353, PN 2145

Referred to Committee on STATE GOVERNMENT, October 24, 2006.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 337, PN 2067

Referred to Committee on RULES, October 24, 2006.

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

The clerk of the Senate, being introduced, returned **HB 2090, PN 2880; and HB 2447, PN 3982**, with information that the Senate has passed the same without amendment.

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

The clerk of the Senate, being introduced, returned **HB 471, PN 4885; HB 552, PN 4879; HB 2186, PN 4880; HB 2202, PN 4285; HB 2639, PN 4878; HB 2667, PN 4848; and HB 2699, PN 4886**, 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 AMENDMENTS
TO SENATE 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 the Senate amendments to **HB 2282, PN 4869**.

SENATE MESSAGE**REPORT OF COMMITTEE OF CONFERENCE
ADOPTED BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **SB 157, PN 2206**.

SENATE MESSAGE**AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 854, PN 2207**.

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

SENATE MESSAGE**AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to **SB 862, PN 2208**.

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, who moves for a Capitol leave for the gentleman, Mr. TAYLOR. Without objection, that leave will be granted.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Northampton, Mr. ROONEY, and for the gentleman from Allegheny, Mr. RUFFING. Without objection, the leaves will be granted.

BILLS SIGNED BY SPEAKER

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

HB 469, PN 4847

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for date of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots; and limiting contributions by partnerships, limited partnerships and limited liability companies.

HB 1112, PN 4821

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of corrupt organizations; providing for the offense of trafficking in persons; further providing for order authorizing interception of wire, electronic or oral communications; and providing for sentencing for trafficking of persons and for criminal forfeiture.

HB 1902, PN 4662

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for sunset for recycling fee and for performance grants for municipal recycling programs.

HB 2001, PN 4759

An Act prohibiting price gouging; and imposing penalties.

HB 2090, PN 2880

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

HB 2185, PN 4817

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for excluded provisions and for required financial reporting; providing for assessment of signs and sign structures; and making related repeals.

HB 2282, PN 4869

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 hotel occupancy tax, for definitions and for imposition of tax, and in personal income tax, for classes of income; and making repeals relating to the hotel occupancy tax.

HB 2447, PN 3982

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties; and for, in registration of sexual offenders, information made available on the Internet.

HB 2670, PN 4849

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; and, in child protective services, further providing for definitions, further providing for release of information in confidential reports, providing for citizen review panels, further providing for reports; and providing for mandatory reporting of substance abuse births.

HB 2738, PN 4760

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

SB 983, PN 2112

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for registration districts and local registrars' duties and for death and fetal death registration.

SB 1148, PN 1894

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, as a guest of Representative Karen Beyer, Jessica Sardella. She is a student at Lehigh University and a district office intern for Representative Beyer. She is seated to the left of the Speaker. Would you please rise and be recognized.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1235, PN 2213 (Amended)**

By Rep. GANNON

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, expanding the scope of the act to include Chinese herbal therapy; further providing for definitions; regulating the practice of Chinese herbal therapy; further providing for regulation of the practice of acupuncture and for penalties; and imposing duties on the State Board of Medicine and the State Board of Osteopathic Medicine.

PROFESSIONAL LICENSURE.**MASTER ROLL CALL**

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the gentleman requests a leave of absence for the gentleman, Mr. MAITLAND, for the remainder of the day. Without objection, that leave will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—197

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

| | | | |
|-------------|------------|------------|---------------|
| Boyd | Good | Miller, S. | Steil |
| Bunt | Goodman | Mundy | Stern |
| Buxton | Grell | Mustio | Stevenson, R. |
| Caltagirone | Grucela | Myers | Stevenson, T. |
| Cappelli | Haluska | Nailor | Sturla |
| Casorio | Hanna | Nickol | Surra |
| Causar | Harhai | O'Brien | Tangretti |
| Cawley | Harhart | O'Neill | Taylor, E.Z. |
| Civera | Harper | Oliver | 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. | Ramaley | Wilt |
| 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. | Leh | Rohrer | |
| Evans, J. | Lescovitz | Ross | Perzel, |
| Fabrizio | Levdansky | Rubley | Speaker |

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|----------|--------|--------|---------|
| Gruitza | Rieger | Rooney | Ruffing |
| Maitland | | | |

LEAVES ADDED—3

| | | |
|---------|---------|----------|
| DeWeese | Haluska | LaGrotta |
|---------|---------|----------|

LEAVES CANCELED—1

DeWeese

**COMMUNICATION FROM
DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT**

The SPEAKER. The Speaker acknowledges receipt of the Annual Industrial Sites Environmental Assessment Report submitted pursuant to Title 35 of the Pennsylvania Consolidated Statutes.

(Copy of report is on file with the Journal clerk.)

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 940, PN 1548**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the Agricultural Conservation Easement Purchase Fund; providing for the Land Trust Reimbursement Program, for proceeds from sales by the Department of Agriculture and for grants for agricultural land conservation assistance; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 940 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 940 be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1419, PN 2211**, 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 cost of tuition and how it is fixed under certain circumstances.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1419 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1419 be taken off the table.

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

* * *

The House proceeded to third consideration of **SB 143, PN 1688**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing parent involvement programs and policies in school districts.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 143 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 143 be taken off the table.

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

BILLS REMOVED FROM TABLE

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

HB 2997;
SB 1285; and
SB 1332.

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

BILLS ON SECOND CONSIDERATION

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

HB 2997, PN 4742; SB 1285, PN 2202; and SB 1332, PN 2115.

BILLS RECOMMITTED

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

HB 2997;
SB 1285; and
SB 1332.

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

ACTUARIAL NOTES

The SPEAKER. The Chair acknowledges receipt of the following actuarial notes:

HB 2894, PN 4540, as amended by amendment No. A09560;
HB 2894, PN 4540;
HB 534, PN 582;
HB 533, PN 581;
Amendment No. A09858 to HB 126, PN 4579; and
Amendment No. A09734 to HB 2273, PN 4188.

(Copies of actuarial notes are on file with the Journal clerk.)

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2972, PN 4899 (Amended) By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, defining "mounted specimen"; and further providing for buying and selling game.

GAME AND FISHERIES.

HB 3007, PN 4778 By Rep. B. SMITH

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability of landowners toward recreational users, persons or property for acts or acts of omission by recreational users.

GAME AND FISHERIES.**RULES COMMITTEE MEETING**

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 552, PN 4879

By Rep. S. SMITH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the authority to invest and reinvest certain moneys; defining “general use prepaid cards,” “gift card,” “gift certificate” and “qualified gift certificate”; further providing for unclaimed property and for property held by courts and public officers and agencies; and clarifying provisions relating to notice and publication of lists.

RULES.

HB 2202, PN 4285

By Rep. S. SMITH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home infusion therapy to be available to all eligible recipients and adding a definition of “home infusion therapy.”

RULES.

HB 2639, PN 4878

By Rep. S. SMITH

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, providing for glomerular filtration rate testing.

RULES.

HB 2667, PN 4848

By Rep. S. SMITH

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

RULES.

HB 2699, PN 4886

By Rep. S. SMITH

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing, in health care insurance individual accessibility, for expiration; providing, in quality health care accountability, for managed care plans participating in the medical assistance program; further providing, in children’s health care, for legislative findings and intent, for definitions, for free and subsidized health care, for outreach and for payor of last resort and insurance coverage; and providing, in children’s health care, for Federal waivers and for expiration.

RULES.

SB 583, PN 2214 (Amended)

By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining “racketeering activity”; and further providing for arson and related offenses and for the offense of unsworn falsification to authorities.

RULES.

SB 854, PN 2207

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No. 2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for definitions; and providing for strategic development areas.

RULES.

SB 862, PN 2208

By Rep. S. SMITH

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for regulatory authority of board, for slot machine license fee, for number of slot machines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for central control computer system, for license or permit issuance, for nontransferability of licenses and for gross terminal revenue deductions; providing for itemized budget reporting; further providing for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for the Compulsive and Problem Gambling Program; providing for land use preemption and conveyances within cities of the first class, and for clean indoor air; providing for public official financial interest, for political influence and for enforcement; providing for procedures and for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints and photographs; providing for repayments to State Gaming Fund; and further providing for corrupt organizations.

RULES.

LEAVES OF ABSENCE

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request regular leave for the minority leader from Greene County, Mr. DeWEESE, and a regular leave for the gentleman from Cambria County, Mr. HALUSKA.

The SPEAKER. The Chair hears no objection. The leaves will be granted.

Mr. GRUCELA. Thank you, Mr. Speaker.

RESOLUTION

Mr. S. SMITH called up **SR 360, PN 2119**, entitled:

A Concurrent Resolution honoring Grace Methodist Episcopal Church for providing a temporary State Capitol.

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 881, PN 4719**, entitled:

A Resolution recognizing the month of January 2007 as "Stalking Awareness Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

* * *

Mr. S. SMITH called up **HR 903, PN 4875**, entitled:

A Resolution honoring the memory of former State Representative Orville E. Snare.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HR 903 be recommitted to the Committee on Rules.

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

SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mr. NAILOR called up **HR 904, PN 4888**, entitled:

A Resolution designating the month of October 2006 as “Young Adolescent Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

* * *

Mr. CLYMER called up **HR 906, PN 4890**, entitled:

A Resolution designating November 2, 2006, as “SADD Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

CALENDAR CONTINUED

RESOLUTION

Mr. GANNON called up **HR 824, PN 4663**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to undertake a review of the existing Federal and State statutory and regulatory authority as it relates to the oversight of freight and passenger rail transportation systems in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

| | | | |
|-----------|----------|-----------|-----------|
| Adolph | Feese | Maher | Sabatina |
| Allen | Fichter | Major | Sainato |
| Argall | Flaherty | Manderino | Samuelson |
| Armstrong | Fleagle | Mann | Santoni |
| Baker | Flick | Markosek | Sather |
| Baldwin | Forcier | Marsico | Saylor |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

RULES SUSPENDED

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

Mr. SOLOBAY. Mr. Speaker, I call for an immediate suspension of the rules to bring up House resolution No. 876, PN 4682.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—1

Taylor, E.Z.

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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.

RESOLUTION

Mr. SOLOBAY called up **HR 876, PN 4682**, entitled:

A Resolution urging the Government of Turkey to cease its discrimination of the Ecumenical Patriarchate, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

HR 824 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion from the majority leader, who moves that House resolution No. 824, which was passed on the 24th day of October, be reconsidered.

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

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------------------------------|------------------------|----------------|--------------------|
| Evans, J. Fabrizio Fairchild | Levdansky Mackereth | Ross Rubley | Perzel, Speaker |
|------------------------------------|------------------------|----------------|--------------------|

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|--------------------|---------------------|------------------|---------|
| DeWeese Gruitza | Haluska Maitland | Rieger Rooney | Ruffing |
|--------------------|---------------------|------------------|---------|

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

SUPPLEMENTAL CALENDAR C**RESOLUTIONS PURSUANT TO RULE 35**

Mr. ALLEN called up **HR 909, PN 4896**, entitled:

A Resolution establishing a task force to study violence in the media.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------|-----------|----------|------------|
| DeLuca | Kenney | Ramaley | Williams |
| Denlinger | Killion | Rapp | Wilt |
| Dermody | Kirkland | Raymond | Wojnaroski |
| DiGirolamo | Kotik | Readshaw | Wright |
| Diven | LaGrotta | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

* * *

Mr. ARGALL called up **HR 910, PN 4897**, entitled:

A Resolution designating the month of October 2006 as “Archives Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 770, PN 2192**, entitled:

An Act amending the act of December 16, 1999 (P.L.971, No.69), known as the Electronic Transactions Act, providing for the definition of “United States Postal Service Electronic Postmark”; and further providing for acceptance and distribution of electronic records.

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

Mr. **MARKOSEK** offered the following amendment No. **A10137**:

Amend Sec. 3, page 3, line 4, by striking out “60” and inserting
120

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

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

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

Will the gentleman stand for brief interrogation?

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

Mr. **VITALI**. Thank you.

Could I have a brief explanation of this amendment?

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, could we have some order, please.

The SPEAKER. The gentleman is correct. There is entirely too much noise.

Mr. MARKOSEK. Thank you, Mr. Speaker.

SB 770 would create an electronic postmark to be used in transactions through the computer, and my amendment very simply delays the start date for this legislation to give the appropriate folks time to install the systems for use once the bill is passed.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

DeWeese
Gruitza

Haluska
Maitland

Rieger
Rooney

Ruffing

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

| | | | |
|-----------|-----------|---------|----------|
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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.

RULES SUSPENDED

The SPEAKER. The Chair turns to page 18 of today's House calendar.

The Chair recognizes the gentleman, Mr. Petrone.

Mr. PETRONE. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HR 897.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------|------------|----------|------------|
| Costa | Hickernell | Petrone | Veon |
| Crahalla | Hutchinson | Phillips | Vitali |
| Creighton | James | Pickett | Walko |
| Cruz | Josephs | Pistella | Wansacz |
| Curry | Kauffman | Preston | Waters |
| Daley | Keller, M. | Pyle | Watson |
| Dally | Keller, W. | Quigley | Wheatley |
| DeLuca | Kenney | Ramaley | Williams |
| Denlinger | Killion | Rapp | Wilt |
| Dermody | Kirkland | Raymond | Wojnaroski |
| DiGirolamo | Kotik | Readshaw | Wright |
| Diven | LaGrotta | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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.

RESOLUTION

Mr. PETRONE called up **HR 897, PN 4824**, entitled:

A Resolution directing the Joint State Government Commission to conduct an in-depth investigation into the landslide in Kilbuck Township, Allegheny County, including a thorough review of the applicable State and local permit and approval processes; and requiring a report.

On the question,

Will the House adopt the resolution?

(A roll-call vote was taken, but due to a malfunction, the vote was not recorded. See later roll call.)

STATEMENT BY MR. PETRONE

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

Mr. PETRONE. Thank you, Mr. Speaker.

I thank my colleagues for the affirmative vote on suspension and also on the resolution.

This is regarding a very critical problem that occurred in both my district and Representative Mustio's district a short time ago, which required the closing of one of the main arteries, roads in the county, Route 65, and also three railroad lines for approximately 10 days. This was a massive landslide, and hopefully this task force will be able to look into some of the problems that occurred before, during, and after this and find some solutions.

Thank you very much for your affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MRS. MILLER

The SPEAKER. The Chair, under unanimous consent, recognizes Representative Sheila Miller for brief comments.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, following my farewell address yesterday, I had many requests from members not for a copy of my speech but for a copy of Abraham Lincoln's quote, and so I had our wonderful graphics department print out a copy of Abraham Lincoln's quote, and it was distributed to all of the members' desks. I could not keep track of how many folks had asked me for this, and it was my pleasure to have the opportunity to share Abraham Lincoln's quote with you. So enjoy it, and it obviously seems to have rung true for many of us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

CONSIDERATION OF HR 897 CONTINUED**VOTE RETAKEN**

The SPEAKER. There has been a computer error. We need to revote the Petrone resolution 897 for a recorded vote.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------|-----------|----------|------------|
| DeLuca | Kenney | Ramaley | Williams |
| Denlinger | Killion | Rapp | Wilt |
| Dermody | Kirkland | Raymond | Wojnaroski |
| DiGirolamo | Kotik | Readshaw | Wright |
| Diven | LaGrotta | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2919, PN 4599**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the issuance of one-day tourist fishing licenses and one-day resident fishing licenses.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Could I interrogate the maker of that bill?

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

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

Mr. B. SMITH. Yes, sir.

The Fish and Boat Commission in the regulations is going to allow two separate opening days for trout season. This bill will prevent people from buying 1-day licenses to benefit from the opening of trout season.

Mr. VITALI. Thank you.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

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

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, I move for the suspension of the rules for immediate consideration of HB 2971, PN 4877.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—1

Cornell

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2971, PN 4877**, entitled:

An Act establishing the Emergency Demand Reduction Program in the Bureau of Drug and Alcohol Programs of the Department of Health.

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

Mr. **PHILLIPS** offered the following amendment No. **A10352**:

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

Oxycodone

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

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

Mr. **PHILLIPS**. Thank you, Mr. Speaker.

The amendment is more than technical, which removes the term “Oxycontin” and replaces it with “Oxycodone”; allows the bill to cover a class of drugs rather than one specific drug.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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 439, PN 2203**, entitled:

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

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

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

The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Vitali. The gentleman waives off.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

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

* * *

The House proceeded to third consideration of **SB 812, PN 1787**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by courts and public officers and agencies.

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

Mr. S. SMITH (for Mr. PERZEL) offered the following amendment No. **A10125**:

Amend Title, page 1, line 30, by inserting after "Commonwealth," "

providing for Commonwealth support for hiring municipal police officers;

Amend Title, page 1, line 31, by removing the period after "agencies" and inserting

; and making an appropriation.

Amend Bill, page 3, line 19, by striking out all of said line and inserting

Section 2. The act is amended by adding an article to read:

ARTICLE XVI-E

COMMONWEALTH SUPPORT FOR HIRING MUNICIPAL POLICE OFFICERS

Section 1601-E. Scope.

This article shall relate to Commonwealth support for hiring municipal police officers.

Section 1602-E. 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:

"Fund." The Commonwealth Officer Fund established in section 1604-E.

"Police department." A public agency of a municipality having general police powers and charged with making arrests in connection with the enforcement of criminal or traffic laws. The term includes a regional police department organized under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

"Police officer." A full-time active sworn officer employed by a municipality and assigned to criminal law enforcement or traffic duties in a specific uniformed police district within a municipality. The term does not include:

- (1) Auxiliary and fire police.
- (2) Persons assigned to transportation centers.
- (3) Persons employed to check parking meters or to perform only administrative duties.
- (4) Persons on special detail or on restricted or limited duty.

"Program." The Commonwealth Officer Program established under section 1603-E.

"Salary." Includes base pay and health benefits. The term does not include overtime, longevity or pension compensation.

Section 1603-E. Program.

The Commonwealth Officer Program is hereby established in the Office of Attorney General. The goal of the program is to provide Commonwealth support to communities throughout this Commonwealth to hire 10,000 new police officers by the year 2011. The Office of Attorney General shall do the following:

(1) Administer the program.

(2) Review, approve and award grants to applicants under the program.

Section 1604-E. Fund.

There is established in the State Treasury a special fund to be known as the Commonwealth Officer Fund. Deposits in the fund shall include appropriations. Money deposited in the fund and interest which accrues from those funds are appropriated on a continuing basis for the purposes of this article.

Section 1605-E. Dedication of funding.

(a) Priority.—The Office of Attorney General shall allocate the money available in the fund in the following order of priority:

(1) Rural municipalities employing fewer than ten police officers.

(2) Municipalities in counties with the highest percentage of total crimes reported Statewide as recorded in the Pennsylvania Uniform Crime Reporting System.

(3) Municipalities in counties having the largest population.

(b) Formula.—The Office of Attorney General shall develop a formula for award of program grants which uses a county's existing number of police officers, crime rate and population to achieve the funding priority under subsection (a).

Section 1606-E. Applications.

(a) Submission.—A county may submit an application to the Office of Attorney General for a program grant. An application shall:

(1) Include a commitment from the county to invest matching funds in the program.

(2) Include a commitment from a municipality selected by the county to receive a program grant to invest matching funds in the program.

(b) Minimum matching funds required.—A county receiving a program grant shall commit matching funds in an amount equivalent to no less than 30% of the total grant to the county. A municipality selected by the county to receive grant funds shall commit matching funds in an amount equivalent to no less than 20% of the municipality's grant.

(c) Exemption.—The Office of Attorney General shall waive the matching funds requirement at the request of a county or municipality during the first year of program implementation.

Section 1607-E. Use of funds.

A municipality selected by the county to receive grant funds shall use the funds to do any of the following:

(1) Hire new police officers. Any new position established must be funded for a minimum of 20 years. During the first four years following implementation of the program, funds must be used to hire new police officers. Following the fourth year of implementation, funds shall be used to pay officers' salaries at the rate of \$25,000 per year per officer.

(2) Use up to 50% of the Commonwealth funds received for recruiting, training, equipment or other costs associated with maintaining a full-time complement of police officers.

Section 1608-E. Lapse.

Funds from the following appropriations shall lapse to the General Fund:

(1) \$10,000,000 from the appropriation for the Commonwealth Technology Services under section 202 of the act of July 2, 2006 (P.L. , No.2A), known as the General Appropriation Act of 2006.

(2) \$11,500,000 from the appropriation for the Senate Caucus Operations Account (R) under section 251 of the General Appropriation Act of 2006.

(3) \$11,500,000 from the appropriation for the Senate Caucus Operation Account (D) under section 251 of the General Appropriation Act of 2006.

(4) \$11,500,000 from the appropriation for the House of Representatives Legislative Management Account (R) under section 252 of the General Appropriation Act of 2006.

(5) \$11,500,000 from the House of Representatives Legislative Management Account (D) under section 252 of the General Appropriation Act of 2006.

Section 3. The sum of \$56,000,000, or as much thereof as may be necessary, is hereby appropriated to the Commonwealth Officer Fund for the fiscal year July 1, 2006, to June 30, 2007, to carry out the provisions of Article XVI-E of the act.

Section 4. This act shall take effect as follows:

(1) The amendment of section 1301.9 of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

BILL PASSED OVER TEMPORARILY

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, could we just temporarily go over SB 812 until we try to work out a couple things on a few amendments?

The SPEAKER. The Chair is temporarily over SB 812.

CONDOLENCE RESOLUTION

The SPEAKER. The Chair is about to take up a condolence resolution on the death of a former member of this House of Representatives.

The Sergeants at Arms will close the doors to the House. The members will please take your seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The Honorable Orville E. Snare, a former member of the House of Representatives of Pennsylvania serving the 81st Legislative District, passed away at the age of eighty-eight on July 13, 2006; and

WHEREAS, Representative Snare served in the United States Army during World War II, and he was awarded the Good Conduct Medal, the American Defense Service Medal and the Asiatic Pacific Service Medal. He was employed by the Pennsylvania Railroad as a Passenger Brakeman and as a Conductor, and he was later employed by the Department of Highways as a Project Engineer. In 1951, he became a partner in Snare's grocery and meat market in Smithfield. Representative Snare was elected to the House of Representatives of Pennsylvania in 1956. A member of the Republican party, he served in the General Assembly of Pennsylvania for fourteen years. During his tenure, he served as Chairman of the Conservation and Natural Resource Committee and as a member of the Military Affairs Committee. Representative Snare was an active member of the American Legion, having served at the local, district, State and national levels. He also belonged to Standing Stone Veterans of Foreign Wars Post No. 1754, Benevolent and Protective Order of Elks Lodge No. 976 and Mount Moriah Lodge No. 300, Free and Accepted Masons, all of Huntingdon. Representative Snare was a life member of the Smithfield Volunteer Fire company and a member of the Retired Railroad Worker's Association; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Orville E. Snare; and extend heartfelt condolences to his many nieces, nephews, great-nieces and great-nephews; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Larry O. Sather on October 23, 2006, be transmitted to the family of the Honorable Orville E. Snare.

Larry O. Sather
Sponsor

John M. Perzel
Speaker of the House
ATTEST:
Roger Nick
Chief Clerk of the House

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. All members and guests will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Orville E. Snare.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeants at Arms will open the doors to the hall of the House.

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1104, PN 2127**, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

Mr. **FLICK** offered the following amendment No. **A10187**:

Amend Sec. 8 (Sec. 6.1), page 26, lines 8 through 14, by striking out all of said lines and inserting

(1) To utilize subsurface utility engineering or other similar techniques to properly determine the existence and positions of

underground facilities when designing complex public works projects, complex sewer and water projects or projects having an estimated cost in excess of five hundred thousand dollars (\$500,000).

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the slowly dressing, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I am withdrawing that amendment, and I would urge the members to support the bill as it is before the House this moment. If there are other amendments that I have, I am withdrawing those also. I am in a very good mood, Mr. Speaker, and I wish to withdraw all the amendments for the cordiality between the House and the Senate.

The SPEAKER pro tempore. Thank you, Mr. Flick.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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.

DOCUMENT SUBMITTED FOR THE RECORD

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

Mr. FLICK. Thank you, Mr. Speaker.

I would just like to submit some clarifying remarks for the record regarding legislative intent.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. FLICK submitted a document for the Legislative Journal.

(For document, see Appendix.)

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1206, PN 2128**, entitled:

An Act amending the act of June 15, 2006 (P.L.200, No.47), entitled "An act designating the bridge carrying State Route 1025 over Interstate 79 in North Strabane Township, Washington County, as the Canon-McMillan Alumni Bridge," further providing for the Canon-McMillan Alumni Bridge designation; and designating State Route 830 extending from Interstate 80 to the DuBois-Jefferson County Airport in Washington Township, Jefferson County, as the Francis H. "Bud" Scherer Memorial Highway.

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

Mr. **KIRKLAND** offered the following amendment No. **A09742**:

Amend Title, page 1, line 8, by striking out “AND”

Amend Title, page 1, line 11, by removing the period after “HIGHWAY” and inserting

: and designating a portion of State Route 291 in Delaware County as the Willie Mae James Leake Memorial Highway.

Amend Sec. 1, page 2, line 11, by striking out “AND”

Amend Sec. 1, page 2, line 14, by removing the period after “HIGHWAY” and inserting

: and designating a portion of State Route 291 in Delaware County as the Willie Mae James Leake Memorial Highway.

Amend Sec. 2, page 2, line 21, by striking out “A SECTION” and inserting

sections

Amend Bill, page 2, line 2, by inserting between lines 29 and 30 Section 1.2. Willie Mae James Leake Memorial Highway.

(a) Declaration of policy.—The General Assembly finds and declares that:

(1) Mayor Willie Mae James Leake had the distinction of being the first African-American mayor for the City of Chester, Delaware County, and served in that capacity from 1986 to 1991.

(2) Mayor Leake’s pride for the City of Chester led her to a career in city politics. Mayor Leake’s political career began in 1972. Subsequently, she began this career appointed to the Chester-Upland School Board. In 1977 Mayor Leake received the highest number of votes among Republican candidates for a six-year term on the school board. In 1982 Mayor Leake was appointed City Treasurer. In January 1983 Mayor Leake was appointed to the City Council of Chester, Pennsylvania, and at this time she made history as the first woman to serve on City Council.

(3) Mayor Leake was also on the executive board of the Chester branch of the NAACP.

(4) The distinguished achievements and contributions of Mayor Willie Mae James Leake reflect the spirit of not only a distinguished servant to the City of Chester, Delaware County, and the Commonwealth, but also a great Pennsylvanian.

(b) Designation.—The highway in Delaware County carrying State Route 291 from Ridley Creek to the Trainer Borough line is hereby designated and shall be known as the Willie Mae James Leake Memorial Highway. The designation under this subsection shall supersede any previous designation of this portion of highway.

(c) Signs.—The Department of Transportation shall erect appropriate signs at each end of the highway displaying the designation made by this section.

Section 3. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 3, page 2, line 30, by striking out “3” and inserting
4

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

The SPEAKER pro tempore. Is the gentleman, Mr. Kirkland, seeking recognition on his amendment?

Mr. KIRKLAND. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. KIRKLAND. Thank you, Mr. Speaker.

This amendment, my understanding is it is an agreed-upon amendment with the leadership of both sides. It is something that we had discussed at an earlier time during this month, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any other members seeking recognition on this amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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. **J. EVANS** offered the following amendment No. **A10011**:

Amend Title, page 1, line 8, by striking out “AND”

Amend Title, page 1, line 11, by removing the period after “HIGHWAY” and inserting

; and designating the bridge on Interstate 79 crossing U. S. Route 6N in Washington Township, Erie County, as the Dr. Ray F. Birchard Memorial Bridge.

Amend Sec. 1 (title), page 2, line 11, by striking out “AND”

Amend Sec. 1 (title), page 2, line 14, by removing the comma after “HIGHWAY” and inserting

; and designating the bridge on Interstate 79 crossing U. S. Route 6N in Washington Township, Erie County, as the Dr. Ray F. Birchard Memorial Bridge.

Amend Sec. 2, page 2, line 21, by striking out “A SECTION” and inserting

sections

Amend Sec. 2, page 2, by inserting between lines 29 and 30 Section 1.2. Dr. Ray F. Birchard Memorial Bridge.

(a) Declaration of policy.—The General Assembly finds and declares as follows:

(1) Dr. Ray F. Birchard was born in 1926 in Cambridge Springs and graduated in 1949 from New York State College of Veterinary Medicine at Cornell University.

(2) Dr. Ray F. Birchard served the public and the community as a member of the Washington Township Zoning Hearing Board from March 1979 until April 1993. He further served on the General McLane School Board, was an active member of the Northwestern Pennsylvania Veterinary Medical Association, the Masonic Lodge in Edinboro and countless other community and civic organizations until his death on September 7, 2006.

(3) Dr. Ray F. Birchard was dedicated to serving the public and the community, and he did so with distinction and a true spirit of community and family.

(b) Designation.—The bridge on Interstate 79 crossing U. S. Route 6N in Washington Township, Erie County, is hereby designated as the Dr. Ray F. Birchard Memorial Bridge.

(c) Signs.—The Department of Transportation shall erect and maintain appropriate signs to indicate the designation under subsection (b).

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **HUTCHINSON** offered the following amendment No. **A10135**:

Amend Title, page 1, line 8, by striking out “AND”

Amend Title, page 1, line 11, by removing the period after “HIGHWAY” and inserting

; and designating Front Street, from Allegheny Avenue to Rocky Grove Avenue in the Borough of Sugarcreek, Venango County, as the Mayor John D. McClelland Honorary Highway.

Amend Sec. 1 (Title), page 2, line 11, by striking out “AND”
 Amend Sec. 1 (Title), page 2, line 14, by removing the period after “HIGHWAY” and inserting

: and designating Front Street, from Allegheny Avenue to Rocky Grove Avenue in the Borough of Sugarcreek, Venango County, as the Mayor John D. McClelland Honorary Highway.

Amend Sec. 2, page 2, line 21, by striking out “A SECTION” and inserting

sections

Amend Sec. 2, page 2, by inserting between lines 29 and 30
Section 1.2. Mayor John D. McClelland Honorary Highway.

(a) Designation.—Front Street, a section of State Route 4002, from Pennsylvania Routes 8 and 62 to Pennsylvania Route 417, in the village of Rocky Grove, Borough of Sugarcreek, Venango County, is designated and shall be known as the Mayor John D. McClelland Honorary Highway.

(b) Signs.—The Department of Transportation shall erect and maintain signs which shall display the name of the highway designated in subsection (a) at each end of the designated road.

Amend Sec. 3, page 3, by inserting between lines 2 and 3

(2) The addition of section 1.2 of the act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------|-----------|----------|------------|
| Denlinger | Killion | Rapp | Wilt |
| Dermody | Kirkland | Raymond | Wojnaroski |
| DiGirolamo | Kotik | Readshaw | Wright |
| Diven | LaGrotta | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **SURRA** offered the following amendment No. **A10139**:

Amend Title, page 1, line 8, by striking out “AND”

Amend Title, page 1, line 11, by removing the period after “HIGHWAY” and inserting
 and designating SR 255 from SR 948, Fox Township, Elk County, to the former St. Marys Borough line in Elk County, as the William F. Renwick Memorial Highway.

Amend Sec. 1 (Title), page 2, line 11, by striking out “AND”

Amend Sec. 1 (Title), page 2, line 14, by removing the period after “HIGHWAY” and inserting
and designating SR 255 from SR 948, Fox Township, Elk County, to the former St. Mary's Borough line in Elk County, as the William F. Renwick Memorial Highway.

Amend Sec. 2, page 2, line 21, by striking out “A SECTION” and inserting

sections

Amend Sec. 2, page 2, by inserting between lines 29 and 30
Section 1.2. William F. Renwick Memorial Highway.

(a) Findings.—William F. Renwick was a former member of the Pennsylvania House of Representatives who passed away February 28, 1981, at the age of 65. He was a United States Marine Corps veteran of World War II, was first elected to the House of Representatives in 1954 and served for 24 consecutive years until 1978. He was a leader in sportsmen's and environmental issues, a member of the St. Mary's Sportsmen's Club and chairman of the Game and Fisheries Committee of the House of Representatives. He served as a member of St. Marys Borough Council from 1945 to 1949, was an active member of the Knights of Columbus, the American Legion and the Benevolent and Protective Order of Elks. Mr. Renwick was highly respected and admired by his constituents and colleagues as an honest and dedicated politician who was committed to the well-being of his community and the citizens of this Commonwealth.

(b) Designation.—SR 255 from SR 948, Fox Township, Elk County, to the former St. Marys Borough line in Elk County is designated and shall be known as the William F. Renwick Memorial Highway.

(c) Signs.—The Department of Transportation shall erect and maintain signs which shall display the name of the highway designated in subsection (b) at each end of the designated highway.

Amend Sec. 3, page 3, by inserting between lines 2 and 3

(2) The addition of section 1.2 of the act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A10252**:

PREPARATION OF AMENDMENT CANCELED BY REQUESTER

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

| | | | |
|-----------|-----------|----------|------------|
| Diven | LaGrotta | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| DeWeese | Haluska | Rieger | Ruffing |
| Gruitza | Maitland | Rooney | |

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair directs the clerk to put the gentleman, Mr. LaGROTTA, on leave for the balance of the day. Without objection, the leave is granted.

CONSIDERATION OF SB 1206 CONTINUED

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

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

* * *

The House proceeded to third consideration of **SB 1262, PN 1877**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amounts of alcohol or controlled substances and for operating a watercraft under the influence of alcohol or controlled substances; and providing for aggravated assault by watercraft while operating under influence.

On the question,

Will the House agree to the bill on third consideration?

Mr. **B. SMITH** offered the following amendment No. **A09782**:

Amend Sec. 1 (Sec. 5125), page 4, line 8, by inserting after "Health"

or by a Pennsylvania State Police criminal laboratory

Amend Sec. 1 (Sec. 5125), page 4, lines 16 through 22, by striking out "within 120 days of" in line 16, all of lines 17 through 22 and inserting

as provided for by 75 Pa.C.S. § 1547(c)(2)(ii)
(relating to chemical testing to determine amount
of alcohol or controlled substance).

Amend Sec. 1 (Sec. 5125), page 5, line 5, by striking out
 “Department of Health shall prescribe”

Amend Sec. 1 (Sec. 5125), page 5, line 9, by removing the period
 after “action” and inserting

shall be the same as prescribed by the department
under 75 Pa.C.S. § 1547(c)(4).

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

AMENDMENT WITHDRAWN

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

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

That amendment is withdrawn.

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?

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

The following roll call was recorded:

YEAS—194

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

| | | | |
|------------|------------|----------|------------|
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Waters |
| Daley | Kauffman | Pyle | Watson |
| Dally | Keller, M. | Quigley | Wheatley |
| DeLuca | Keller, W. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

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

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in
 Senate amendments to **HB 2202, PN 4285**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21),
 known as the Public Welfare Code, providing for home infusion
 therapy to be available to all eligible recipients and adding a definition
 of “home infusion therapy.”

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—194

| | | | |
|--------|-----------|-----------|-----------|
| Adolph | Fairchild | Maher | Sabatina |
| Allen | Feese | Major | Sainato |
| Argall | Fichter | Manderino | Samuelson |

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2639, PN 4878**, entitled:

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, providing for glomerular filtration rate testing.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Ross, 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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2667, PN 4848**, 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 concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Taylor, 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—194

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

| | | | |
|------------|------------|----------|------------|
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Waters |
| Daley | Kauffman | Pyle | Watson |
| Dally | Keller, M. | Quigley | Wheatley |
| DeLuca | Keller, W. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1266, PN 2085**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain leaves of absence.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The gentleman, Mr. DeLuca, needs to suspend the rules.

The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I move to suspend the rules for the purpose of offering amendment 10282.

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

The SPEAKER pro tempore. Mr. DeLuca, do you wish to speak on your motion?

The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment to 1266, what it does is it exempts— It is the real estate tax exemption for widows, unfortunately, of anyone who got killed in the line of duty protecting our great nation here, and I believe that we should be doing this for our veterans.

I would ask that the House of Representatives support this amendment.

The SPEAKER pro tempore. The gentleman, Mr. DeLuca, moves that the rules of the House be suspended for the purposes of offering amendment 10282.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Mr. Semmel, did you wish to speak on the motion to suspend the rules?

The clerk will strike the board.

The Chair recognizes the gentleman, Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I must speak against the amendment.

I do believe it is unconstitutional, so I would ask that you do not suspend the rules.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—102

| | | | |
|-------------|------------|------------|------------|
| Adolph | Flaherty | Levdansky | Sainato |
| Armstrong | Frankel | Samuelson | |
| Bebko-Jones | Freeman | Mann | Santoni |
| Belardi | Gabig | Markosek | Schroder |
| Belfanti | Gannon | McCall | Shaner |
| Biancucci | George | McGeehan | Shapiro |
| Bishop | Gerber | McNaughton | Siptroth |
| Blackwell | Gergely | Melio | Solobay |
| Blaum | Goodman | Micozzie | Staback |
| Buxton | Grucela | Mundy | Sturla |
| Caltagirone | Hanna | Myers | Surra |
| Casorio | Harhai | Oliver | Tangretti |
| Cawley | Hennessey | Pallone | Thomas |
| Civera | Hutchinson | Parker | Tigue |
| Cohen | James | Petrarca | Veon |
| Corrigan | Josephs | Petrone | Vitali |
| Costa | Kauffman | Pistella | Walko |
| Cruz | Keller, M. | Preston | Wansacz |
| Curry | Keller, W. | Ramaley | Waters |
| Daley | Killion | Rapp | Wheatley |
| DeLuca | Kirkland | Raymond | Williams |
| Dermoddy | Kotik | Readshaw | Wojnaroski |
| Donatucci | Leach | Roberts | Yewcic |
| Eachus | Lederer | Roebuck | Youngblood |
| Evans, D. | Leh | Sabatina | Yudichak |
| Fabrizio | Lescovitz | | |

NAYS—91

| | | | |
|---------|---------|------------|-----------|
| Allen | Feese | Marsico | Sather |
| Argall | Fichter | McGill | Saylor |
| Baker | Fleagle | McIlhatten | Scavello |
| Baldwin | Flick | McIlhinney | Semmel |
| Barrar | Forcier | Metcalfe | Smith, B. |
| Bastian | Geist | Millard | Smith, S. |

| | | | |
|-------------|------------|------------|---------------|
| Benninghoff | Gillespie | Miller, R. | Sonney |
| Beyer | Gingrich | Miller, S. | Stairs |
| Birmelin | Godshall | Mustio | Steil |
| Boyd | Good | Nailor | Stern |
| Bunt | Grell | Nickol | Stevenson, R. |
| Cappelli | Harhart | O'Brien | Stevenson, T. |
| Causar | Harper | O'Neill | Taylor, E.Z. |
| Clymer | Harris | Petri | Taylor, J. |
| Cornell | Hasay | Phillips | True |
| Crahalla | Herman | Pickett | Turzai |
| Creighton | Hershey | Pyle | Watson |
| Dally | Hess | Quigley | Wilt |
| Denlinger | Hickernell | Reed | Wright |
| DiGirolamo | Kenney | Reichley | Zug |
| Diven | Mackereth | Rohrer | |
| Ellis | Maher | Ross | Perzel, |
| Evans, J. | Major | Rubley | Speaker |
| Fairchild | | | |

NOT VOTING—1

Payne

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

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

SB 1206 RECONSIDERED

The SPEAKER pro tempore. The Chair returns to page 16, SB 1206, for a reconsideration motion by the gentleman, Mr. Smith, the majority leader, who moves that the vote by which SB 1206 was passed on October 24, 2006, be reconsidered.

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill was agreed to on third consideration as amended.

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

AMENDMENT A10252 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, who moves that the vote of amendment 10252, which was passed on October 24, 2006, be reconsidered.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

The majority 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 amendment?

The clerk read the following amendment No. **A10252**:

PREPARATION OF
AMENDMENT CANCELED
BY
REQUESTER

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. George, is recognized, and the gentleman, Mr. George, chooses to withdraw amendment 10252. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

| | | | |
|------------|------------|----------|------------|
| DeLuca | Keller, W. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, I understand the House will be going at ease in a few moments, and when we do, there will be an immediate meeting of the House Appropriations Committee in the conference room.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet immediately in the conference room.

Any other announcements?

TRANSPORTATION COMMITTEE MEETING

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

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

At the break there will be a meeting at the back of the House of the Transportation Committee. We have a couple things to move, so I would appreciate if the members could be there; Transportation Committee at the back of the House at the break.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Transportation Committee will meet at the back of the House at the break.

The House will be at ease until 6:15; the House will be at ease until 6:15. We will begin voting again at 6:15.

The House will come to order.

Members, please come to the floor of the House. We are about to pick up the voting calendar again.

BILLS REREPORTED FROM COMMITTEE

HB 2954, PN 4753

By Rep. FEESE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for prohibition of revenue decoupling mechanisms.

APPROPRIATIONS.

HB 2997, PN 4742

By Rep. FEESE

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

APPROPRIATIONS.

SB 514, PN 2124

By Rep. FEESE

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, expanding the scope of the act; further providing for the short title, for definitions, for applicability and for subjects of taxation; eliminating the office of elected assessor in townships of the second class; providing for valuation of real property used for wind energy generation; and making a related repeal.

APPROPRIATIONS.

SB 1285, PN 2202

By Rep. FEESE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service.

APPROPRIATIONS.

SB 1335, PN 2050

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, further providing, in health care insurance, for individual accessibility, for conversion policies and for sunset.

APPROPRIATIONS.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 331, PN 4813**, entitled:

An Act amending the act of October 30, 1996 (P.L.732, No.131), known as the Pennsylvania Innkeepers' Rights Act, providing for prospective employee background checks; and requiring deadbolt locks in hotels.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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 1071, PN 1969**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for preference for training programs.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Any members wishing to speak on this bill?

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—194

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

| | | | |
|------------|------------|----------|------------|
| Crahalla | Hickernell | Phillips | Vitali |
| Creighton | Hutchinson | Pickett | Walko |
| Cruz | James | Pistella | Wansacz |
| Curry | Josephs | Preston | Waters |
| Daley | Kauffman | Pyle | Watson |
| Dally | Keller, M. | Quigley | Wheatley |
| DeLuca | Keller, W. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DiGirolamo | Kirkland | Readshaw | Wright |
| Diven | Kotik | Reed | Yewcic |
| Donatucci | Leach | Reichley | Youngblood |
| Eachus | Lederer | Roberts | Yudichak |
| Ellis | Leh | Roebuck | Zug |
| Evans, D. | Lescovitz | Rohrer | |
| Evans, J. | Levdansky | Ross | Perzel, |
| Fabrizio | Mackereth | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

* * *

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.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. RAMALEY. Thank you, Mr. Speaker.

I would just like to submit some comments for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. Speaker, I would like to thank Chairman Allen, Chairman Belfanti, the leadership on both sides of the aisle, and my colleagues for their support of HB 1071.

This legislation provides a preference for placement in Pennsylvania's job training programs for our National Guard members and reservists who are called to active duty as well as their spouses.

This legislation is similar to the Federal Veterans' Preference Act of 1944, which sought to recognize the sacrifice made by our soldiers and the economic loss suffered by citizens who have served their country in uniform.

According to Pennsylvania's Department of Military and Veterans Affairs, we have approximately 40,000 National Guard members and reservists here in Pennsylvania. Of these, roughly 80 to 85 percent have served in Iraq or Afghanistan. According to the U.S. Department of Defense, over 100,000 National Guard and Reserve personnel are currently mobilized.

This legislation is designed to address a growing problem with our National Guard members and reservists returning home. Many are unemployed or facing bankruptcy or foreclosure. The Air Force Times recently noted that young veterans returning from overseas duty are having a harder time finding employment than their peers.[1] In 2005,

roughly one in every six veterans between ages 20 and 24 was jobless, nearly twice the rate for nonveterans in that same age range.[2]

Nationwide, there were 2,313 initial claims for unemployment filed by newly discharged veterans for the week ending October 7, 2006, alone.[3] Approximately 25 percent of National Guard members or reservists who have fought for this country come home and are unable to find a job.

We know employers want to hire veterans because of their proven work ethic, leadership, and discipline. However, some veterans may face challenges transferring their military skills to civilian jobs. Moreover, more reservists and National Guard members are being deployed than in any other conflict, and they are expected to spend a greater amount of time overseas.[4] As such, our National Guard members and reservists may experience a more significant degree of economic hardship when called to active duty because their lives are rooted with civilian jobs and families.

Mr. Speaker, through this legislation we are letting our National Guard members, reservists, and their spouses know that we appreciate their service to and sacrifice for our country. We are making a strong statement that we will assist their efforts seeking employment and help them experience the American Dream, for which they fought, upon their return home.

(For footnotes, see Appendix.)

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 506, PN 2110**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) and codifying Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, providing for temporary release from county correctional institutions; further providing for sentencing proceeding and place of confinement; providing for parole without board supervision, for judicial power to release inmates and for transfers of inmates needing medical care; further providing for State intermediate punishment; providing for other criminal provisions; amending the heading of Title 61; adding definitions, provisions relating to general administration of correctional institutions, State correctional institutions, county correctional institutions, the Philadelphia County Prison, house of detention for untried inmates and witnesses, inmate labor, medical services, visitation, motivational boot camp, execution procedure and method, miscellaneous matters relating thereto, probation and parole generally, the Pennsylvania Board of Probation and Parole, County Probation and Parole Officers' Firearm Education and Training, and correctional institution interstate compacts; and making repeals relating to codification.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 506 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **SB 1054, PN 2075**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, protecting children from abuse; further providing for endangering the welfare of children; further providing, in child protective services, for definitions, for reporting, for immunity, for penalties and for information on prospective child-care personnel; providing, in child protective services, for information on family day-care home residents and for information on persons having child contact; further providing, in child protective services, for investigation of reports; and further providing for limitation of actions, for sentencing, for assessments and for sex offender information made available on the Internet.

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

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1054 be recommitted to the Appropriations Committee.

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

REPORT OF COMMITTEE OF CONFERENCE

Mr. S. SMITH called up for consideration the following report of the committee of conference on **SB 157, PN 2206**, entitled:

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

On the question,
Will the House adopt the report of the committee of conference?

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Mr. Speaker, I am wondering if we can get a brief explanation of that conference report.

The SPEAKER pro tempore. The gentleman, Mr. Cappelli, indicates that he is willing to stand for interrogation. Mr. Vitali, you may begin.

Mr. VITALI. Thank you, Mr. Speaker.

I am wondering if we can just have a brief summary of this conference report.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, the Conference Report on SB 157 deals with the emergency municipal services tax. The original legislation, the current statute which we enacted about 2 years ago had some flaws. The conference report, I believe, correctly

addresses those flaws, two in particular: one dealing with the frequency of withholding and remittance of the particular tax. Let us assume hypothetically the municipality we are talking about levies the entire \$52 tax. Under the current law, that tax has to be remitted by the end of the first quarter of each year, lump sum. Under the conference committee report, it would now be remitted by payroll period. So if a person is paid weekly, the deduction by payroll period would be \$1 per pay, a little more absorbable for the employees or the payee.

The second major change mandates a \$12,000 low-income exemption threshold. No municipality would be able to levy the EMST (emergency and municipal services tax) on individuals whose income annually is less than \$12,000.

Mr. VITALI. Thank you.

HARRISBURG LEGISLATIVE LEAVE

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

CONSIDERATION OF SB 157 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Scavello, from Monroe County is recognized.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I just rise to comment on SB 157.

I personally would have liked to have seen this \$52 tax repealed totally, but unfortunately, it is obvious that we are not going to be able to accomplish that.

What we have in front of us cleans up the bill. We have many municipalities out there that adopted this at \$1,000, \$2,000. By bringing it up to \$12,000, we have addressed the student worker that was having \$52 removed out of their pay right at one time.

So I am going to support this legislation. It is not what I would have liked to have seen. I would have liked to have seen it gone totally, but at least we have cleaned up a lot of the loopholes.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, on SB 157 there has been an awful lot of work done on this, and I would like to thank the people that worked along with me on this piece of legislation. I think that the first time it passed this House there were a lot of flaws in the legislation, and I think we heard from our constituency back home as a result of it.

I received a lot of phone calls from college kids that \$52 taken out of their pay, their paycheck might have been a couple hundred dollars.

I received an awful lot of phone calls from township workers that sometimes have one or two jobs, and they had a hard time trying to get that \$52 back because they might have a full-time job during the day and a part-time job at night in another township, and they had \$52 taken out of both pays in the same week. That double hit may still happen, but it will only be \$1 a week instead of \$52 a week, and I think they are going to have an easier time getting the dollar back. Okay?

There was one other part of this piece of legislation which I thought was very important. No one in this House ever wanted to tax a senior citizen on unearned income, and as the prior speaker had mentioned, we have addressed that and we have defined what income is to be taxed, and that is strictly earned income.

So I applaud the people that worked on this piece of legislation. I know some municipalities out there wanted us to move it back to the year 2008. I think this goes into effect in 2007. Is that correct? Yes, it is. And I think that the fact is that a majority of the people that have this money taken out of their pay will not receive their refund at the end of the year. There are only a few people that will be exempt, and they will be able to get that \$52 or \$20 or whatever it may be taken out of their pay on a part-time job.

So I rise to support SB 157. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

A quick question. If this bill passes tonight and goes directly—

The SPEAKER pro tempore. Mr. Costa, whom are you addressing your question to?

Mr. COSTA. You or the Parliamentarian, whoever wants to answer it.

If this bill passes, it goes directly to the Governor's desk?

The SPEAKER pro tempore. It needs to go back to the Senate for signatures.

Mr. COSTA. Okay.

The SPEAKER pro tempore. Do not get so disappointed so quickly. It needs to go back to the Senate for signatures, then here, and then it goes to the Governor's desk.

Mr. COSTA. Thank you, Mr. Speaker.

As you know, this bill has been in front of us several times, and several times I have stood here thanking everyone for bringing this up. This is something we have been working on for a long time. One was to break up the payment, and two was to change the name.

As you know, the emergency management services division in my area complained when the name was called EMS because it hurt them with their fundraising.

So these were a couple of the issues that we were fighting for, and I am finally glad that actually this time it is going to make it to the Governor's desk, and I want to thank everyone for doing this and hopefully getting it to his desk for now.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lycoming County, Mr. Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

I, too, rise in support of SB 157 on concurrence.

We have heard about the per-pay withholding now as opposed to lump sum, which is very important to young and part-time workers, but I want to accentuate, if I could, just momentarily the point made by the gentleman, Mr. Adolph, from Delaware County, and that is the definition of "earned income." Under the current law, Social Security and pension

benefits are being factored in to determine whether or not one meets that income threshold to apply or not apply this tax. This has been very punitive on our senior citizens who are working part-time to make ends meet. This change in SB 157 will remove Social Security and pension income from the income definition.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

NAYS—1

Hanna

NOT VOTING—0

EXCUSED—8

DeWeese
GruitzaHaluska
LaGrottaMaitland
RiegerRooney
Ruffing

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS FURTHER AMENDED BY THE SENATE TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to **SB 862, PN 2208**, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for regulatory authority of board, for slot machine license fee, for number of slot machines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for central control computer system, for license or permit issuance, for nontransferability of licenses and for gross terminal revenue deductions; providing for itemized budget reporting; further providing for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for the Compulsive and Problem Gambling Program; providing for land use preemption and conveyances within cities of the first class, and for clean indoor air; providing for public official financial interest, for political influence and for enforcement; providing for procedures and for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints and photographs; providing for repayments to State Gaming Fund; and further providing for corrupt organizations.

On the question,

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

Mr. BLAUM. Mr. Speaker?

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

Mr. BLAUM. I believe I have an amendment.

The SPEAKER pro tempore. You are probably accurate. Was that a question or a comment?

Mr. BLAUM. Just a reminder, Mr. Speaker.

The SPEAKER pro tempore. Oh, we would never forget you.

Mr. BLAUM. I hope that is true.

The SPEAKER pro tempore. Because of your seniority, we are going to call up your amendment first.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum, for the purpose of offering an amendment for which he needs to suspend the rules. The gentleman will please make that motion.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I think we have gone round and round on this issue, and this bill has several things which we all can support. However, one of the underpinnings of the gaming bill was the fact that contributions to public officials would be prohibited. That was always the case, that was always the understanding, and that was always included in the legislation. It was included in the legislation when the bills went over to the Senate, but now the bill has come back from the Senate, and we have discovered that one of the prohibitions on campaign contributions from those who would seek to obtain a license for a racetrack was removed, which means that those who would obtain an automatic gaming license would be able to, over the next 6 months, over the next year, over the next 2 years, give unlimited contributions to State and local officials.

Staff has informed us that the word from the Senate is that this is a drafting error, a drafting error. Mr. Speaker, what was it? It was a drafting error. Mr. Speaker, I am going to pretend to believe that, that this was an error in drafting—

The SPEAKER pro tempore. Mr. Blaum, you have been recognized to make a motion and a brief explanation of why you wanted to make that motion. So I would advise you to cut to the chase and tell us what your amendment is going to do and then make that motion, please.

Mr. BLAUM. Thank you so much.

The SPEAKER pro tempore. And I will recognize you for the debate points that you have been making for the last 2 minutes.

Mr. BLAUM. Thank you so much, Mr. Speaker.

Which is why I would now ask for a suspension of the rules so that we can offer my amendment to correct that drafting error.

The SPEAKER pro tempore. Very good, Mr. Blaum.

On the question,

Will the House agree to the motion?

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

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

Mr. Speaker, let me just say that I appreciate the frustration that the maker of this motion to suspend the rules makes. I have experienced a very frustrating day not only with what we agreed to last night through negotiations on this particular bill but also on the lobby reform legislation, and in both instances it is clear that the late-night activities of the Senate have caused them a little bit of confusion.

Mr. Speaker, I do not support the outcome of this particular issue. It was in fact something that we did not agree to. What

the gentleman is attempting to do is not a bad thing. The problem I have, Mr. Speaker, and it bothers me because this has been going on and on and on, is there is a limit to how many times we can bounce this ball back and forth across this building.

In the sum total of what we have before us, Mr. Speaker, the legislation is as close to covering all the good things, the good reforms that we set out to do a year and a half or so ago, and I think, Mr. Speaker, at this point in time it is in the best interest of the people of Pennsylvania and of this legislative body to put this bill on the Governor's desk.

If we amend it, if we suspend the rules and we amend this bill tonight, then there is no question that this bill becomes a lame-duck session, a sine-die session football. Those that are out there that would probably rather not see any reforms go in place – and there are some in and about this building who would probably much prefer nothing to the majority of what is in this bill, the vast majority, the overwhelming content of what is before us in SB 862 – they want it to die, and I am not accusing this gentleman of that for the suspension of the rules. His purpose is well intended and honorable. But the dilemma that we face, Mr. Speaker, is that if we suspend the rules, if we amend this bill, this bill then will be sitting in the Senate in the lame-duck session, and at that juncture, Mr. Speaker, all bets are off – no pun intended – all bets are off as to whether or not we will actually be able to get a very solid reform bill in front of this Governor this session, and I think, Mr. Speaker, that outweighs all of the concerns that may be embodied in the issue that the gentleman seeks to address.

So regretfully, Mr. Speaker, I ask the members to vote against the suspension of the rules and allow us to move this bill to the Governor's desk for the 99 percent of it that is good and proper and needs to be done.

Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

With all due respect to the majority leader, and I have wanted to get a bill to the Governor's desk which gives the Attorney General concurrent or primary jurisdiction as well as other things contained in the bill, but, Mr. Speaker, this is not a flaw in the title of the legislation. This removes the ban on campaign contributions to State and local public officials, which has never been the intent of this General Assembly; it has never been the intent of this House, and when that bill came back from the Senate with the removal of that prohibition on those who would seek an automatic slots license by virtue of obtaining a horse racing license, that is a serious, serious flaw.

Mr. Speaker, let me write the headline for you tomorrow. What the Senate did was wrong in removing the prohibition. If this bill ever did go to the Governor's desk and obtained his signature, it would be open season on unlimited campaign contributions from all those applicants for an automatic slot license by virtue of a horse racetrack. This is a serious error.

There are other members who have other amendments, which they want to move to suspend the rules for other problems, which you have probably discussed in caucus, but to me, this is the most serious. Error in drafting. As I said, Mr. Speaker, I am going to pretend to believe it. I ask for a suspension of the rules so that I may offer the amendment to put back that prohibition, which they should have never removed, so tomorrow everyone in Pennsylvania will know that the

House of Representatives does not stand, does not stand for removing the ban on campaign contributions to public officials from those who have gaming interests in Pennsylvania. Darn it; that was one of the primary strengths of the legislation that always passed this chamber, and at the last minute, with the gun to the head of the members of the House to do what the majority leader – and I have enormous respect for – said, they know they are putting you up against the wall. We need to show the people of Pennsylvania that we do not care about being put up against the wall. We are not going to weaken that prohibition. We are going to keep the integrity in that bill as far as campaign contributions to State and local public officials.

I ask for an affirmative vote on the suspension of the rules so that I may offer my amendment.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. On the issue of suspension, only the leaders are allowed to debate, and I know some of you are standing at the microphone wishing to do so, but only the leaders can do that.

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

The following roll call was recorded:

YEAS—188

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

| | | | |
|-----------|-----------|----------|------------|
| Eachus | Lederer | Reed | Wright |
| Ellis | Leh | Reichley | Yewcic |
| Evans, D. | Lescovitz | Roberts | Youngblood |
| Evans, J. | Levdansky | Roebuck | Yudichak |

NAYS—6

| | | | |
|--------|-----------|-----|--------------------|
| Argall | Gingrich | Zug | |
| Feese | Smith, S. | | Perzel, Speaker |

NOT VOTING—0

EXCUSED—8

| | | | |
|---------|----------|----------|---------|
| DeWeese | Haluska | Maitland | Rooney |
| Gruitza | LaGrotta | Rieger | Ruffing |

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 concur in Senate amendments as further amended by the Senate to House amendments?

Mr. **BLAUM** offered the following amendment No. **A10355**:

Amend Sec. 11 (Sec. 1513), page 226, line 26, by striking out “**OR**” and inserting a comma

Amend Sec. 11 (Sec. 1513), page 226, line 27, by inserting after “**LICENSE**”

, or horse or harness racing license

On the question,

Will the House agree to the amendment?

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

Mr. **BLAUM**. Thank you, Mr. Speaker.

Now, Mr. Speaker, I ask for an affirmative vote on this amendment, which would restore the prohibition on all applicants now seeking to be licensed for a horse racetrack, which is an automatic slot license in Pennsylvania. I think that will tell the people of Pennsylvania that this chamber, that this chamber is serious about maintaining the integrity in our gaming law, and hopefully the Senate will get back here real quick, real quick and send a good bill to the Governor of Pennsylvania.

I would ask for an affirmative vote on the amendment.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The **SPEAKER** pro tempore. The Chair returns to leaves of absence and asks that the gentleman, Mr. DeWeese, be returned to the master roll.

HARRISBURG LEGISLATIVE LEAVE

The **SPEAKER** pro tempore. The Chair also requests that the gentleman, Mr. DeWEESE, be put on Capitol leave.

Without objection, both are granted.

CONSIDERATION OF SB 862 CONTINUED

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

Mr. S. SMITH. Mr. Speaker, I want the record to clearly reflect that this legislature has been doing everything in its power to honorably and accurately amend Act 71, the gaming law, to make it more responsible, to reform it in a proper way that is best for Pennsylvania. And I saw the vote; I am not blind, but I am telling you now, this action seriously jeopardizes this bill going to the Governor’s desk. It is seriously going to allow those that want to play games with this bill one more time to turn it upside down, to shake it around, and maybe it will never make it to the Governor’s desk. And I just want you to understand that, that our efforts have been as straight up and legitimate in trying to get a good gaming bill. We have made compromises. And I just want the record to reflect, I do not question the maker of this amendment’s intentions, I do not disagree with his amendment, but, Mr. Speaker, I know what goes on, and I know what I dealt with at the other end of this building over the last couple of weeks and over the last few months, and I just want the record to reflect – I know what you are going to vote; I know what the outcome is – I just want the record to reflect that if a gaming reform bill does not get to the Governor’s desk by the end of the lame-duck session, you will look back at this – I hope I am wrong; I hope I am wrong, Mr. Speaker – but you are changing the dynamics in a way that I cannot be responsible for what happens at the other end of the building.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly support my colleague from the other side of the aisle and ask the members that they support this amendment. Talking about playing games, we are not the ones playing the games. If this would have been right, this would not have been in there. This should have been excluded to begin with. We want to do the right thing. We do not want to be embarrassed. As the Representative rightly said, the headlines tomorrow are, what did the legislature do? They did not reform gambling. They made it easier for those to make political contributions to influence the Pennsylvania Gaming Control Board to get their license.

We need to support this amendment. It is a good amendment, it is a good-government amendment, and I ask for support.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Blaum amendment. I appreciate the points made by the gentleman from Jefferson County. It is not easy being a leader under these circumstances, and I do not envy him having to negotiate with the other body across the way. But we have an obligation here as members of this House, as members of this deliberative body, to do the right

thing, and the amendment being offered by the gentleman, Mr. Blaum, does the right thing.

We have been too careless in this legislature over the last few years in how we go about drafting legislation. We put up with unnecessary late-night sessions, we put up with sloppy drafting, and that is simply wrong, and it is wrong not only in terms of the quality of product we are asked to produce in this body and in this Assembly but it is wrong in terms of our commitment to the people that we represent here in Harrisburg. With this amendment we correct a major error, one that would be a tremendous flaw if we let it fly by us here in this body, and shame on the Senate if they do not have the sense of responsibility to come back and pass the corrected version that we will send them here tonight.

Do the right thing. Support the Blaum amendment. Let us put a quality product on reforming the gaming issue before the Senate and get it to the Governor's desk so that we can all be proud of the quality of product that we are producing in this legislative body. I urge a "yes" vote.

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

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, it is our responsibility to pass good legislation. Good legislation leads to good government. I support the Blaum amendment, and I certainly hope that my colleagues will as well. Let us keep good government in Pennsylvania.

Thank you, sir.

The SPEAKER pro tempore. Any other members seeking recognition?

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, request a Capitol leave for the gentleman from Westmoreland, Mr. TANGRETTI, and the gentleman from Luzerne, Mr. YUDICHAK.

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

Mr. GRUCELA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The House will be at ease for a few minutes.

CONSIDERATION OF SB 862 CONTINUED

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Metcalfe, seeks recognition. For what purpose does the gentleman seek recognition?

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, is there someone that I could ask – maybe the Parliamentarian – if there is any maneuver that we could make to correct the Senate's problem? I know that it was explained to us in caucus that the Senate in their rush to leave Harrisburg voted on the wrong amendment in the lobbyist bill that we are considering, that it also appears now that the Senate voted in their haste to leave Harrisburg on a bill that had this major exception in it that took out this prohibition. And I know that

we were making a parliamentary maneuver to be able to vote the lobbyist bill as it was ultimately supposed to be leaving the Senate. Is there some maneuver that we could make tonight like that to vote the gaming bill so that we put this back into it and also have the Senate come back and pass it as they will with the lobbyist bill?

The SPEAKER pro tempore. The short and complete answer is no.

Mr. METCALFE. No. Well, thank you, Mr. Speaker. If I could just make a brief couple of comments.

The SPEAKER pro tempore. On the amendment?

Mr. METCALFE. Yes, Mr. Speaker. Thank you.

The SPEAKER pro tempore. You are in order. You may proceed.

Mr. METCALFE. Mr. Speaker, I think that the necessity of correcting the Senate's error tonight is much more important than just moving forward with a piece of legislation to put on the Governor's desk. We still have a number of days before the election that the Senate could come back. As we know, we have been here for 2 days. If the Senate would not have been in such a hurry to get out of Dodge here in Harrisburg today, then maybe they would have done this right. I know that there are a number of Senators over there that would not want this law signed into law by the Governor that would allow for this type of money to flow from licensees to candidates. It is something that I know the people of Pennsylvania in a huge majority would not approve of. I would ask for an affirmative vote for this amendment, and let us have the Senate come back and do their job as we are doing.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Just in response to the gentleman, Mr. Metcalfe, who asked if there was anything we could do. Yes, we could amend the Constitution to require that there is no legislative business after midnight or before 8 a.m. The Senate met until 3 a.m. last night. We have a letter on our desks from the Legislative Reference Bureau saying they made a mistake on the lobbyist disclosure bill. We are now trying to correct this significant mistake they have made on the gambling reform bill. So yes, a constitutional amendment requiring that both houses of the General Assembly not be allowed to meet after midnight—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SAMUELSON. —would go a long way to improving this in the years to come. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you for suspending.

Are there any other members seeking recognition?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

| | | | |
|-----------|-----------|-----------|-----------|
| Adolph | Fairchild | Maher | Sabatina |
| Allen | Feese | Major | Sainato |
| Argall | Fichter | Manderino | Samuelson |
| Armstrong | Flaherty | Mann | Santoni |
| Baker | Fleagle | Markosek | Sather |
| Baldwin | Flick | Marsico | Saylor |
| Barrar | Forcier | McCall | Scavello |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Youngblood, for the purpose of making a motion to suspend the rules for the offering of an amendment.

Ms. Youngblood, are you withdrawing the amendment? The Chair thanks the lady. That amendment is withdrawn.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Keller, for the purpose of making a motion to suspend the rules for the offering of an amendment.

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

Will someone stand for brief interrogation, please?

The SPEAKER pro tempore. Mr. Keller, do you have any suggestions as to whom you would like to ask these questions of?

Mr. W. KELLER. May I interrogate myself?

The SPEAKER pro tempore. No, no, the member may not do that.

Mr. W. KELLER. Well, no one is going to stand for interrogation; okay.

The SPEAKER pro tempore. If you would suggest someone, then we would ask them if they would want to do so.

Mr. W. KELLER. Someone who has knowledge of this bill. All right; all right; here we go then.

Last week I stood at this microphone and thanked the leadership for the great job they did on putting the riparian rights back in. I do not understand how now it is out. We are not going to preempt the zoning for the local municipalities, but we are going to preempt our own power. We are going to give up our own power to do riparian rights. Last week we had it right. Now it is wrong again. I do not know, maybe they will call this the Magna Charta when they are done with it because we are giving up our own power. I do not understand this. I do not think we should give up our own power.

I would also, if I could interrogate somebody, which I cannot, I would like to know that on October 2, the Governor sent a letter to all the leaders saying that there was a problem with the riparian rights, that there was a constitutional problem with that. I would like to ask somebody if that constitutional problem is solved. I believe the answer is no, but we can help do that today.

I would like to suspend the rules in order to offer amendment A10337 that will reinstate the power of the legislature to determine riparian rights and not just give them to whoever wins the casino license.

The SPEAKER pro tempore. Mr. Keller, Mr. Keller, we have a different number than the one that you just read off. We have amendment 10338.

Mr. W. KELLER. Yeah, that is not the riparian; that is for the associated areas, which I would like to interrogate somebody about the associated areas, too, but I will leave that to the gentlelady from Philadelphia.

In this bill also—

The SPEAKER pro tempore. Mr. Keller, please suspend.

Mr. W. KELLER. I cannot ask any questions.

The SPEAKER pro tempore. Mr. Keller, the Chair is not in receipt of 10337.

Mr. W. KELLER. I just happen to have a stamped copy here.

The SPEAKER pro tempore. Please submit that to the Chair.

Members, please take your seats. We are getting a little too loud here. Members, please take your seats. Please clear the aisles. Members, take your seats. Members, please take your seats.

Mr. Keller, I think we have found what the problem is. The amendment that you have just referred to came to the desk under the name of Representative Lederer, and your name is on

the one that we were told now is the one that she is introducing. Is that correct?

Mr. W. KELLER. We are going to switch, Mr. Speaker. I am the expert on riparian rights. Representative Lederer is the expert on associated areas.

The SPEAKER pro tempore. Well, we will find out whether or not you are the experts, but—

Mr. W. KELLER. Be very careful.

The SPEAKER pro tempore. The gentleman, Mr. Keller, moves that the rules of the House be suspended for the purposes of offering amendment 10337.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Gruitza
Haluska

LaGrotta
Maitland

Rieger
Rooney

Ruffing

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

Mr. W. KELLER offered the following amendment No. **A10337**:

Amend Title, page 2, lines 32 through 34, by striking out “FOR LAND USE” in line 32, all of line 33 and “AND” in line 34

Amend Sec. 9.2, page 214, line 22, by striking out “SECTIONS” and inserting

a section

Amend Sec. 9.2 (Sec. 1506.1), page 214, lines 23 through 30; page 215, lines 1 through 30; page 216, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 9.2 (Sec. 1506.2), page 216, line 5, by striking out “1506.2” and inserting

1506.1

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Keller, you are recognized to give an explanation of your amendment.

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

As I said, this will just put back the powers that were preempted from the legislature itself. We have always done the riparian rights bill through the legislature. We put it in committee, had public hearings; sent it over to the Senate, had in their committees public hearings; to the Governor’s desk. It has worked for as long as this is the legislature. This is one of the oldest laws on the books today. It dates back over 300 years. I do not know why we should just give it up. Last week we did a riparian bill for the gentleman from Philadelphia. Everybody had their say, we had votes “yes” and “no,” and we passed the bill. Why would we want to give that up? I do not think we want to do that.

This, again, will make this bill much better, giving us back the rights we have always had and we deserve. I ask everyone to please vote “yes” on this amendment.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, you heard the gentleman from Philadelphia mention the fact that this is a legislative process. Those who are on the State Government Committee, which I chair, know that these riparian rights are part and parcel of our discussions on land transfers that we are involved in almost on a routine basis now. But we have, as Republicans and Democrats and as Chair Josephs can certainly attest to, we have worked cooperatively. When we look at these riparian rights and the fair market values

and our interaction with the Department of General Services, this is an important part of the legislative process, and what you are doing, among other things, is to restore that process back to the General Assembly and back to the committee relationship, and I support the amendment.

Thank you.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Lederer, for the purpose of making a motion to suspend the rules for the offering of amendment 10338.

Mrs. LEDERER. Mr. Speaker, I rise to offer amendment 10338, which would strike from the bill the words “associated areas.”

Now, you are going to want to know what associated areas are. The meaning is that any area adjacent to a casino or which can be reached by a bridge, a pedestrian walkway, or an easement can be part of the casino. In other words, the casino which is planned for one block from my home will be permitted to construct a bridge over Delaware Avenue and come into my area of Fishtown and take property, buy property, and extend the casino. They could build a bridge over Delaware Avenue and go into Representative Keller’s district of Pennsport, called the Foxwoods.

None of the 50 Senators—

The SPEAKER pro tempore. Will the lady suspend, please.

Mrs. LEDERER. Yes.

The SPEAKER pro tempore. Keep in mind that you are currently making a motion to suspend the rules. I will give you another opportunity to give a more detailed explanation of the amendment, which as it appears at this point, probably the motion will be approved. So if the lady would conclude.

Mrs. LEDERER. Okay. I would like to make a motion to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

Mrs. **LEDERER** offered the following amendment No. **A10338**:

Amend Sec. 1 (Sec. 1103), page 126, line 8, by striking out “INTEREST” AND” and inserting
interest,”

Amend Sec. 1 (Sec. 1103), page 126, line 9, by inserting after “REVENUE” ”
and “licensed facility”

Amend Sec. 1 (Sec. 1103), page 127, lines 2 through 8, by striking out all of said lines

Amend Sec. 1 (Sec. 1103), page 129, by inserting between lines 28 and 29

“Licensed facility.” The physical land-based location [and associated areas] at which a licensed gaming entity is authorized to place and operate slot machines.

* * *

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the lady, Mrs. Lederer, is recognized.

Mrs. **LEDERER**. I would like to offer the amendment.

The **SPEAKER** pro tempore. You are now recognized to speak on it.

Mrs. **LEDERER**. I do not want to repeat what I have said. However, I do want to say that none of the Senators who voted unanimously to put this associated areas into the bill live anywhere near the proposed casinos. I think that the casinos should not be permitted to usurp the power of this legislature nor the power of the people. If they were to win this now, it happens to be my district, but it could be everyone here's district.

I would appreciate an affirmative vote. Thank you.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

The gentlelady from Philadelphia has articulated quite well her position on the issue of associated lands, and I, too, support the amendment and ask members to also support it.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frankel, for the purpose of offering a motion to suspend the rules for the offering of an amendment.

Mr. FRANKEL. Thank you, Mr. Speaker.

I know that my colleagues join me in their deep concern for the public health, and as this legislature moves, I think steadily, toward a statewide ban on smoking in public places, there is another flaw that needs to be corrected in this piece of legislation, and that is the exemption of casinos from local municipal county ordinances that would ban smoking in public places, including casinos. This legislation exempts them. We need to correct that. I move to suspend the rules in order to do that.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—171

| | | | |
|-------------|-----------|------------|-----------|
| Adolph | Fairchild | Manderino | Sather |
| Allen | Feese | Mann | Saylor |
| Argall | Fichter | Markosek | Scavello |
| Armstrong | Flaherty | Marsico | Semmel |
| Baker | Fleagle | McCall | Shaner |
| Baldwin | Flick | McGeehan | Shapiro |
| Barrar | Frankel | McGill | Siptroth |
| Bastian | Freeman | McIlhatten | Smith, B. |
| Bebko-Jones | Gabig | McNaughton | Smith, S. |
| Belardi | Gannon | Melio | Solobay |
| Benninghoff | Geist | Micozzie | Sonney |
| Beyer | George | Miller, S. | Staback |
| Biancucci | Gerber | Mundy | Stairs |
| Birmelin | Gingrich | Mustio | Steil |
| Bishop | Good | Myers | Stern |

| | | | |
|------------|------------|-----------|---------------|
| Blackwell | Goodman | Nickol | Stevenson, R. |
| Blaum | Grucela | O'Brien | Stevenson, T. |
| Boyd | Hanna | O'Neill | Sturla |
| Bunt | Harhai | Oliver | Surra |
| Buxton | Harhart | Pallone | Tangretti |
| Cappelli | Harper | Parker | Taylor, E.Z. |
| Casorio | Harris | Payne | Taylor, J. |
| Cawley | Hasay | Petrarca | Thomas |
| Civera | Hennessey | Petri | Tigue |
| Clymer | Herman | Petrone | True |
| Cohen | Hershey | Phillips | Turzai |
| Cornell | Hess | Pickett | Veon |
| Corrigan | Hickernell | Pistella | Vitali |
| Costa | Hutchinson | Preston | Walko |
| Crahalla | James | Quigley | Wansacz |
| Cruz | Josephs | Ramaley | Waters |
| Curry | Kauffman | Raymond | Watson |
| Daley | Keller, W. | Readshaw | Wheatley |
| Dally | Kenney | Reed | Williams |
| DeLuca | Killion | Reichley | Wilt |
| Dermody | Kirkland | Roberts | Wojnarowski |
| DeWeese | Leach | Roebuck | Wright |
| DiGirolamo | Lederer | Rohrer | Youngblood |
| Diven | Leh | Ross | Yudichak |
| Donatucci | Lescovitz | Rubley | Zug |
| Ellis | Levdansky | Sabatina | |
| Evans, D. | Maher | Samuelson | Perzel, |
| Evans, J. | Major | Santoni | Speaker |
| Fabrizio | | | |

NAYS—24

| | | | |
|-------------|------------|------------|----------|
| Belfanti | Forcier | Kotik | Nailor |
| Caltagirone | Gergely | Mackereth | Pyle |
| Causser | Gillespie | McIlhinney | Rapp |
| Creighton | Godshall | Metcalfe | Sainato |
| Denlinger | Grell | Millard | Schroder |
| Eachus | Keller, M. | Miller, R. | Yewcic |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

Mr. FRANKEL offered the following amendment No. **A10332**:

Amend Title, page 2, line 34, by striking out “AND FOR CLEAN INDOOR AIR; PROVIDING”

Amend Sec. 9.2, page 214, line 22, by striking out “SECTIONS” and inserting

a section

Amend Sec. 9.2 (Sec. 1506.2), page 216, lines 5 through 8, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Frankel, is recognized to speak on his amendment.

Mr. FRANKEL. Thank you, Mr. Speaker. I will be brief.

We truly ought to be protecting the health of both patrons and specifically employees who really do not have a choice in casinos. We ought to allow local municipalities, local governments, and counties to ban smoking in all public places if they so see fit. We prefer to do it here, but if we cannot do it here rapidly enough, we should be doing it and allowing our local governments to do it, and specifically in casinos. That is what this amendment does, it strikes the language that exempts casinos, and I think we ought to support this amendment to protect the health of the public in Pennsylvania.

Thank you.

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

Mr. CLYMER. Briefly.

Mr. Speaker, I stand in support of the amendment. We know that secondhand smoke can be very injurious to a person's health, and the casinos being open 24/7, 365, this amendment is important, and I again ask for its support.

Thank you.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose this amendment. If we are going to try and kill an industry before it even starts and allow that giant sucking sound from Pennsylvania to New Jersey and our other surrounding States, then this amendment ought to be adopted. But if we want to recapture about a quarter of the revenue leaving this State by beating this amendment, that is what we ought to be doing here.

In New Jersey, Mr. Speaker, casinos have now banned smoking everywhere except in the playing area, and they have specific nonsmoking areas for people that are nonsmokers and they have smoking areas. That is the only exemption in New Jersey's law. In Florida, the gaming in Florida, they allow smoking on the casino floor in designated areas for smokers, and they also have designated areas for nonsmokers. If we do this, Mr. Speaker, Pennsylvanians who like to have a cigarette or a drink while they are playing blackjack or while they are in this case just playing simple slot machines, if this legislation goes through, those people are going to continue going to New Jersey. They will drive the extra 2 hours or 2 1/2 hours to New Jersey or one of the other border States and spend their gaming dollars there, and then when we have to explain to our seniors where the billion dollars is or the three-quarters of a billion or the billion and a half dollars that we hope to generate from gaming over the coming years, why did we not have that money, and the answer will be this amendment. This amendment will cause a third to maybe a half of those people who enjoy gaming to retreat back to their old stomping grounds and not give our racetrack industry and our slot machine, the slot parlor industry, a chance to even get off the ground.

I strongly urge a "no" vote on this.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Strangely enough, if we allow smoking in our casinos, we will put our casinos in a noncompetitive position, vis-a-vis casinos where there is no or limited smoking. Out of every

five adult Pennsylvanians, four are nonsmokers; one is a smoker. If it were my business, I would be trying to attract the four out of five people, not the one out of five people. If we ban smoking, and that does not mean that at some later date we cannot find some area for people who are truly addicted and cannot stay away, but if we ban smoking, we will have a better industry, a more fiscally sound industry, and we will be competitive with people all over the Northeast where smoking is allowed.

Let us vote to let local people again determine what goes on on the local scene, and let us vote to make these casinos in our State more competitive, and let us allow the local people to guarantee clean indoor air to both the workers and the customers in casinos.

Thank you, Mr. Speaker. I vote "yes" on this. Please join me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I find myself in an awkward position once again as I rise to join my friend, Mr. Belfanti. We both have been working together on the illegal immigration issue, trying to stop the invasion of Pennsylvania, and now we find ourselves on the same side here tonight with this vote.

Mr. Speaker, we are talking about banning smoking in a privately owned facility. This is not going to be property that is owned by the Commonwealth of Pennsylvania; this is private property, and we are going to tell somebody who owns that private property, who has been licensed to operate that private property, that they are now required to ban smoking on their private property.

CONSTITUTIONAL POINT OF ORDER

Mr. METCALFE. Mr. Speaker, this is not a constitutional amendment. I would make a motion that this is unconstitutional according to section 1 of the Pennsylvania Constitution, which says "All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness." This is a taking of somebody's private property and their use of that private property for their own business. If these people do not want to have to breathe—

The SPEAKER pro tempore. Mr. Metcalfe?

Mr. METCALFE. —this smoke-filled air, then they can—

The SPEAKER pro tempore. Mr. Metcalfe, suspend, please. You have made the motion, and we know what it is about.

Mr. METCALFE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

The gentleman, Mr. Metcalfe, raises the point of order that amendment No. 10332 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Metcalfe. Now you may make that argument.

Mr. METCALFE. Mr. Speaker, I think it is self-evident that for someone to have private property and have the government tell them that they cannot allow this legal behavior to occur on their property is a taking of the use of that property and not allowing them the full possession of it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of constitutionality, the Chair advises members that you are only allowed to speak one time and recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the very constitutional provision that Mr. Metcalfe read talked about the preservation of a person's life, to preserve life by preserving health. Government has an inherent power to preserve people's health. We have enacted numerous health and safety regulations for workers. There are minimum-hour requirements which are justified on health—Maximum-hour requirements rather which are justified on the basis of health. We have food safety laws which are justified on the basis of government power to protect health. We have seatbelt laws, speeding laws. A huge percentage of all the laws we pass are designed to protect the health of Pennsylvanians, and that is constitutional. But, Mr. Speaker, by Mr. Metcalfe's argument, we would be impinging on a person's right of private property if we regulate how fast his or her car is allowed to go. We would be impinging on a person's right of private property if we said a person had to wear a seatbelt. His interpretation of the rights of private property are far in excess of any State or Federal court. They are far in excess of our own interpretation as legislators.

We used to have smoking on the floor of the House, and we banned it. We banned it to protect the health of the members of the House of Representatives. All Mr. Frankel is seeking to do is protect the health of people who patronize the casinos, people who work in the casinos. This is clearly consistent with what the Pennsylvania legislature and the legislature of the other 49 States and the Federal government have done since time immemorial. This is clearly constitutional.

I urge a "yes" vote in support of the constitutionality of Mr. Frankel's amendment.

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

Mr. LEACH. Mr. Speaker, I am not here to comment on whether it is constitutional or not. What I am here to do is what I always do when there are motions on constitutionality, which is to ask the members to vote against the motion, because this should not be a substitute for whether we are for or against the bill. We should vote for or against the bill. Unless there is a crystal clear constitutional issue, which there is not, I mean, there is no Supreme Court case that has said that smoking is a constitutional right. We may feel it is, we may feel it is not, but we are doing some good things here tonight, Mr. Speaker. We are showing that we are not just automatons that vote for any deal that has been negotiated, we are actually members of the legislature who count. And we have shown some real good government instincts tonight, Mr. Speaker, and I urge the members to continue that by voting "yes" on constitutionality and then vote "yes" or "no" on Mr. Frankel's amendment. But that is the way it should be done.

Thank you, Mr. Speaker.

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

Mr. FRANKEL. Thank you, Mr. Speaker. I will be very brief.

If the motion on constitutionality had any validity, we would see statutes that prohibit smoking in public places that exist throughout this country – many, many municipalities, many counties, many States in this country prohibit smoking in all public venues – I am aware of no State Supreme Court, I am not aware of a motion or a decision in the United States Supreme Court, that has declared this unconstitutional.

So, Mr. Speaker, let us protect the health of Pennsylvanians by allowing local governments, which is a great conservative value, to make the decision at the local level at a minimum. Let us allow statutes that are designed by our council people and mayors and county executives and county commissioners, who have the interests of their constituents at heart to protect their health, let those statutes stand, and let them act if we are not about to.

Let us vote that this is constitutional, and then please support my amendment. Thank you very much.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I also believe this amendment to be constitutional. I think it is a bad amendment, I think it is a market killer, but I agree with Representative Leach, and I do think we should get to the issue and vote our conscience and vote our district and vote what is good for us obtaining the gaming revenue moneys that we have been promising people for 3 years.

So I am going to vote that this is constitutional, and then it will return back to the Frankel amendment.

The SPEAKER pro tempore. Are there any other members seeking recognition on this question?

Seeing none, those voting "aye" will vote to declare the amendment to be constitutional. Those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—188

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

| | | | |
|------------|------------|----------|--------------|
| Casorio | Grucela | Pallone | Tangretti |
| Causar | Hanna | Parker | Taylor, E.Z. |
| Cawley | Harhai | Payne | Taylor, J. |
| Civera | Harhart | Petrarca | Thomas |
| Clymer | Harris | Petri | Tigue |
| Cohen | Hennessey | Petrone | True |
| Cornell | Herman | Phillips | Turzai |
| Corrigan | Hershey | Pickett | Veon |
| Costa | Hess | Pistella | Vitali |
| Crahalla | Hickernell | Preston | Walko |
| Creighton | Hutchinson | Pyle | Wansacz |
| Cruz | James | Quigley | Waters |
| Curry | Josephs | Ramaley | Watson |
| Daley | Kauffman | Rapp | Wheatley |
| Dally | Keller, M. | Raymond | Williams |
| DeLuca | Keller, W. | Readshaw | Wilt |
| Denlinger | Kenney | Reed | Wojnaroski |
| Dermody | Killion | Reichley | Wright |
| DeWeese | Kirkland | Roberts | Yewcic |
| DiGirolamo | Kotik | Roebuck | Youngblood |
| Diven | Leach | Rohrer | Yudichak |
| Donatucci | Lederer | Ross | Zug |
| Eachus | Leh | Rubley | |
| Ellis | Lescovitz | Sabatina | Perzel, |
| Evans, D. | Levdansky | Sainato | Speaker |
| Evans, J. | Maher | | |

NAYS—7

| | | | |
|-------------|-----------|------------|------------|
| Benninghoff | Hasay | McIlhinney | Miller, R. |
| Harper | Mackereth | Metcalf | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

The SPEAKER pro tempore. We return to the amendment itself. The Chair recognizes the gentleman, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise to join my colleague, Representative Belfanti, in opposing this amendment. Mr. Speaker, the slot business, harness racing business, Thoroughbred racing business dealing with the slots is not even started yet. What this amendment does is cripple the industry before it even begins. If anyone knows anything about the gaming industry, you know that a large percentage of the customers who go to a casino smoke. They smoke. It is not 20 percent; it is probably 60 percent. This could be the greatest thing we could ever do in Pennsylvania for the State of Delaware. For all the Pennsylvania legislators who want to help Delaware and keep those customers in Delaware, vote for this amendment. If you want to provide some money so we can finally give the residents of Pennsylvania some property tax relief, vote against this amendment.

When Delaware did their smoking ban, they lost a huge percentage of their customers. They went back to Atlantic City. Understand something: If you do not give the customers what they want, they will leave. They will go to Atlantic City, they

will go to West Virginia, they will go to New York, they will go to Canada where they permit smoking. This is a business decision, Mr. Speaker. Most casinos have smoking and nonsmoking areas. We must respect that decision. We must respect that decision, Mr. Speaker.

So if you want to kill the casino slot industry in Pennsylvania or even kill this bill, which we are supposed to be passing and we are adding all these amendments to kill it, it is very disappointing, frankly, with amendments like this to kill a bill, when we are supposed to be talking about reform and doing something to get this stuff done, we are putting a death knell in this piece of legislation.

Mr. Speaker, we must do the right thing. One billion dollars we are supposed to get in revenue? We are going to lose a large percentage of that revenue if this amendment passes. Pennsylvania does have an addiction. Pennsylvania's addiction is the cigarette taxes, Mr. Speaker, in excess of \$1 billion. When so many on this floor want to always talk about how terrible and how horrible this is, but, Mr. Speaker, the State has their hand out to collect those cigarette taxes. If it is that bad, Mr. Speaker, and we want to stop it all, why do we not just say, okay, let us not collect the cigarette tax anymore, Mr. Speaker. Maybe we should just ban it totally from the State of Pennsylvania. Then you will see that huge tax increase everyone has to pay.

But, Mr. Speaker, let us do the right thing. Let business make that decision that they have to do, and let us not destroy the industry before it begins, because it is going to be tough enough to keep customers in Pennsylvania with the laws that we have, let alone telling 40, 50, 60 percent of the customers to just go back to Atlantic City and West Virginia and New York. Vote "no," Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes for the second time the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The gentleman, I believe from Crawford, who spoke just previous to me made an assertion that a certain number of people, the majority I imagine, who now use casinos also use tobacco smoke and they smoke. That may or may not be true. I take his word for it. He is an honorable gentleman. He would not report something that is not true. But we are neglecting the four adults of every five who do not use tobacco at all, do not smoke. Those are the people we want to bring to our casinos. Those are the people who are not now going because the air is so foul. So I would ask everybody to vote "yes" for the amendment just offered by the gentleman from Allegheny.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to interrogate the maker of this amendment, if I can.

The SPEAKER pro tempore. Mr. Frankel? Mr. Frankel? The gentleman, Mr. Wheatley, seeks to interrogate you.

Mr. Wheatley, if you would hold on for just a minute, please.

Mr. WHEATLEY. Sure.

The SPEAKER pro tempore. Members, we need to quiet down. We are getting too loud again. It becomes very difficult for interrogation to take place when we are so loud, as all of you know when you try to interrogate.

The gentleman, Mr. Wheatley, you may proceed with your interrogation.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I have just a brief question of clarity, if I can. Mr. Speaker, your amendment, does it give local municipalities the control to decide if they want a casino that is located in their borders to allow for smoking or not?

Mr. FRANKEL. Thank you. That does clarify the point. This purely allows local governments to make that decision to whether there is smoking in the casino or not.

Mr. WHEATLEY. Thank you.

Mr. Speaker, can I speak on the amendment?

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

Mr. WHEATLEY. Mr. Speaker, I think our body has generally tried to support local municipalities and local governments in their decisionmaking. We have done that when we voted originally to allow for local zoning boards to control their own destiny. Here is another example that we have before us, again of allowing local municipalities, local governments, to decide for themselves if or if not a casino that is located in their borders should be allowed to have smoking or not.

And, Mr. Speaker, I think the debate that we are having up here about killing an industry that we are just expanding in Pennsylvania, I think we do not have enough information to make that claim. I think some have claimed that if we ban smoking inside of these facilities, that we will lose the patrons who would normally come into these facilities. I do not know if that is true. I do not know if they know if that is true. I think they are using information to scare off members from voting for the ability to allow our local governments to decide their own destiny. Now, if we wanted to debate if smoking should be allowed or banned across the State, we should bring that bill forward and debate that, but we should not take away from the local municipality's authority to decide their own fate while we in Harrisburg are figuring out if we want to do something statewide.

So I would just encourage our members to stay the course of allowing our local governments to decide their own fate until we in Harrisburg do what we want to do as it relates to statewide bans in public places, including casinos. So again, I would just ask the members to support the member from Pittsburgh, Allegheny County, Dan Frankel's amendment and continue to support local government. Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, if 60 percent of the users of gambling casinos are smokers and only 19 percent of the people in the country are smokers, and the percentage of smokers goes down almost every year, it would seem that the gambling casinos are targeting a small and declining percentage of the population and are thus going to be in long-range financial difficulties. I believe that we have to see that the gambling casinos are not in long-range financial difficulties and that they ought not to be targeting just the people who are willing to gamble in 19 percent of the population. They ought to be going after the entire population of people who believe in gambling.

The casinos have claimed that this hurts them, but my own experience with hotels, with trains, with planes is that when business organizations set forth a smoking area and a nonsmoking area, what almost invariably happens is that virtually nobody chooses to go into the smoking area, and

numerous hotels have eliminated the smoking areas of the hotels because they found out that almost nobody used them and they wound up turning away nonsmokers and just having empty rooms. And I know Amtrak started out with smoking and nonsmoking cars, and now I think at most, they have one smoking car on a train, and I believe there are cases in which they have no smoking cars on the trains for lack of demand. I believe that there is an overwhelming nonsmoking majority in this country and that many, many of the smokers are somewhat relieved not to be able to smoke, because they know that smoking is not good for them.

So I would strongly endorse the Frankel amendment. I think it is a positive step forward for the health of the people of Pennsylvania, it is a positive step forward for tourists in Pennsylvania, and it is a positive step forward, as Mr. Wheatley said, for local control of the health and safety regulations of their communities.

I urge a "yes" vote for the Frankel amendment.

The SPEAKER pro tempore. The Chair would ask the members to please take their seats. Sergeants at Arms, clear the hall of the House in the back. There are about 15 people there having conversations. Please take them outside of the hall. Members, take your seats. Members, take your seats.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I think that some of the members in this chamber just are not getting the importance of defeating this amendment, and I have heard some of my colleagues— And I typically nominate Mark Cohen for a caucus office; I will have to talk to him about that after this vote. But even though I do not agree with Representative Metcalfe's argument on constitutionality, he made a very valid point: This is private industry.

And in response to Representative Wheatley, he said we have to allow our local supervisors to make this decision. Well, Mr. Speaker, the \$50 million license fee is not paid for by the local township supervisors. The quarter-of-a-billion-dollar investment, \$300 million, \$400 million that are required under our new gaming act to make these destination points are not being paid by our local township supervisors. They are being paid by an industry, and that industry ought to be able to determine on their own whether or not they should have segregated smoking and nonsmoking areas as they do in Atlantic City, as they do in Las Vegas, as they do in every popular resort area that targets and caters to people that like gaming.

And I do not know if Mr. Sainato's numbers are right or not, but I would tell the gentleman from Philadelphia that from my own experience and my few visits per year, there is a much greater degree of people that smoke and enjoy casinos than people that are at your church bizarre or somewhere else, and that is just the way it is, and a lot of them also indulge in some alcohol while they are in casinos. And Delaware, the one State that made the mistake of banning smoking completely in their casinos, has lost a tremendous amount of revenue. As one of the other speakers said — I think it was Representative Sainato — those people are now going back to New Jersey. Are we going to ever get the Pennsylvanians that are going to New Jersey or going to New York? If we do not want them, let us pass this amendment. But for God's sake, Mr. Speaker, this is to allow— This amendment would prohibit, if a three-member or

five-member board of supervisors decides they do not like their casino, they do not want their casino, and maybe they would prefer not having all the congestion or what have you, maybe they would like people to continue going to New Jersey. It is a 3 1/2-hour drive for me to get to Atlantic City. The nearest slot parlor for me is still going to be an hour, an hour and a half. What is the difference? The difference is, we should not be strangling an industry before we even allow it to get legs, and we should not be cheating our residents out of a third, a quarter, or half of the gaming revenues we have been promising them. There is nothing wrong with segregated smoking and nonsmoking areas. And by the way, Mr. Speaker, in Atlantic City you cannot smoke in the bars in the casinos. That has been banned. You cannot smoke any longer in the restaurants. There are no smoking and nonsmoking areas in the restaurants anymore. But they did study after study after study, and they found that their gaming players are willing to give up smoking in the bar and willing to give up smoking in the restaurant and in the hallways but not in the privacy of their own bedroom or not while they are playing on the casino floor.

Mr. Speaker, this amendment is seriously flawed and really injures the legislation that we all worked so hard on for so many years. Again, I urge a negative vote on the Frankel amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I have enormous respect for my colleague from Northampton County, but on this issue we disagree, and I think his argument has some weaknesses, because we have evidence from across the country. New York City has banned smoking in all public places. Try and get a room reservation in New York City. Try and get a restaurant reservation in New York City. Look at what the cost of renting a room in New York City is today. Their tourist business is thriving. Marriott Hotels, Marriott Hotels, a thriving, enormous tourist business in this country, has banned smoking completely in every single one of their brands, hundreds if not thousands of hotels across this country. Hilton Hotels is following suit.

The issue of the economics of banning smoking is quite clear, because corporate America and municipal governments who depend on economic development and tourism have concluded in their own self-interest that banning smoking is good for business, good for the health of their citizens, good for the public, and it is something that has no downside.

I think that we ought to take the chance that it might be good for Pennsylvania business, but before we even talk about Pennsylvania business, we need to be talking about the health and welfare of Pennsylvania citizens, whether they are people who patronize these facilities or, more importantly, those who need the jobs, who work, who depend on this for a living, who are being victims of secondhand smoke that the Surgeon General has confirmed to us today, totally conclusively, that secondhand smoke is a major cause of disease and death in this country.

We have a responsibility here. We should be doing this as a statewide ban, but if we are not prepared to do it now, and I hope we do it in the future, we should let local governments go ahead and see their duty as they see fit to protect the health and welfare and the economic well-being in their communities, and I ask you to support my amendment.

Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I rise in support of the Frankel amendment, Mr. Speaker. The statistics are clear. The American Heart Association estimates that 40,000 Americans a year die from secondhand smoke. I believe the number in the State of Pennsylvania is over 2500 Pennsylvanians die each and every year from secondhand smoke.

Right now in my legislative district, Philadelphia Park is hiring approximately 700 to 800 people to work in the slot machines and in the casino; many of them, residents from my legislative district and across Bucks County. I want them to be able to work in a safe, healthy, and clean environment.

I ask for an affirmative vote on the Frankel amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—152

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Feese | Lescovitz | Sabatina |
| Allen | Flaherty | Levdansky | Samuelson |
| Argall | Fleagle | Mackereth | Santoni |
| Armstrong | Flick | Maher | Sather |
| Baker | Frankel | Major | Saylor |
| Baldwin | Freeman | Manderino | Scavello |
| Barrar | Gabig | Mann | Semmel |
| Bastian | Gannon | Markosek | Shapiro |
| Bebko-Jones | Geist | McCall | Siptroth |
| Belardi | George | McGeehan | Smith, B. |
| Beyer | Gerber | McIlhattan | Solobay |
| Biancucci | Gillespie | McNaughton | Staback |
| Birmelin | Good | Melio | Stairs |
| Bishop | Goodman | Micozzie | Steil |
| Blackwell | Grell | Miller, S. | Stern |
| Blaum | Grucela | Mundy | Stevenson, R. |
| Boyd | Hanna | Mustio | Stevenson, T. |
| Buxton | Harhai | Myers | Sturla |
| Cappelli | Harhart | Nailor | Surra |
| Cawley | Harper | Nickol | Tangretti |
| Civera | Harris | O'Brien | Taylor, E.Z. |
| Clymer | Hennessey | Oliver | Taylor, J. |
| Cohen | Herman | Parker | Thomas |
| Cornell | Hershey | Payne | Tigue |
| Corrigan | Hess | Petri | True |
| Costa | Hickernell | Petrone | Turzai |
| Cruz | Hutchinson | Phillips | Vitali |
| Curry | James | Pickett | Walko |
| Dally | Josephs | Pistella | Wansacz |
| DeLuca | Kauffman | Preston | Waters |
| Denlinger | Keller, M. | Ramaley | Watson |
| Dermody | Keller, W. | Raymond | Wheatley |
| DiGirolamo | Kenney | Reed | Williams |
| Diven | Killion | Reichley | Wilt |
| Donatucci | Kirkland | Roberts | Wojnaroski |
| Evans, D. | Leach | Roebuck | Wright |
| Evans, J. | Lederer | Ross | Youngblood |
| Fabrizio | Leh | Rubley | Yudichak |

NAYS—42

| | | | |
|-------------|-----------|------------|-----------|
| Belfanti | Ellis | Metcalfe | Sainato |
| Benninghoff | Fairchild | Millard | Schroder |
| Bunt | Fichter | Miller, R. | Shaner |
| Caltagirone | Forcier | O'Neill | Smith, S. |
| Casorio | Gergely | Pallone | Sonney |
| Causer | Godshall | Petrarca | Veon |

| | | | |
|-----------|------------|----------|---------|
| Crahalla | Hasay | Pyle | Yewcic |
| Creighton | Kotik | Quigley | Zug |
| Daley | Marsico | Rapp | |
| DeWeese | McGill | Readshaw | Perzel, |
| Eachus | McIlhinney | Rohrer | Speaker |

NOT VOTING—1

Gingrich

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 concur in Senate amendments as further amended by the Senate to House amendments as amended?

The SPEAKER pro tempore. Any members seeking recognition on final passage?

On the question recurring,

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

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

STATEMENT BY MS. BISHOP

The SPEAKER pro tempore. The Chair recognizes the lady, Louise Bishop, on unanimous consent.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, when the death of a loved one occurs, regardless of whether it was unexpected or not, it is always a devastating experience and a traumatic event.

While I am still grieving over the passing of my elder son, Todd, it is comforting to know that so many people in my life in this legislative body, so many people from the Governor's Office to the Lieutenant's Office, from the Speaker and the entire House of Representatives and the Senate have been so gracious in providing us with soothing words and comforting cards and expression of consoling thoughts and floral bouquets, and the list goes on – fruit baskets – and most of all, let me say, friendships that will last forever.

I know that I will not be alone in the days that follow in Todd's passing because I have a host of understanding and kind friends on both sides of the aisle as well as the legislative chamber and the entire staffs. So I am extending a heartfelt thank-you to each and every one of you who are helping us through the healing process. My family thanks you, I thank you, and for once, while press never says it and people never see it, in death this body is no longer Democrats and Republicans, but they are friends who come together to help each other through the healing process, and I express sincere thanks again to each and every one of you. God bless you.

I indeed fell in love with this chamber 18 years ago when I came here, but over the past weeks, I have fallen in love with the body itself, each and every one of you.

God bless you and thank you.

The SPEAKER pro tempore. The Chair thanks the lady for her remarks.

The gentleman, Mr. Keller, was seeking recognition. He waives off.

SUPPLEMENTAL CALENDAR D

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1335, PN 2050**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing, in health care insurance, for individual accessibility, for conversion policies and for sunset.

On the question,

Will the House agree to the bill on third consideration?

Mr. **O'BRIEN** offered the following amendment No. **A10042**:

Amend Title, page 1, line 11, by inserting after "laws," " providing for autism spectrum disorders coverage; and

Amend Bill, page 1, lines 16 through 18, by striking out all of said lines and inserting

Section 1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 635.2. Autism Spectrum Disorders Coverage.—(a) A health insurance policy delivered, issued, executed or renewed by an insurer in this Commonwealth on or after the effective date of this section shall provide coverage for autism spectrum disorders for an individual less than 24 years of age and include coverage for the following care and services:

- (1) Habilitation care.
- (2) Psychiatric care.
- (3) Psychological care.
- (4) Rehabilitation care.
- (5) Respite care.
- (6) Therapeutic care.

(b) Coverage provided under this section shall be subject to a maximum of two thousand dollars (\$2,000) benefit per month for the covered individual, adjusted annually by the average percentage increase or decrease of private medical insurance premiums each year. This limit shall not apply to the coverage of other health conditions of the individual not related to the treatment of autism spectrum disorders.

(c) Coverage under this section shall be subject to copayment, deductible and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions.

(d) This section shall not apply to the following types of policies:

- (1) Accident only.
- (2) Limited benefit.
- (3) Credit.
- (4) Dental.
- (5) Vision.
- (6) Specified disease.
- (7) Medicare supplement.
- (8) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.

(9) Long-term care or disability income.

(10) Workers' compensation.

(11) Automobile medical payment.

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

(1) "Autism spectrum disorders" means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including autistic disorder, Rett's disorder, childhood disintegrative disorder, Asperger's disorder and pervasive development disorder not otherwise specified.

(2) "Habilitation care" means care designed to assist individuals in acquiring, retaining and improving the self-help, socialization and adaptive skills necessary to reside successfully in home or community-based settings. Habilitation care may be provided for up to 24 hours a day based on the needs of the individual receiving the care and includes, but is not limited to, health, social or home or community-based services or other services needed to insure the optimal functioning of an individual in the individual's home or community-based setting.

(3) "Health insurance policy" means any group health, sickness or accident policy or subscriber contract or certificate issued by an insurance entity subject to one of the following:

(i) This act.

(ii) The act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(iii) The act of May 18, 1976 (P.L.123, No.54), known as the "Individual Accident and Sickness Insurance Minimum Standards Act."

(iv) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(4) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which he or she practices.

(5) "Psychological care" means direct or consultative services provided by a licensed psychologist in the state in which he or she practices.

(6) "Rehabilitation care" means professional, counseling and guidance services and treatment programs that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of an individual.

(7) "Respite care" means care furnished in relief of the primary care-giver on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in the private residence. This term shall include nursing care or private nursing care provided on a respite basis.

(8) "Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists or behavioral health specialists.

Section 2. Section 1009-A of the act is amended by adding a subsection to read:

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

3

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. O'Brien.

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

For the members of the Republican Caucus, I will try to be a little less intense than I was when I made my presentation in caucus, but the issue is very simple. Mr. Speaker, in previous

budgets we have said to the autistic families of Pennsylvania that we are going to reserve savings. The first year we did this was 2 years ago so that we could balance the budget. Last year when we had a \$1 billion surplus, we reserved, we still reserve, \$6.7 million, and that \$6.7 million, not being satisfied in the budget, will cause the Department of Welfare to implement a sliding scale for Medicaid recipients.

Mr. Speaker, the reality is that parents will be asked to pay a premium for Medicaid, but the services do not exist. So very simply, that mere fact is going to cost your school districts \$82 million, because very simply, when somebody finds out that their child has autism, they go to the school district for early intervention. The school district very simply says, do us a favor; sign up for Medicaid because we can draw down Federal moneys. You are not going to see them, but trust me, they are going to be there. Well, if the system does not exist and you have to pay a premium to join Medicaid, those parents are not going to sign up, and your school districts are now going to go to you and ask you why they have to find that \$82 million statewide.

There is also a category, Mr. Speaker, of “medically fragile kids”; medically fragile. They work for your small businesses across Pennsylvania. They pay a COBRA (Consolidated Omnibus Budget Reconciliation Act) to cover their child. Well, if they have to pay two premiums, the reverse is going to happen. What they are going to do is say, why should I pay the COBRA when if I pay this Medicaid premium, they will cover my medically fragile child. I can tell you, a dozen kids in Pennsylvania will take us well past that \$6.7 million. You are talking about a \$50 million cost. That is the big flaw in the process in getting a CMS (Centers for Medicare & Medicaid Services) waiver funded. Mr. Speaker, it is wrong-headed. It is wrong-headed to balance this budget in Pennsylvania on the backs of the autism families. But let me take you back in history here a little bit.

A few years ago, way back in another administration, the Department of Welfare decided they were going to go after third-party payers. I went over and had a meeting with the deputy secretary and told her— I did not believe it at first, but a knowing person, a person that brought me into the issue of children with disabilities, told me, you know, Denny, if they do this, the insurance companies in Pennsylvania are going to exclude autism from coverage. I thought he was crazy. We went over and met with the secretary, deputy secretary, and she said, you know what? They are arrogant, but they are not that arrogant. Three months later, Mr. Speaker, the insurance companies in Pennsylvania excluded autism from coverage. This is not a new mandate. Insurance companies will say, we are going to bust the bank; we cannot afford this. They excluded autism from coverage.

Let me tell you what happened in Minnesota. A courageous attorney general filed a lawsuit on behalf of the autistic families on a consumer protection issue. He received a modest award from a Federal judge of \$500,000, but that judge ordered the insurance companies to pay in Minnesota and cover these kids.

Let me also tell you about these insurance guys who say, they make the policy and say, we cannot afford to cover autism. You have heard about a company called United HealthCare, have you not? Well, let me tell you about the chief executive officer of United HealthCare. We are talking about instituting a premium starting at \$40,000 for our families. The United HealthCare chief executive, who says we cannot afford to cover

autism, made \$124 million last year, Mr. Speaker; \$124 million. But that is not enough, because he is a very talented individual who knows how to cut costs. So they gave him stock options of \$1.6 billion; billion with a “b.” And guess what? That is not enough. So you know what this greedy guy did? They backdated the stock option, and therein lies his peril, Mr. Speaker, because the FCC (Federal Communications Commission) came knocking at his door and said, you know what? You just violated the law, and he stepped down from United HealthCare, but not soon enough; not soon enough.

Mr. Speaker, I am tired of the insurance companies saying this is a new mandate. I am tired of them saying they do not have the money. I am tired of small business people in Pennsylvania who pay the health insurance of their employees – 10 employees, 50 employees, 300 employees – and when they go home and they have an autistic child or they have two autistic children, they have to reach in their after-tax pocket for dollars to pay for the services for their autistic children. That is wrong, Mr. Speaker. I ask you to join me in saying that is wrong. You did it before when we passed this bill unanimously in the House.

I ask you to support me tonight with this amendment and vote “yes” on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman, Mr. Caltagirone, seeking recognition? The gentleman is recognized.

Mr. CALTAGIRONE. I will make this quick, Mr. Speaker.

I think Representative O’Brien is absolutely right. I would hope that the members would give him unanimous support on this issue. He has been championing it for some time, and I think it is the right time, the right place, and the right thing to do.

Thank you, Mr. Speaker.

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

Later on we are going to be called on to vote on a Cover All Kids piece of legislation, and if we do not vote “yes” on this amendment, we are really not covering all the kids in Pennsylvania. This is an opportunity to do the right thing, and I support 100 percent Representative O’Brien’s amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Rapp.

Ms. RAPP. Mr. Speaker, I rise in support of this amendment. Autism is a disability that can affect children and adults across a broad spectrum, with symptoms ranging from mild to severe. Most commonly, autism impairs the development of social and communication skills and affects 1 in every 166 children, according to the Centers for Disease Control.

Prior to being a legislator, I worked with many families, parents who have children with disabilities, and I know how those parents struggle to have a proper diagnosis for these children and how difficult it is for these parents to obtain services for their children, and I ask all of my colleagues here to support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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. **GEORGE** offered the following amendment No. **A10251**:

Amend Title, page 1, line 12, by inserting after “insurance,”
for conditions subject to which policies are to be
issued, for group accident and sickness
insurance,

Amend Bill, page 1, lines 16 through 18, by striking out all of
said lines and inserting

Section 1. Section 617 of the act of May 17, 1921 (P.L.682,
No.284), known as The Insurance Company Law of 1921, repealed
and added May 25, 1951 (P.L.417, No.99) and amended or added
January 18, 1968 (1967 P.L.969, No.433) and July 31, 1968 (P.L.1031,
No.311), is amended to read:

Section 617. Conditions Subject to Which Policies Are to Be
Issued.—(A) No such policy shall be delivered or issued for delivery to
any person in this Commonwealth unless:

(1) the entire money and other considerations therefor are
expressed therein; and

(2) the time at which the insurance takes effect and terminates is
expressed therein; and

(3) it purports to insure only one person, except that a policy
may insure, originally or by subsequent amendment, upon the
application of an adult head of a family who shall be deemed the
policyholder, any two or more eligible members of that family,
including husband, wife, dependent children or any children under a
specified age which shall not exceed [nineteen] twenty-three years and
any other person dependent upon the policyholder; and

(4) the style, arrangement and over-all appearance of the policy
give no undue prominence to any portion of the text, and unless every
printed portion of the text of the policy and of any endorsements or
attached papers is plainly printed in light-faced type of a style in
general use, the size of which shall be uniform and not less than
ten-point with a lower-case unspaced alphabet length not less than
one hundred and twenty-point (the “text” shall include all printed
matter except the name and address of the insurer, name or title of the
policy, the brief description, if any, and captions and subcaptions); and

(5) the exceptions and reductions of indemnity are set forth in
the policy and, except those which are set forth in section six hundred
eighteen of this act, are printed, at the insurer’s option, either included
with the benefit provision to which they apply, or under an appropriate
caption such as “exceptions,” or “exceptions and reductions”:
Provided, That if an exception or reduction specifically applies only to
a particular benefit of the policy, a statement of such exception or
reduction shall be included with the benefit provision to which it
applies; and

(6) each such form, including riders and endorsements, shall be
identified by a form number in the lower left-hand corner of the first
page thereof; and

(7) it contains no provision purporting to make any portion of
the charter, rules, constitution, or by-laws of the insurer a part of the
policy unless such portion is set forth in full in the policy, except in the
case of the incorporation of, or reference to, a statement of rates or
classification of risks, or short-rate table filed with the commissioner;
and

(8) if such policy is entitled or referred to as “non-cancellable,”
such “non-cancellable” policy is automatically renewable until age
sixty upon payment of the required premiums by the insured; and

(9) A policy delivered or issued for delivery after January 1,
1968, under which coverage of a dependent of a policyholder
terminates at a specified age shall, with respect to an unmarried child
covered by the policy prior to the attainment of the age of [nineteen]
twenty-three who is incapable of self-sustaining employment by reason
of mental retardation [or], physical handicap or receiving treatment for
drug or alcohol addiction, and who became so incapable prior to
attainment of age [nineteen] twenty-three and who is chiefly dependent
upon such policyholder for support and maintenance, not so terminate
while the policy remains in force and the dependent remains in such

condition, if the policyholder has within thirty-one days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded [or], physically handicapped child or receiving treatment for drug or alcohol addiction where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

(10) Except for a single premium nonrenewable policy, it shall have prominently printed thereon a notice stating in substance that the policyholder shall be permitted to return the policy within ten days of its delivery and to have the premium paid refunded if after examination of the policy, the policyholder is not satisfied with it for any reason. If a policyholder pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

(B) If any policy is issued by an insurer domiciled in this Commonwealth for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (A) of this section and in section six hundred eighteen.

Section 2. Section 621.2(a) of the act, amended February 17, 1994 (P.L.92, No.9), is amended to read:

Section 621.2. Group Accident and Sickness Insurance.—(a) Group accident and sickness insurance is hereby declared to be that form of accident and sickness insurance covering groups of persons defined in this section with or without one or more members of their families or one or more of their dependents, or covering one or more members of the families or one or more dependents of such groups or persons and issued upon the following basis:

(1) Under a policy issued to an employer or trustees of a fund established by an employer, who shall be deemed the policyholder insuring at least ten employees of such employer for the benefit of persons other than the employer. The term "employees," as used herein, shall be deemed to include the officers, managers and employees of the employer, the individual proprietor or partner, if the employer is an individual proprietor or partnership, the officers, managers and employees of subsidiary or affiliated corporations, the individual proprietors, partners and employees of individuals and firms, if the business of the employer and such individual or firm is under common control through stock ownership, contract or otherwise. The term "employees," as used herein, may include retired employees. A policy issued to insure employees of a public body may provide that the term "employees" shall include elected or appointed officials.

(2) Under a policy issued to an association, including a labor union, which shall have a constitution and by-laws and which has been organized by other than an insurer and is maintained in good faith for purposes other than that of obtaining insurance insuring at least twenty-five members, employees or employees of members of the association for the benefit of persons other than the association or its officers or trustees, which has been in active existence for at least two years, operates from offices other than the insurer's and is controlled by principals other than the insurer's. The term "employees," as used herein, may include retired employees.

(3) Under a policy issued to the trustees of a fund established by an insurer for two or more employers or by two or more employers or by an insurer for one or more labor unions or by one or more labor unions or by an insurer for one or more employers and one or more labor unions or by one or more employers and one or more

labor unions or by an insurer for one or more associations meeting the qualifications as defined in clause (2) or by one or more associations meeting the qualifications as defined in clause (2), which trustees shall be deemed the policyholder to insure employees of the employers or members of the unions or members, employees thereof and employees of the associations for the benefit of persons other than the employers or the unions or the associations. The term "employees," as used herein, may include the officers, managers and employees of the employer and the individual proprietor or partners, if the employer is an individual proprietor or partnership. The term "employees," as used herein, may include retired employees. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(4) Under a policy issued to any person or organization to which a policy of group life insurance may be issued or delivered in this Commonwealth to insure any class or classes of individuals that could be insured under such group life policy.

(5) Under a policy issued to cover any other substantially similar group, which in the discretion of the Insurance Commissioner may be subject to the issuance of a group accident and sickness policy or contract.

(5.1) Under a policy issued to a group, other than one described in clauses (1) through (5) and under which the Insurance Commissioner finds that the issuance is not contrary to the best interest of the public, the issuance would result in economies of acquisition or administration, and the benefits are reasonable in relation to the premiums charged.

(6) A policy delivered or issued for delivery on or after January 1, 1968 under which coverage of a dependent of an employee or other member of the insured group terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of the age of [nineteen] twenty-three who is incapable of self-sustaining employment by reason of mental retardation [or], physical handicap or receiving treatment for drug or alcohol addiction and who became so incapable prior to attainment of age nineteen and who is chiefly dependent upon such employee or member for support and maintenance, not so terminate while the insurance of the employee or member remains in force and the dependent remains in such condition, if the insured employee or member has within thirty-one days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child of an employee or other member of the insured group where such dependent does not satisfy the conditions of the group policy as to any requirements for evidence of insurability or other provisions as may be stated in the group policy required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

Section 3. Section 1009-A of the act is amended by adding a subsection to read:

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

4

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting

5

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow children under the age of 23 who are receiving treatment for drug and alcohol addiction to be covered under their parents' insurance policy. For young adults battling drug or alcohol addiction, the help

that their parents can provide can make a big difference between lifelong addiction and a way out. By allowing parents to include their children on their insurance during treatment, one barrier can be eliminated.

I ask that you support this amendment.

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

The following roll call was recorded:

YEAS—182

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

NAYS—13

| | | | |
|-----------|------------|----------|---------|
| Causar | Grell | Maher | Quigley |
| Denlinger | Kauffman | Metcalfe | Rapp |
| Forcier | Keller, M. | Mustio | Rohrer |
| Gillespie | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Beyer, and would ask the lady if she intends to offer both amendments or only one of those. Mrs. Beyer, we have you listed for two amendments. Are you offering them both or only one?

Mrs. BEYER. I recognize that, Mr. Speaker. I will just be offering one.

The SPEAKER pro tempore. Would you give us the number of the one that you want to offer.

Mrs. BEYER. 09727.

The SPEAKER pro tempore. 09727?

Mrs. BEYER. Yes; that is correct.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

Mrs. BEYER offered the following amendment No. **A09727:**

Amend Title, page 1, line 11, by inserting after "laws," "

providing for the retroactive denial of reimbursement of payments to health care providers by insurers; and

Amend Bill, page 1, lines 16 through 18, by striking out all of said lines and inserting

Section 1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding an article to read:

ARTICLE VI-B

RETROACTIVE DENIAL OF REIMBURSEMENTS

Section 601-B. Scope of article.

This article shall not apply to reimbursements made as part of an annual contracted reconciliation of a risk-sharing arrangement under an administrative service provider contract.

Section 602-B. 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:

"Code." Any of the following codes:

(1) The applicable Current Procedural Terminology (CPT) code, as adopted by the American Medical Association.

(2) If for dental service, the applicable code adopted by the American Dental Association.

(3) Another applicable code under an appropriate uniform coding scheme used by an insurer in accordance with this article.

"Coding guidelines." Those standards or procedures used or applied by a payor to determine the most accurate and appropriate code or codes for payment by the payor for a service or services.

"Fraud." The intentional misrepresentation or concealment of information in order to deceive or mislead.

"Health care provider." A person, corporation, facility, institution or other entity licensed, certified or approved by the Commonwealth to provide health care or professional medical services. The term includes, but is not limited to, a physician, dentist,

orthodontist, chiropractor, optometrist, professional nurse, certified nurse-midwife, podiatrist, hospital, nursing home, ambulatory surgical center or birth center.

“Insurer.” An entity subject to any of the following:

(1) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(2) This act.

(3) The act of December 29, 1972 (P.L.1701, No.364).

known as the Health Maintenance Organization Act.

“Medical assistance program.” The program established under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

“Medicare.” The Federal program established under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq. or 1395 et seq.).

“Reimbursement.” Payments made to a health care provider by an insurer on either a fee-for-service, capitated or premium basis.

Section 603-B. Retroactive denial of reimbursement.

(a) General rule.—If an insurer retroactively denies reimbursement to a health care provider, the insurer may only:

(1) retroactively deny reimbursement for services subject to coordination of benefits with another insurer, the medical assistance program or the Medicare program during the 12-month period after the date that the insurer paid the health care provider; and

(2) except as provided in paragraph (1), retroactively deny reimbursement during a 18-month period after the date that the insurer paid the health care provider.

(b) Written notice.—An insurer that retroactively denies reimbursement to a health care provider under subsection (a) shall provide the health care provider with a written statement specifying the basis for the retroactive denial. If the retroactive denial of reimbursement results from coordination of benefits, the written statement shall provide the name and address of the entity acknowledging responsibility for payment of the denied claim.

Section 604-B. Effect of noncompliance.

Except as provided in section 605-B, an insurer that does not comply with the provisions of section 603-B may not retroactively deny reimbursement or attempt in any manner to retroactively collect reimbursement already paid to a health care provider.

Section 605-B. Fraudulent or improperly coded information.

(a) Reasons for denial.—The provisions of section 603-B do not apply if an insurer retroactively denies reimbursement to a health care provider because:

(1) the information submitted to the insurer was fraudulent;

(2) the information submitted to the insurer was improperly coded and the insurer has provided to the health care provider sufficient information regarding the coding guidelines used by the insurer at least 30 days prior to the date the services subject to the retroactive denial were rendered; or

(3) the claim submitted to the insurer was a duplicate claim.

(b) Improper coding.—Information submitted to the insurer may be considered to be improperly coded under subsection (a)(2) if the information submitted to the insurer by the health care provider:

(1) uses codes that do not conform with the coding guidelines used by the carrier applicable as of the date the service or services were rendered; or

(2) does not otherwise conform with the contractual obligations of the health care provider to the insurer applicable as of the date the service or services were rendered.

Section 606-B. Coordination of benefits.

If an insurer retroactively denies reimbursement for services as a result of coordination of benefits under provisions of section 605-B(a), the health care provider shall have six months from the date of the denial, unless an insurer permits a longer time period, to submit a claim

for reimbursement for the service to the insurer, the medical assistance program or Medicare program responsible for payment.

Section 2. Section 1009-A of the act is amended by adding a subsection to read:

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

Amend Sec. 3, page 2, line 9, by striking out “3” and inserting 4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Mrs. Beyer. The lady chooses not to speak. The lady chooses to speak.

Mrs. BEYER. Mr. Speaker—

The SPEAKER pro tempore. It is not that late, Mrs. Beyer.

Mrs. BEYER. I apologize, Mr. Speaker.

Mr. Speaker, this amendment provides that an insurer can only retroactively deny reimbursement to a health-care provider during an 18-month period following that claim.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **PHILLIPS** offered the following amendment No. **A09873**:

Amend Title, page 1, line 11, by inserting after “laws,” ”
requiring health insurance coverage for
tick-borne illnesses; and

Amend Bill, page 1, lines 16 through 18, by striking out all of said lines and inserting

Section 1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 635.2. Tick-borne illnesses.—(a) Except as provided in subsection (b), every health care policy which, on or after the effective date of this section, is delivered, issued for delivery, renewed, extended or modified in this Commonwealth by a health insurer must cover prescribed treatment for Lyme disease or related tick-borne illness if the diagnosis and treatment plan are documented in the patient’s medical record, including long-term therapies and treatment as prescribed by the patient’s attending physician.

(b) Subsection (a) shall not apply to any of the following types of insurance:

(1) Hospital indemnity.

(2) Accident.

(3) Specified disease.

(4) Disability income.

(5) Dental.

(6) Vision.

(7) Civilian Health and Medical Program of the Uniformed

Services (CHAMPUS) supplement.

(8) Medicare supplement.

(9) Long-term care.

(10) Other limited insurance benefit plans.

Section 1.1. Section 1009-A of the act is amended by adding a subsection to read:

On the question,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the board, please.

The gentleman, Mr. Vitali, are you seeking recognition?

Mr. VITALI. Yes, I do. I want to interrogate the maker.

The SPEAKER pro tempore. Mr. Phillips? The gentleman agrees to be interrogated. You may proceed.

Mr. VITALI. Could we have a brief explanation of that amendment?

Mr. PHILLIPS. Thank you, Mr. Speaker.

This amendment— Last session we passed HB 1977. This has to do with Lyme disease or related tick-borne disease, and in this session we passed HB 1534, which was identical to the bill that we passed last session, with the exception of a task force.

Now, the only thing this amendment does, we are dealing with the part of the amendment that has to do with health care, and the intent of the bill is to ensure that a patient in the late stage of Lyme disease receives appropriate treatment. You know, Lyme disease today is one of the fastest growing diseases in the State of Pennsylvania. It is growing in leaps and bounds, and we have a lot of individuals who have problems with getting treatment for this disease.

I can give you an illustration of a family member who spent tens of thousands of dollars on tests – MRIs (magnetic resonance imaging), brain scans – to see what her problem was and try to find out what the problem was, why she was losing control of her limbs, losing control of hearing, and finally they were diagnosed, and the last test given was for Lyme disease, and in the last 3 to 4 months in that treatment, it has completely reversed, and this is a great problem that we are having in the State, and this is what this amendment would do.

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—195

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Fairchild | Maier | Sabatina |
| Allen | Feese | Major | Sainato |
| Argall | Fichter | Manderino | Samuelson |
| Armstrong | Flaherty | Mann | Santoni |
| Baker | Fleagle | Markosek | Sather |
| Baldwin | Flick | Marsico | Saylor |
| Barrar | Forcier | McCall | Scavello |
| Bastian | Frankel | McGeehan | Schroder |
| Bebko-Jones | Freeman | McGill | Semmel |
| Belardi | Gabig | McIlhattan | Shaner |
| Belfanti | Gannon | McIlhinney | Shapiro |
| Benninghoff | Geist | McNaughton | Siptroth |
| Beyer | George | Melio | Smith, B. |
| Biancucci | Gerber | Metcalfe | Smith, S. |
| Birmelin | Gergely | Micozzie | Solobay |
| Bishop | Gillespie | Millard | Sonney |
| Blackwell | Gingrich | Miller, R. | Staback |
| Blaum | Godshall | Miller, S. | Stairs |
| Boyd | Good | Mundy | Steil |
| Bunt | Goodman | Mustio | Stern |
| Buxton | Grell | Myers | Stevenson, R. |
| Caltagirone | Grucela | Nailor | Stevenson, T. |
| Cappelli | Hanna | Nickol | Sturla |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **BARRAR** offered the following amendment No. **A10069**:

Amend Title, page 1, line 13, by removing the period after “sunset” and inserting

; and providing for autistic children.

Amend Bill, page 2, by inserting between lines 8 and 9

Section 3. Article XXIII of the act is amended by adding a subdivision to read:

(c) Health Benefit Plans for Autistic Children.

Section 2321. Health Benefit Plans for Autistic Children.—(a) All health benefit plans shall provide coverage, including therapeutic respite and rehabilitative care, for the treatment of autism of a child covered under a health insurance policy.

(b) Coverage for autism shall be subject to a five hundred dollar (\$500) maximum benefit per month, per covered child. This limit shall not apply to other health conditions of the child and services for the child not related to the treatment of autism.

(c) As used in this section:

(1) “Autism” means:

(i) A total of six or more items from clauses (A), (B) and (C), with at least two from clause (A) and one each from clauses (B) and (C):

(A) Qualitative impairment in social interaction, as manifested by at least two of the following:

(I) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures and gestures to regulate social interaction.

(II) Failure to develop peer relationships appropriate to developmental level.

(III) A lack of spontaneous seeking to share enjoyment, interests or achievement with other people.

(IV) Lack of social or emotional reciprocity.

(B) Qualitative impairments in communication as manifested by at least one of the following:

(I) Delay in, or total lack of, the development of spoken language.

(II) In individuals with adequate speech, marked impairment in the ability to imitate or sustain a conversation with others.

(III) Stereotyped and repetitive use of language or idiosyncratic language.

(IV) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental levels.

(C) Restricted repetitive and stereotyped patterns of behavior, interests and activities as manifested by at least one of the following:

(I) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus.

(II) Apparently inflexible adherence to specific, nonfunctional routines or rituals.

(III) Stereotyped and repetitive motor mannerisms.

(IV) Persistent preoccupation with parts of objects.

(ii) Delays or abnormal functioning in at least one of the following areas, with onset prior to three (3) years of age:

(A) Social interaction.

(B) Language as used in social communication.

(C) Symbolic or imaginative play.

(iii) The disturbance is not better accounted for by Rett’s disorder or childhood disintegrative disorder.

(2) “Child” means a person two (2) years of age through twenty-one (21) years of age.

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

4

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. BARRAR. Mr. Speaker, I am going to withdraw this amendment. The O’Brien amendment does a lot more for, helps children with autism a lot more than my legislation does, and I am going to withdraw that.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER 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?

The gentleman, Mr. Benninghoff, is recognized on final passage.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I was wondering if somebody would be willing to take a few questions on this bill on final passage.

The SPEAKER pro tempore. Mr. Benninghoff, is there anyone in particular that you would like to address your questions to?

Mr. BENNINGHOFF. I was just curious if there was a tally on the financial aspect of all the amendments that now have been included on this bill.

The SPEAKER pro tempore. The gentleman, Mr. Micozzie, is the chairman of the Insurance Committee. Mr. Micozzie, are you in a position to answer the gentleman's questions? Mr. Micozzie has declined the offer.

Mr. BENNINGHOFF. I appreciate the Speaker entertaining that.

I would just raise the concern, as we go into a budget cycle next year that has been deemed by this Governor to be very difficult and grim, to be very cautious in additional expenditures.

I thank you for your time, Mr. Speaker.

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 | Fairchild | Maher | Sainato |
| Allen | Feese | Major | Samuelson |
| Argall | Fichter | Manderino | Santoni |
| Armstrong | Flaherty | Mann | Sather |
| Baker | Fleagle | Markosek | Saylor |
| Baldwin | Flick | Marsico | Scavello |
| Barrar | Forcier | McCall | Schroder |
| Bastian | Frankel | McGeehan | Semmel |
| Bebko-Jones | Freeman | McGill | Shaner |
| Belardi | Gabig | McIlhatten | Shapiro |
| Belfanti | Gannon | McIlhinney | Siptroth |
| Beyer | Geist | McNaughton | Smith, B. |
| Biancucci | George | Melio | Smith, S. |
| Birmelin | Gerber | Metcalfe | Solobay |
| Bishop | Gergely | Micozzie | Sonney |
| Blackwell | Gillespie | Millard | Staback |
| Blaum | Gingrich | Miller, R. | Stairs |
| Boyd | Godshall | Miller, S. | Steil |
| Bunt | Good | Mundy | Stern |
| Buxton | Goodman | Mustio | Stevenson, R. |
| Caltagirone | Grell | Myers | Stevenson, T. |
| Cappelli | Grucela | Nailor | Sturla |
| Casorio | Hanna | O'Brien | Surra |
| Causar | Harhai | O'Neill | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E.Z. |
| 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 |
| Creighton | Hickernell | Pickett | Walko |
| Cruz | Hutchinson | Pistella | Wansacz |
| Curry | James | Preston | Waters |
| Daley | Josephs | Pyle | Watson |
| Dally | Kauffman | Quigley | Wheatley |

| | | | |
|------------|------------|----------|------------|
| DeLuca | Keller, M. | Ramaley | Williams |
| Denlinger | Keller, W. | Rapp | Wilt |
| Dermody | Kenney | Raymond | Wojnaroski |
| DeWeese | Killion | Readshaw | Wright |
| DiGirolamo | Kirkland | Reed | Yewcic |
| Diven | Kotik | Reichley | Youngblood |
| Donatucci | Leach | Roberts | Yudichak |
| Eachus | Lederer | Roebuck | Zug |
| Ellis | Leh | Rohrer | |
| Evans, D. | Lescovitz | Ross | Perzel, |
| Evans, J. | Levdansky | Rubley | Speaker |
| Fabrizio | Mackereth | Sabatina | |

NAYS—2

Benninghoff Nickol

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

The SPEAKER pro tempore. The Chair would ask that the gentleman, Mr. O'Brien, come to the Speaker's desk. Mr. O'Brien.

(Conference held at Speaker's podium.)

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **HB 700, PN 4884**.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 592, PN 2044**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining "alternative investment" and "alternative investment vehicle"; and further providing for administrative duties of the board.

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?

Are there any members seeking recognition on this bill?
Seeing none—

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

ANNOUNCEMENT BY MR. W. KELLER

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Keller, from Philadelphia for the purpose of, under unanimous consent, for the purpose of some personal remarks. Mr. Keller, you are recognized.

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

I would just like to announce that today is Marie Lederer's birthday. We all wish her a happy birthday, and I do not think you have to send her cards. I think you just gave her a birthday present a couple minutes ago.

Thank you.

The SPEAKER pro tempore. The Chair is requesting that the gentleman, Mr. Preski, come to the podium.

RESOLUTION

Mr. GANNON called up **HR 824, PN 4663**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to undertake a review of the existing Federal and State statutory and regulatory authority as it relates to the oversight of freight and passenger rail transportation systems in this Commonwealth.

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

The SPEAKER pro tempore. Those in favor will vote— The Chair rescinds that last statement and recognizes the gentleman, Mr. Keller. Mr. Keller, is your amendment numbered 10178?

Mr. W. KELLER. Yes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. W. KELLER offered the following amendment No. **A10178**:

Amend Resolution, page 4, lines 21 through 25, by striking out all of said lines and inserting
and systems; therefore be it

Amend Third Resolve Clause, page 5, lines 13 and 14, by striking out all of said lines and inserting derailments.

Amend Third Resolve Clause, page 5, by inserting between lines 16 and 17

(4) The continuing safety and security of cargo imported into and through this Commonwealth on railroads, including the distribution chain of freight from ports to trucking to railroads and backup systems required to ensure the safe operation of critical elements in the event of an incident.

(5) The training of railroad employees in terrorism response activities.

(6) Passenger and cargo security protection systems;

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Keller.

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

On this resolution, this amendment would put in the ports into the study of the railroads. As we know, in the transportation chain, the ports are a very important link, and I believe that they should also be in this study.

Thank you, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

This resolution was one which was actually considered in great detail by the House Transportation Committee, and after that deliberative process, it was reported to us in the current form, and I would encourage the members to move forward with this resolution that has been studied on a bipartisan basis in the Transportation Committee and is before us.

I understand there are all sorts of, and very successful, efforts for amendments from my good friend from across the aisle, but I would very much encourage that we keep this study focused as it is now.

Thank you, Mr. Speaker.

MOTION TO RECOMMIT

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

Mr. WILT. Thank you, Mr. Speaker.

For the purpose of making a motion.

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

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

If you look on your screen, you will see that this resolution was reported from our Transportation Committee back on September 27. It was introduced much earlier than that. We have had plenty of time to look at how this resolution should read, and we deliberated over what the language should say.

So I would like to make a motion that we recommit this resolution back to the House Transportation Committee so that we can maybe have an opportunity to look at what Mr. Keller might want to do or add to it, but I do not think that we should be in a position to vote this with very short notice tonight, and therefore, I make a motion to recommit.

The SPEAKER pro tempore. The gentleman, Mr. Wilt, moves that this— This resolution and the amendment, Mr. Wilt?

Mr. WILT. That we would commit the resolution to the, or that we would recommit this resolution and the amendment back to the Transportation Committee.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. Anyone seeking recognition on the motion? Seeing none—

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

The following roll call was recorded:

YEAS—48

| | | | |
|-------------|------------|------------|---------------|
| Armstrong | Ellis | Lescovitz | Roberts |
| Bebko-Jones | Forcier | Levdansky | Santoni |
| Benninghoff | Gabig | Maher | Saylor |
| Beyer | Gerber | Marsico | Schroder |
| Caltagirone | Gillespie | McCall | Semmel |
| Causser | Harris | McNaughton | Shaner |
| Cohen | Hennessey | Millard | Stevenson, R. |
| Corrigan | Hershey | Miller, S. | Stevenson, T. |
| Creighton | Hutchinson | O'Brien | Surra |
| Curry | Kauffman | Pyle | Turzai |
| Dally | Kotik | Rapp | Vitali |
| Denlinger | Leh | Reed | Wilt |

NAYS—147

| | | | |
|------------|------------|------------|--------------|
| Adolph | Feese | Mann | Sainato |
| Allen | Fichter | Markosek | Samuelson |
| Argall | Flaherty | McGeehan | Sather |
| Baker | Fleagle | McGill | Scavello |
| Baldwin | Flick | McIlhatten | Shapiro |
| Barrar | Frankel | McIlhinney | Siproth |
| Bastian | Freeman | Melio | Smith, B. |
| Belardi | Gannon | Metcalfe | Smith, S. |
| Belfanti | Geist | Micozzie | Solobay |
| Biancucci | George | Miller, R. | Sonney |
| Birmelin | Gergely | Mundy | Staback |
| Bishop | Gingrich | Mustio | Stairs |
| Blackwell | Godshall | Myers | Steil |
| Blaum | Good | Nailor | Stern |
| Boyd | Goodman | Nickol | Sturla |
| Bunt | Grell | O'Neill | Tangretti |
| Buxton | Gruclera | Oliver | Taylor, E.Z. |
| Cappelli | Hanna | Pallone | Taylor, J. |
| Casorio | Harhai | Parker | Thomas |
| Cawley | Harhart | Payne | Tigue |
| Civera | Harper | Petrarca | True |
| Clymer | Hasay | Petri | Veon |
| Cornell | Herman | Petrone | Walko |
| Costa | Hess | Phillips | Wansacz |
| Crahalla | Hickernell | Pickett | Waters |
| Cruz | James | Pistella | Watson |
| Daley | Josephs | Preston | Wheatley |
| DeLuca | Keller, M. | Quigley | Williams |
| Dermody | Keller, W. | Ramaley | Wojnaroski |
| DeWeese | Kenney | Raymond | Wright |
| DiGirolamo | Killion | Readshaw | Yewcic |
| Diven | Kirkland | Reichley | Youngblood |
| Donatucci | Leach | Roebuck | Yudichak |
| Eachus | Lederer | Rohrer | Zug |
| Evans, D. | Mackereth | Ross | |
| Evans, J. | Major | Rublely | Perzel, |
| Fabrizio | Manderino | Sabatina | Speaker |
| Fairchild | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

The following roll call was recorded:

YEAS—170

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

NAYS—25

| | | | |
|-------------|------------|-----------|---------------|
| Belfanti | Forcier | Mackereth | Stern |
| Benninghoff | Gabig | Maher | Stevenson, R. |
| Boyd | Gillespie | Mundy | Surra |
| Causar | Grucela | Ramaley | True |
| Denlinger | Kauffman | Saylor | Turzai |
| DeWeese | Keller, M. | Schroder | Wilt |
| Evans, D. | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 552, PN 4879**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the authority to invest and reinvest certain moneys; defining “general use prepaid cards,” “gift card,” “gift certificate” and “qualified gift certificate”; further providing for unclaimed property and for property held by courts and public officers and agencies; and clarifying provisions relating to notice and publication of lists.

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Stern, is recognized. Mr. Stern? Mr. Stern waives off.

Any other members seeking recognition?

Mr. Vitali, you are recognized.

Mr. VITALI. I am wondering if the prime sponsor could give a brief explanation.

The SPEAKER pro tempore. Mr. Sterns agrees to do so. You may proceed.

Mr. Stern? Mr. Stern? We are going to suspend for just a minute.

The gentleman, Mr. Vitali, waives off.

Moved by the gentleman, Mr. Stern, 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—194

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

| | | | |
|-------------|------------|------------|---------------|
| Beyer | Geist | Melio | Smith, B. |
| Biancucci | George | Metcalfe | Smith, S. |
| Birmelin | Gerber | Micozzie | Solobay |
| Bishop | Gergely | Millard | Sonney |
| Blackwell | Gillespie | Miller, R. | Staback |
| Blaum | Gingrich | Miller, S. | Stairs |
| Boyd | Godshall | Mundy | Steil |
| Bunt | Good | Mustio | Stern |
| Buxton | Goodman | Myers | Stevenson, R. |
| Caltagirone | Grell | Nailor | Stevenson, T. |
| Cappelli | Grucela | Nickol | Sturla |
| Casorio | Hanna | O'Brien | Surra |
| Causar | Harhai | O'Neill | Tangretti |
| Cawley | Harhart | Oliver | Taylor, E.Z. |
| 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 |
| Creighton | Hickernell | Pickett | Walko |
| Cruz | Hutchinson | Pistella | Wansacz |
| Curry | James | Preston | Waters |
| Daley | Josephs | Pyle | Watson |
| Dally | Kauffman | Quigley | Wheatley |
| DeLuca | Keller, M. | Ramaley | Williams |
| Denlinger | Keller, W. | Rapp | Wilt |
| Dermody | Kenney | Raymond | Wojnarowski |
| DeWeese | Killion | Readshaw | Wright |
| DiGirolamo | Kirkland | Reed | Yewcic |
| Diven | Kotik | Reichley | Youngblood |
| Donatucci | Leach | Roberts | Yudichak |
| Eachus | Lederer | Roebuck | Zug |
| Ellis | Leh | Rohrer | |
| Evans, D. | Lescovitz | Ross | Perzel, |
| Evans, J. | Levdansky | Rubley | Speaker |

NAYS—1

Maier

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. STERN. Mr. Speaker, I would like to submit remarks for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman. You may submit your remarks to the clerk.

Mr. STERN. Thank you.

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

It is increasingly difficult for small businesses to maintain and track identity-specific information for gift certificates and gift cards. It is

cumbersome and costly to store, manipulate, and track the data that is required to account for the status of all gift certificates that have been issued over a 5-year period. Thousands of businesses around the State are simply not set up to keep track of gift certificates and gift cards for such a long time. Gift cards, in particular, are problematic for both businesses and the Treasury Department. There is no information available to track either the purchaser or the recipient of a gift card, so it makes no sense to escheat to the Treasury Department because there is no way for the department to attempt to reunite the rightful owner with the unredeemed value of the gift card.

HB 552 would establish “qualified” gift certificates and gift cards which would carry no expiration date and fees. Businesses choosing to issue these “qualified” gift certificates and gift cards would no longer be subject to escheatment. Businesses choosing to issue gift certificates and gift cards with expiration dates and/or fees would still be able to do so without penalty, and these gift certificates and gift cards would be treated in the same manner as they are today under current law.

HB 552 will not only benefit businesses but will benefit the consumer. Consumers will now benefit from an increased amount of gift cards without fees and expiration dates – allowing these cards to be used beyond the current 2-year limit. And consumers will not have to worry about reclaiming their unclaimed property from the State Treasury.

The bill also offers the restaurants and retailers the opportunity to be exempted from current escheat requirements.

I initiated this legislation nearly 5 years ago because the Treasury Department had no way of knowing either the purchaser or recipient of a gift card. It was nearly impossible for the department to carry out its responsibility to reunite the unredeemed value of gift cards with their original owners.

This bill is a commonsense approach that is proconsumer and probusiness.

CALENDAR CONTINUED

CONSIDERATION OF SB 812 CONTINUED

The SPEAKER pro tempore. The Chair turns back to page 7 on the regular calendar and to SB 812 and recognizes again, where we left off earlier this evening, the gentleman, Mr. Perzel, for the purpose of discussion and debate on amendment 10125, which the clerk will read.

On the question recurring,

Will the House agree to the bill on third consideration?

The clerk read the following amendment No. **A10125**:

Amend Title, page 1, line 30, by inserting after “Commonwealth,” ”

providing for Commonwealth support for hiring municipal police officers;

Amend Title, page 1, line 31, by removing the period after “agencies” and inserting

; and making an appropriation.

Amend Bill, page 3, line 19, by striking out all of said line and inserting

Section 2. The act is amended by adding an article to read:

ARTICLE XVI-E

COMMONWEALTH SUPPORT FOR

HIRING MUNICIPAL POLICE OFFICERS

Section 1601-E. Scope.

This article shall relate to Commonwealth support for hiring municipal police officers.

Section 1602-E. 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:

“Fund.” The Commonwealth Officer Fund established in section 1604-E.

“Police department.” A public agency of a municipality having general police powers and charged with making arrests in connection with the enforcement of criminal or traffic laws. The term includes a regional police department organized under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

“Police officer.” A full-time active sworn officer employed by a municipality and assigned to criminal law enforcement or traffic duties in a specific uniformed police district within a municipality. The term does not include:

(1) Auxiliary and fire police.

(2) Persons assigned to transportation centers.

(3) Persons employed to check parking meters or to perform only administrative duties.

(4) Persons on special detail or on restricted or limited duty.

“Program.” The Commonwealth Officer Program established under section 1603-E.

“Salary.” Includes base pay and health benefits. The term does not include overtime, longevity or pension compensation.

Section 1603-E. Program.

The Commonwealth Officer Program is hereby established in the Office of Attorney General. The goal of the program is to provide Commonwealth support to communities throughout this Commonwealth to hire 10,000 new police officers by the year 2011. The Office of Attorney General shall do the following:

(1) Administer the program.

(2) Review, approve and award grants to applicants under the program.

Section 1604-E. Fund.

There is established in the State Treasury a special fund to be known as the Commonwealth Officer Fund. Deposits in the fund shall include appropriations. Money deposited in the fund and interest which accrues from those funds are appropriated on a continuing basis for the purposes of this article.

Section 1605-E. Dedication of funding.

(a) Priority.—The Office of Attorney General shall allocate the money available in the fund in the following order of priority:

(1) Rural municipalities employing fewer than ten police officers.

(2) Municipalities in counties with the highest percentage of total crimes reported Statewide as recorded in the Pennsylvania Uniform Crime Reporting System.

(3) Municipalities in counties having the largest population.

(b) Formula.—The Office of Attorney General shall develop a formula for award of program grants which uses a county’s existing number of police officers, crime rate and population to achieve the funding priority under subsection (a).

Section 1606-E. Applications.

(a) Submission.—A county may submit an application to the Office of Attorney General for a program grant. An application shall:

(1) Include a commitment from the county to invest matching funds in the program.

(2) Include a commitment from a municipality selected by the county to receive a program grant to invest matching funds in the program.

(b) Minimum matching funds required.—A county receiving a program grant shall commit matching funds in an amount equivalent to no less than 30% of the total grant to the county. A municipality selected by the county to receive grant funds shall commit matching funds in an amount equivalent to no less than 20% of the municipality’s grant.

(c) Exemption.—The Office of Attorney General shall waive the matching funds requirement at the request of a county or municipality during the first year of program implementation.

Section 1607-E. Use of funds.

A municipality selected by the county to receive grant funds shall use the funds to do any of the following:

(1) Hire new police officers. Any new position established must be funded for a minimum of 20 years. During the first four years following implementation of the program, funds must be used to hire new police officers. Following the fourth year of implementation, funds shall be used to pay officers' salaries at the rate of \$25,000 per year per officer.

(2) Use up to 50% of the Commonwealth funds received for recruiting, training, equipment or other costs associated with maintaining a full-time complement of police officers.

Section 1608-E. Lapse.

Funds from the following appropriations shall lapse to the General Fund:

(1) \$10,000,000 from the appropriation for the Commonwealth Technology Services under section 202 of the act of July 2, 2006 (P.L. _____, No.2A), known as the General Appropriation Act of 2006.

(2) \$11,500,000 from the appropriation for the Senate Caucus Operations Account (R) under section 251 of the General Appropriation Act of 2006.

(3) \$11,500,000 from the appropriation for the Senate Caucus Operation Account (D) under section 251 of the General Appropriation Act of 2006.

(4) \$11,500,000 from the appropriation for the House of Representatives Legislative Management Account (R) under section 252 of the General Appropriation Act of 2006.

(5) \$11,500,000 from the House of Representatives Legislative Management Account (D) under section 252 of the General Appropriation Act of 2006.

Section 3. The sum of \$56,000,000, or as much thereof as may be necessary, is hereby appropriated to the Commonwealth Officer Fund for the fiscal year July 1, 2006, to June 30, 2007, to carry out the provisions of Article XVI-E of the act.

Section 4. This act shall take effect as follows:

(1) The amendment of section 1301.9 of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question recurring,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The maker of the amendment is Mr. Perzel, and he has indicated he does not wish to do so.

Mr. VITALI. Is there anyone else who would stand for interrogation here?

The SPEAKER pro tempore. I do not see anybody who is willing to do that.

Mr. VITALI. Okay. Then I— Would the chairman of the Judiciary Committee stand for interrogation?

The SPEAKER pro tempore. Apparently not; no.

Mr. Pallone is waving behind you.

MOTION TO TABLE AMENDMENT

Mr. VITALI. Mr. Speaker, then, in that case I would like to move that we table this amendment until such time as the House can get some information, some questions answered on it. So I would like to make argument on that, but I would like to make a motion to table this.

The SPEAKER pro tempore. Mr. Vitali, you would need to make that to a time specific.

Mr. VITALI. I am not sure that I do.

The SPEAKER pro tempore. I stand corrected. Apparently the Parliamentarian tells me that you do not need to make it time specific, and your motion is simply to table?

Mr. VITALI. Right.

The SPEAKER pro tempore. Is that correct?

Mr. VITALI. Yes.

The SPEAKER pro tempore. Okay. The gentleman, Mr. Vitali, moves to table this amendment and the bill, I assume?

Mr. VITALI. No; no; just the amendment. I am moving just to table the Perzel amendment.

The SPEAKER pro tempore. The motion then is to table the amendment that is before us, 10125. Is that your motion?

Mr. VITALI. Correct.

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 motion, the Chair recognizes the majority leader, Mr. Smith.

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

Mr. Speaker, I would oppose the motion to table. I would note that the sum and substance of this amendment was discussed and debated throughout the Committee of the Whole. I believe it was one of the earlier proposals that was discussed in that venue, and what we have before us in the way of this amendment is exactly what was passed. I think it passed the House by some 170 votes to 30ish; somewhere in that neighborhood. I do not have the exact vote count in front of me, but it was a significant vote of support, vote of confidence in that Committee of the Whole venue.

So I would ask the members to vote against tabling this amendment at this time. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, Mr. DeWeese.

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

I am always vexed when my honorable colleagues from the Republican side of the aisle engender these worthy and wholesome amendments that would obviously cost the State taxpayer additional funding. In this case the additional funding would absolutely be worthwhile. This is a good idea, but it contravenes the momentum of the Republican effort that was exhibited several months ago when the GOP in this chamber wanted to put caps on State spending. No matter how novel it would be to use certain accounts on a one-time basis, the bottom line is, the Commonwealth's taxpayer would be expected to pony up, to foot the bill, and in this case I think it would be worthwhile.

I am not going to ask my members to vote to table a proposal that will add 10,000 additional police officers for the State of

Pennsylvania. I think that is a good idea, but I want the world to know, and I especially want my worthy colleagues on the Republican side of the aisle to know, you cannot have it both ways. Again and again, year in and year out you come to this chamber and you give us these nostrums, these bromides, we are going to cap State spending, but in a time like this when more police are necessary, especially in our big urban centers, this is an example of the vacuity of your reasoning on State caps. The TABOR (Taxpayer's Bill of Rights) amendment was nonsensical, and I will vote, I will vote to not table. Notwithstanding the honorable objections of the gentleman from Delaware County, this is not a time when our members are going to want, or your members, to table a measure that could conceivably bring 10,000 police officers into the front ranks of the law enforcement community.

But never ever forget, in my view, the hypocrisy of this kind of effort that calls for more State spending when at the same time you are calling for a cap on State spending. It makes no fiscal sense, and the party, ostensibly the party of fiscal responsibility, the banner that you wave again and again in campaign after campaign is that we Republicans are the party of fiscal responsibility. That is balderdash. You want to cap State spending; do not introduce good amendments like this.

This is a great amendment. Do not table it.

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

The following roll call was recorded:

YEAS-5

| | | | |
|-----------|----------|----------|--------|
| Bastian | Metcalfe | Schroder | Vitali |
| Lescovitz | | | |

NAYS-190

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

| | | | |
|------------|------------|----------|------------|
| Creighton | Hess | Phillips | Walko |
| Cruz | Hickernell | Pickett | Wansacz |
| Curry | Hutchinson | Pistella | Waters |
| Daley | James | Preston | Watson |
| Dally | Josephs | Pyle | Wheatley |
| DeLuca | Kauffman | Quigley | Williams |
| Denlinger | Keller, M. | Ramaley | Wilt |
| Dermody | Keller, W. | Rapp | Wojnaroski |
| DeWeese | Kenney | Raymond | Wright |
| DiGirolamo | Killion | Readshaw | Yewcic |
| Diven | Kirkland | Reed | Youngblood |
| Donatucci | Kotik | Reichley | Yudichak |
| Eachus | Leach | Roberts | Zug |
| Ellis | Lederer | Roebuck | |
| Evans, D. | Leh | Rohrer | Perzel, |
| Evans, J. | Levdansky | Ross | Speaker |

NOT VOTING-0

EXCUSED-7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

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

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Vitali, this is your second time.

Mr. VITALI. Yes.

Mr. Speaker, I speak out against this because I really just do not sense it is real in any way, and I think we really need to be honest with our people of Pennsylvania as far as what we are voting on actually stands any chance of really getting signed into law in its current form.

Mr. Speaker, although the concept generally of putting 10,000 police officers on the street is a good one, the actual guts of this bill are half-baked. I think that the first thing I would like the body to consider is the funding sources, and the first thing to consider is, this is a \$56 million proposal we are voting on, without even so much as a public hearing, but the first thing is, the funding source for this \$56 million proposal.

I think we are taking roughly \$10 or \$11 million out of each of the four caucuses' legislative accounts, plus another \$10 or \$11 million from another source, which might be fine in year one, but you know, what about in year two and year three, four, five, six? I mean, it is just silly. We do not have a stable funding source for this. This is something pieced together, something that lacks reality, and something that is just not honest.

The second part of this bill that really is somewhat half-baked is the, I guess, the criteria set up to choose what municipalities get these grants. We had a discussion of this in the Judiciary Committee last night, I think when many of us first saw this language, and we really could not figure out who was getting what. Was Philadelphia getting the entire ball of wax? Was it going to all the rural counties? We just really could not figure out what was happening here, and that is not the way

you spend \$56 million; it is just not the way you spend \$56 million.

You know, this is the type thing that needs to be closely vetted. We need to take a good look at the criteria by which we choose these municipalities. We need some sense when we are setting up a criteria, each individual member needs a sense as to how this is going to impact his or her district. I mean, be honest with yourself. Can you tell your constituents, as you vote for this \$56 million, how many of those 10,000 police officers are going to help you?

I mean, if you are from a rural area and it turns out that, you know, 9,900 police officers are going to go to Philadelphia, is that a vote you are comfortable with? I mean, I looked at my—I am from suburban Philadelphia. I looked at that criteria. It does not look like I am getting any police officers, which may be fine, but at least we ought to be voting with full knowledge.

You know, Mr. Speaker, I just, I just feel that, you know, this is a half-baked concept. It is not meant to be anything real, and I think that if we are really going to be honest with the voters of Pennsylvania, we just wait until we have a legitimate, well-vetted piece of legislation to vote on and not something 2 weeks before an election.

Thank you.

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise to oppose the Delaware, the gentleman from Delaware on his comments. First, here is an opportunity, and if I am not mistaken, but many times in this chamber he discussed cutting all of the various spending that we might do for a legislator — mailings or whatever else. These dollars come right out of those accounts. This is not spending any money. This is cutting State spending.

If you look at the numbers, the numbers they handed out to us in the Committee of the Whole, every county knows exactly how many police officers that they are going to have. I truly believe that this bill, this legislation here, this amendment is a defining moment in the history of this Commonwealth. We have been listening to the problems in Philadelphia. We have been listening to the problems across this State. This is an opportunity for us to address those problems.

Unless we are living in a bubble, Mr. Speaker, this is a piece of legislation that needs to continue on. This is what we need here in the Commonwealth of Pennsylvania, and I applaud the Speaker for putting this amendment forward.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Are there any other members that are seeking recognition on this amendment? Seeing none, then the question recurs, will the House agree to the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—165

| | | | |
|-----------|-----------|-----------|-----------|
| Adolph | Fabrizio | Levdansky | Samuelson |
| Allen | Fairchild | Major | Santoni |
| Argall | Feese | Manderino | Sather |
| Armstrong | Fichter | Mann | Scavello |
| Baker | Flaherty | Markosek | Semmel |

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

NAYS—30

| | | | |
|-----------|------------|------------|---------------|
| Bastian | Gabig | Metcalfe | Ross |
| Birmelin | Grell | Miller, R. | Saylor |
| Causer | Hutchinson | Mustio | Schroder |
| Clymer | Kauffman | Nailor | Stern |
| Creighton | Keller, M. | Nickol | Stevenson, R. |
| Denlinger | Mackereth | Rapp | Vitali |
| Ellis | Maher | Rohrer | Wilt |
| Forcier | McIlhattan | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On the question, the gentleman, Mr. Gannon, is recognized.
Mr. Gannon? Mr. Gannon? Mr. Gannon, you had sought recognition on this bill?

Mr. GANNON. Yes.

Mr. Speaker, I had an amendment to this bill that I would like to have withdrawn. The amendment was incorrectly drafted. It had the wrong language in it, and I wanted to make on the record that I was withdrawing that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Any members seeking recognition on the bill?

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—175

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

NAYS—20

| | | | |
|-----------|------------|------------|--------|
| Birmelin | Gillespie | Maher | Nickol |
| Creighton | Grell | Metcalfe | Rapp |
| Denlinger | Kauffman | Miller, R. | Rohrer |
| Forcier | Keller, M. | Mustio | Saylor |
| Gabig | Mackereth | Nailor | Stern |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. There is a call for an immediate meeting of the Rules Committee at the majority leader's desk.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE WITH CORRECTIVE REPRINT NO. 4887

HB 700, PN 4887 (Amended)

By Rep. S. SMITH

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for ethical standards definitions and for lobby regulation and disclosure.

RULES.

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS FURTHER AMENDED BY THE SENATE TO HOUSE AMENDMENTS AS AMENDED WITH CORRECTIVE REPRINT NO. 4887

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to the following **HB 700, PN 4884**, as further amended by the House Rules Committee with corrective reprint No. 4887:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for ethical standards definitions and for lobby regulation and disclosure.

On the question,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 700 is over temporarily.

SUPPLEMENTAL CALENDAR A CONTINUED

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 854, PN 2207**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No. 2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for definitions; and providing for strategic development areas.

On the question,

Will the House concur in Senate amendments to House amendments?

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

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

Mr. ROHRER. Mr. Speaker, is there somebody to interrogate on this? I would like to get some questions answered.

The SPEAKER pro tempore. The gentleman, Mr. Markosek, indicates he is willing to stand for interrogation. You may proceed.

Mr. ROHRER. One question I have in looking over this, this is very similar to a KOZ (keystone opportunity zone), but it is not quite. Is that correct?

Mr. MARKOSEK. That is correct.

Mr. ROHRER. What are the differences between a KOZ zone, as we have known them, and this strategic development area, as called in the bill?

Mr. MARKOSEK. Mr. Speaker, a KOZ is a designated geographical area. This is a little bit different in that there will be certain designated entities. The most prevalent of those is Westinghouse, the Westinghouse Electric Corp., and their nuclear business, which they are going to be hiring approximately 1,000 new engineers. The nuclear industry is booming, after being dormant for many years, and this would be a method, an instrument, to compete with other States for those 1,000 engineers that they will hire over the next year or so.

There are some other entities as well, some smaller entities, but the major player in this bill is Westinghouse and their nuclear business.

Mr. ROHRER. Is there anyone else at this point that you know is specifically targeted by this bill?

Mr. MARKOSEK. The bill does not specify. There are some talks with some other entities, and if the bill would pass, there would perhaps be some other entities besides Westinghouse.

Mr. ROHRER. Okay. Thank you for that.

Another question I have is in looking it over, the tax exemptions that are granted anyone who locates in this area, are they identical to the KOZ as we have it or are they expanded?

Mr. MARKOSEK. They are, as I understand it, they are identical to the KOZ. This does provide that local entities will not be overruled here. They will have control over their own situations. They could opt out. This bill will not force local entities in, but I think in a case like Westinghouse where there would be 1,000 new engineering jobs where the average salary is over \$90,000, I think the local entities would be very happy to have this in their districts.

And we have to keep in mind also, Mr. Speaker, that there are other States. The whole purpose of this is because we have competition from other States. There were several other States listed, Connecticut being one. North and South Carolina have teamed up and have an area that is a border that straddles their borders, and they have offered a large incentive for Westinghouse to go there.

I think this is one of those opportunities that we have here in the House. We hear so often about jobs going south to South Carolina, jobs going to North Carolina, jobs going to Arizona. This is one of those times, the rare time in the last 20 years that I have been here, 25 years almost that I have been here, where we have an opportunity to have 1,000 new high-paying engineering jobs here in Pennsylvania.

So I hope that answers the gentleman's questions. I think this is something we need to move forward with and make sure that this gets passed so that we can make this become a reality here in Pennsylvania.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

That finishes my interrogation. Comments, please.

I find that the move doing this I think puts us in an interesting position, and I am finding myself making a consideration on this based on a matter of a policy versus what perhaps sounds good.

When this State and this General Assembly back in the nineties established the concept of the KOZs, it was done for the very purpose of trying to encourage business to locate in distressed areas, and it was done because those distressed areas where there were people who needed jobs did not have a method of competing and felt they had an unlevel playing field, and so the General Assembly felt that doing and creating tax-free zones was the appropriate method to do that. But we have not done any more KOZ zones, and I think as a General Assembly, we have moved away from that concept.

And if I recall as well, Mr. Speaker, I do not remember that this General Assembly when we created the KOZs actually did it for a specific company. I mean, I am all in favor of any business locating in Pennsylvania. I do struggle some with creating special tax breaks for a particular known entity when there are other companies who may be quite similar who will not get those same tax breaks, or again, the same as we have with the KOZs now, you could have a competitor located just 100 yards outside this designated zone and not share in the same tax benefits and therefore have an unlevel playing field compared to the one who is inside this designated zone.

I think from a policy perspective, that is not the direction that we ought to be going. I know that we can get into direct competition with our States to the south, and we all know that standing here, but we also should make it very clear on the record that the primary reason that companies choose the South

is because the entire business climate is far more friendly. Their corporate net income tax is not as high, capital stock and franchise is not as high, and some may not like to hear it, but they are also right-to-work States, and that is why they go south. To that extent, we are not addressing any of those issues except for the tax break side of it, but only for a few companies, whereas we ought to be dealing with this issue to make this entire State a KOZ-zone State by addressing those issues and reducing those taxes.

So, Mr. Speaker, I know this sounds good and feels good, but I believe that it takes us in an area that begs the question of why this State as a whole is not competitive, and we ought to be addressing that issue rather than carving out special exemptions for just a handful of companies.

Thank you, Mr. Speaker.

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

Mr. STEIL. Thank you, Mr. Speaker.

I think there are three reasons why we ought to oppose this piece of legislation. The first is tax policy. Every time we grant these kinds of exemptions to some businesses, it means that we have less ability to create a competitive tax environment in the State of Pennsylvania for all businesses. As long as we keep admitting certain companies in the front door with special tax considerations, at the same time businesses that have been here for years are running out the back door because they cannot pay the taxes. They can find a more competitive tax environment somewhere else, and they are doing it.

Secondly, every time we create a tax-free zone, it means that other Pennsylvania businesses who are already here paying taxes, employing Pennsylvanians, now have to compete with businesses that do not pay any taxes. What is fair about that?

And third, the real problem with making these kinds of investments is that we do not follow up. We have no understanding of whether or not the millions and millions and millions of dollars that we invest in special tax-free zones actually provide a return on our investment. Now, I know that there is included in this legislation certain recapture if we do not meet job targets, if we do not meet other kinds of targets, but what did we really get for the money we invested? We do not know. Now we are going to make another investment of several hundred million dollars and we will have no follow-up.

For those three reasons alone, Mr. Speaker, I ask that we oppose this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, a group of us have been pushing in the legislature the Keystone Manufacturing Initiative for a significant period of time. In this past budget we were able to get some changes to the net operating loss and to the sales factor, which would improve the business climate. They were significant but incremental steps.

The fact of the matter is, we have to make Pennsylvania more competitive for employers and we have not done that. We need to lower unemployment compensation, worker compensation, business taxes, and we need to improve the labor environment as well. But we have not done it, and we continue to lose manufacturing jobs in this State, and what we unfortunately are left with are only keystone opportunity zones. Amongst other projects, one is being recruited by the Carolinas and being offered a considerable cash outlay, and because the

nuclear industry is expanding throughout the world, nuclear reactors, one company located in western Pennsylvania is going to have significant expansion. They have 1800 jobs now that are about \$90,000 per year and look to be growing 1,000 to 2,000 in a very short period of time. They are likely to locate in Butler or Allegheny County, and while I would prefer an approach that pushed a competitive business environment, in western Pennsylvania we have not had this type of an expansion in job growth, particularly at those levels, for a significant period of time.

Really, what we need to be talking about is Pennsylvania as one complete keystone opportunity zone with reduced taxes, a better labor environment, and changes to workers' compensation and unemployment compensation and lawsuit abuse reforms. In the interim, until we do, if we are going to be competitive, unfortunately this keystone opportunity zone approach is the only approach we have.

In our area to be able to turn down 2800 to 3800 high-paying jobs in the manufacturing sector after significant manufacturing job loss, we would be turning our back on the people and the communities and the schools in our district. In the end we need those to be able to create jobs that surround them, more service jobs that surround them.

Thank you very, very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I rise to identify, I guess, the hypocrisy of what we are standing for this evening.

Now, we hear time and time and time again about Pennsylvania, the need for growth, the need for more jobs, the need for more opportunity, and here the Representative from Allegheny County has yet another idea, another initiative that will provide for additional employment opportunities, economic development and growth in our business and industrial communities in the areas that will be designated under his legislation.

It is not just industrial jobs that will be affected here; it is not just minimum-wage jobs that will be expanded here. We are talking about professionals, whether it be engineers or other individuals that are making \$75,000 to \$100,000 per year. This opportunity is before us because of the advanced thinking and creative idea of the Representative from Allegheny County. If we are going to do anything in Pennsylvania for more jobs and more opportunity for the families that live here, we have to be forward-thinking and we have to embrace ideas like this.

I encourage you all to vote "yes." Thank you.

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill is crucial to the future of western Pennsylvania. Westinghouse will stay in western Pennsylvania, if this stays, with 1800 jobs and create 1,000 more, but what is even more important are the spinoff jobs that will be created if Westinghouse stays with this bill. There are corporations throughout Allegheny County in western Pennsylvania that will benefit many in my district, and as the previous speakers have stated, these will be jobs that are for engineers and manufacturing jobs that pay living wages with benefits and health care, jobs we ought to be about creating. It is crucial to the future of western Pennsylvania and our children. If this bill

passes, we keep corporations like Westinghouse viable in western Pennsylvania and the spinoffs will be astounding. In my district, if this bill passes, there will be another 600 engineering jobs and 500 manufacturing jobs created in addition to the Westinghouse plan.

So please, this bill is important for our future in western Pennsylvania. We need your support.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this type of legislative corporate favoritism is a road that we do not want to go down and a door that we do not want to open here in Pennsylvania. Mr. Speaker, this is showing legislative favoritism to a particular company; let us make no mistake about it. We are not offering every company in the State of Pennsylvania this type of benefit to expand in different areas of the State.

Mr. Speaker, as one who has a KOZ in my district and we have been working with that KOZ for many years to overcome some of the problems and development that we have had, we would welcome, certainly, a company, whether it is Westinghouse or any company, to move into the areas that already have the tax breaks.

Someone compared this to a KOZ a few speakers back, and I do not think it is like the KOZ concept at all. It is similar insofar as there is tax forgiveness, but let us not forget that the original concept of the KOZ was to take a blighted area of property that was not being used and that needed to have a form of urban revitalization, offer the tax incentives to attract an employer to come in and create jobs so that it can lift up that particular community that needs it. Here we are sort of turning that concept on its head and we are targeting tax breaks at a particular company, a company we already have in mind, and it just smacks of special legislation, which I am not even sure if this is constitutional, although I am not going to make a motion.

So, Mr. Speaker, I would really hope that we will give some serious thought to what we are about to do here, and I believe that there are certainly other ways, and many people have mentioned them thus far, of how we can improve our business climate, certainly for Westinghouse, which is a topnotch company in Pennsylvania – no one is disputing that – but not only for our Westinghouses but for all of our employers in Pennsylvania by lowering our tax rates, by controlling and reducing our regulations, and by adopting business- and employer-friendly policies for everyone, not for just one particular outfit.

Thank you.

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

Mr. ELLIS. Thank you, Mr. Speaker.

You know, Mr. Speaker, over and over again we hear people in this chamber talk about economic development programs; we talk about making Pennsylvania more competitive. This bill offers a real concrete way to create jobs in western Pennsylvania, good jobs, manufacturing jobs. This is good for our area in the western part of the State. Now, some areas in our State are doing okay, but in western Pennsylvania just in the last year alone we lost 700 manufacturing jobs; we lost 6300 manufacturing jobs in the Pittsburgh metropolitan area in the last 5 years. This is an opportunity for growth in western Pennsylvania.

You know, Mr. Speaker, I joke with my colleague from Armstrong County that economic development in our area is whenever we go from Butler County and steal a job from Armstrong County or when they come from Armstrong County and steal from Butler County. That is not economic development; that is not creating jobs. This bill is an opportunity for us to create real good jobs that will benefit not only western Pennsylvania but the Commonwealth.

I rise in support of this and ask the chamber to support it as well.

Thank you very much.

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

Mr. PALLONE. Thank you, Mr. Speaker.

Very briefly. This body is charged with the responsibility to provide opportunity throughout Pennsylvania particularly in the area of job creation and economic development, and it is not unusual for this body to take the initiative to target or provide specific opportunities in any given community. I can recall not too long ago introducing and passing specific legislation that helped Crown Cork & Seal in the Philadelphia area, and that was a particular focal point because it addressed a specific issue. We are doing the same thing here for southwestern Pennsylvania in Allegheny County as we are providing an opportunity in the Allegheny County region, the Alle-Kiski Valley, the southwestern Pennsylvania regional development opportunity for Pennsylvanians to prosper because this body is doing their job that we have been elected to do – provide opportunity in Pennsylvania.

Again I rise in support and ask for your vote. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Casorio, is recognized next.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the gentleman from Monroeville, Allegheny County.

Having worked at the location that the gentleman is speaking of, Mr. Speaker, when the gentleman was there in 1982 prior to his distinguished career here in the House, I know his sincerity and his concern for the people of the district.

Mr. Speaker, I have a KOZ in the city of Jeannette in Westmoreland County. We need more keystone opportunity zones in this Commonwealth, Mr. Speaker.

As the gentleman from Arnold had mentioned prior, I see a bit of hypocrisy in what we are doing here tonight. This is a bill that originated from the other side of the aisle in the Senate, Mr. Speaker, and this bill will undoubtedly bring good high-paying jobs not only to Monroeville in Allegheny County, but I know firsthand of those folks that live in my district that work in Monroeville, Mr. Speaker. This is a win-win for the Commonwealth. Anytime that we can do anything – any tax incentive that we can provide, any tax cut, tax break – anything that we can do to bring employees and employers into the Commonwealth, Mr. Speaker, it is a good opportunity for this legislative body.

And again, we are not talking about, as the gentleman from Allegheny County before talked about, right-to-work. These are not minimum-wage jobs, Mr. Speaker. These are high-paying, high-tech jobs that the administration in Washington has outsourced to India. We are keeping them here in Allegheny County, in the Commonwealth of Pennsylvania. We need to provide them with as much incentive as we can. Those people

are on the tax rolls, our school districts are helped, our local municipalities are helped, and the Commonwealth of Pennsylvania wins, and I strongly urge an affirmative vote on SB 854.

Thank you, Mr. Speaker.

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

Mr. COSTA. Thank you, Mr. Speaker.

I also rise to support this legislation.

As the Representative for Wilmerding Borough, which is where George Westinghouse is originally from and the Westinghouse Corp. started, this is a very important bill. Unfortunately, sometimes we do have to do things to give incentives to businesses to stay in this area and to create more jobs. That is the environment we are facing and that is the competition that we are facing, but what the positive result is, this is going to bring 1,000 new jobs to our area, and they are going to go to our schools and pay our school taxes and pay our sales taxes to help us out. I am willing to take this gamble that this will be a great investment for our communities, and I would appreciate if you would all support this bill.

Thank you.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would Representative Markosek stand for brief interrogation, please?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I understand there are four sites and there are four companies. Is that correct?

Mr. MARKOSEK. There are four areas designated. We do not use the word “zone”; it is “areas,” and the companies have not been designated formally at this point in time.

Mr. FAIRCHILD. And is it your understanding that these are large companies?

Mr. MARKOSEK. I believe the gentleman said that these are large companies?

Mr. FAIRCHILD. Correct.

Mr. MARKOSEK. Well, certainly Westinghouse is a very large company. They currently have 1800 employees in my district now, and there is a prospect of hiring an additional 1,000 that will either be in my district or in two other potential sites in Allegheny County if this passes, and they are a very large company.

Mr. FAIRCHILD. Thank you.

I am in favor of doing anything we can to bring jobs to Pennsylvania, but many times we are accused here and in our districts of basically providing I think the term is “corporate welfare.” How would you respond to that or how do we respond to that, that we are not cherry-picking companies and giving large corporations a very beneficial package?

Mr. MARKOSEK. Well, you know, certainly we do not live in a perfect world, and I would say to the gentleman, Mr. Speaker, and echoing some of the other speakers that have spoken here that had some reservations about this, I think we ought to help all companies in Pennsylvania. You know, I think we ought to do more for our businesses in Pennsylvania. I have voted, along with many of you, to do just that. Some of those various votes helped businesses; some did not pass. In one case one was vetoed by the Governor. But nevertheless, I was there.

So I would say to you, Mr. Speaker, that in a perfect world, of course we should do more, but this bill is what is in front of us now. We have a bird in hand, 1,000 new jobs for Pennsylvania that if this does not pass could very well end up in South Carolina, North Carolina, what I call the Carolina axis that is perhaps stealing jobs from us here in Pennsylvania.

We here, all of us, in spite of the imperfections of this particular bill, have a chance to provide many, many jobs here in Pennsylvania, new jobs, high-paying jobs that will not only be a benefit to those jobholders that have those jobs but will have a significant, a very significant, as some of my colleagues have pointed out, ripple effect in the economy not just in my legislative district but for the entire region.

Mr. FAIRCHILD. Could I gather by your explanation – and I do want to say that I applaud you; you have been in the forefront on your side of the aisle; unlike many of your compatriots, you have been there for the business community, both large and small – but as I understand, part of your explanation is that that trickle-down effect is going to go from a big corporation to a smaller corporation to the small maybe mom-and-pop, et cetera. So there is a ladder-down effect.

I know you cannot guarantee anything, but I heard a previous speaker talk about the legislation with Crown Cork & Seal, and I remember the dialogue got pretty nasty, that our side of the aisle got accused of corporate welfare and helping big companies, et cetera, et cetera, but I would just hope—

Mr. Speaker, that concludes my interrogation. I would like to speak on the bill.

The SPEAKER pro tempore. Will the gentleman suspend for just a minute.

Members, many of you are roaming around and having conversations and creating a noise level that is unacceptable for debate. I am going to ask the Sergeants at Arms if they would clear the back of the hall of the House and the side aisles. Sergeants at Arms, please clear the back of the hall of the House and the aisles. Members, I know it is late in the evening, but we still have a lot more to go. We are not nearly finished. We need you to take your seats and tone down your conversations. Members, take your seats. If you are not involved in the debate, you need to be seated.

Mr. Fairchild, you may begin again.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I am going to support this bill this evening for two reasons. Number one is that I believe the area in question, especially in western Pennsylvania, they need all the help they can get. The second reason is, I believe I can speak for many in this caucus, that we all want to work together, and I believe this is going to be a very important test vote, because we are going to go along with the other side of the aisle tonight. I feel confident that there are enough votes here. But I hope the lesson is that we all need to work together to make Pennsylvania a competitive environment. We cannot continue to simply reach out and cherry-pick companies. It is not going to work. North Carolina or South Carolina, they are going to up the ante, and as other Representatives said, every time we do this, we make it tougher and tougher and tougher for our existing businesses to pay that water that is lost, that tax money that is lost, and we cannot continue to do business that way. We have got to make Pennsylvania competitive – competitive for our mom-and-pops, competitive for our small businesses, and competitive for our big business, our manufacturing and industrial complex that made this State great.

Do not let anybody tell you we are down the tubes or we cannot come back. We can if we work together, but as long as we keep telling each other that it is corporate welfare and it only affects that big guy, you know that is wrong and I know that is wrong.

Let us stop the politics. Let us get down to really dedicating ourselves next session to do what is right for the people and the workers and the families of Pennsylvania.

Like I said, I believe tonight is going to be a very, very important vote in this chamber because we are going to look back tonight and see whether you really want to get serious about helping Pennsylvania and our economy here.

That is all I have to say, Mr. Speaker. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

Tonight I join my colleague on this side of the aisle from Union County in support of this bill. The reason I do that is because of some of the comments the gentleman from Union made, but also, we do not live in a perfect economic world. We are in competition with not only the 50 States of the Union, but we are also in competition with countries throughout the world.

If this project goes through, there will be \$450 million of capital improvement in western Pennsylvania. Now, if you live in a county in Pennsylvania where the unemployment rate is 4 percent or 4.5 percent, that may not be important, but if you live in the coal regions of northeastern Pennsylvania or the steel areas of southwestern Pennsylvania, you know how you have been ravaged and how the economy is turned down and how the manufacturing industry is left.

We have made great strides in the northeastern part of this State, and I want to see the people in southwestern Pennsylvania not only preserve the 5700 jobs but also create another thousand jobs for their industry.

Please understand what the gentleman from Union and Snyder Counties said is true for all of us. This should be a united body, a united vote on this issue. If we lived in a perfect world, then this would be an unfair bill, but we have competition out there, as I said before, from other States and from other countries. Preserve these jobs in western Pennsylvania. People on both sides of the aisle, start to work together.

I have 4 weeks left in this body, but I assure you that I will support this bill. I will continue to support economic development no matter if it is in Erie, Pittsburgh, Philadelphia, Scranton, Harrisburg, or northeastern Pennsylvania. I ask my colleagues on this side of the aisle to step to the plate. Even if your unemployment is at 4.5 percent in your home county, it is not that way across the State of Pennsylvania.

Please support this bill.

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

Mr. DeLUCA. Thank you, Speaker.

First of all, let me commend the last speaker. I think he hit it right on the nose on his comments. We are not in a perfect world, and that is why we have to be competitive with other States, but as I figure this out, we have 1800 jobs and we are going to possibly get another thousand. So when is \$252 million something we do not care about in this Commonwealth, because these are high-paying jobs. Just imagine the wage taxes our local school districts and the local municipalities are going to get. How about the State income tax that we are going to get?

How about the spinoff jobs that will come from all over the Commonwealth that will benefit not only the Commonwealth, the spinoff jobs in western Pennsylvania that they will take advantage of?

You know, Mr. Speaker, when we talk about corporate welfare, I agree with the fellow, we should not be talking about corporate welfare, but we should not also be talking about social programs when we talk about the welfare program, because those social work programs, they need help, but that is beside the point. That is the only reason corporate welfare came up.

Secondly, the last I have seen is the Senate is controlled by the Republican Party over there, and this bill passed 48 to 2, and I am sure if they thought it was a bad bill, this SB 854 would not be over here for concurrence.

So, Mr. Speaker, let me say to you, help us out in western Pennsylvania. Give us a chance to increase the jobs not only in western Pennsylvania but increase them from all over this Commonwealth, because economic development is economic development for the whole Commonwealth. We cannot continue to say it is the east, it is the west. We need to be one State and we need to work as one State to create economic development for all Pennsylvanians, not just in the east, not just in the west, because other States are vying for these companies and vying for these jobs.

So I ask my colleagues on both sides of the aisle to support this concurrence because it is a good piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I rise for two reasons. Number one, I have been here long enough and I know the difference between apples and oranges. SB 854 is not a Crown Cork & Seal situation. The facts of Crown Cork & Seal are 360 degrees different than the facts of SB 854.

Secondly, Mr. Speaker, I rise to call on Bucks County, Montgomery County, Delaware County, Philadelphia County, and Chester County, southeastern Pennsylvania, especially Philadelphia County, to call on them to support concurrence on SB 854.

Mr. Speaker, Philadelphia County, a southeastern county, southeastern Pennsylvania, has always supported good economic development initiatives when, in many cases, it had nothing to do with southeastern Pennsylvania. And so, Mr. Speaker, let the record reflect that this elected official from Philadelphia County is going to put up a vote for jobs in Allegheny County, because I believe, I believe that jobs in Allegheny County are going to affect all of Pennsylvania.

And last but not least, Mr. Speaker, I am glad that we have somebody on the second floor who does in fact represent one voice, one choice for one Pennsylvania, and, Mr. Speaker, I know that the Governor, the Governor, this Governor has been about the business of supporting the creation of jobs and economic opportunities throughout the Commonwealth of Pennsylvania.

So Allegheny County, I applaud you; I applaud you, and when the jobs are created, when the jobs are created, remember that it was southeastern Pennsylvania, northeastern Pennsylvania, southwestern Pennsylvania that stood with you for jobs in Allegheny County.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, many, many years ago when I was a very young legislator, we had a proposal to spend money, many, many millions of dollars of State money, on an automobile factory for Volkswagen in western Pennsylvania. It is now in Representative Harhai's legislative district. The arguments were made there, as some people have said here, about what a tremendous waste of money this was and how outrageous it was and how of course it would not last and we would all be ashamed and everybody would be outraged at having voted for this; this is unfair to everybody else, and the fact of the matter is that the Volkswagen plant lasted for many, many years. It employed 3,000 people at its peak, and then when it shut down after 2 or 3 years, a Sony plant came in, and the Sony plant actually at its peak employed slightly more people, a maximum of 3400, than the Volkswagen plant had employed. So it works.

The Sony plant is still operating. Right now it has got 1600 employees. Employment fluctuates at all plants that are dependent on market conditions, but it works. Investment in people, investment in jobs really works.

I urge support of SB 854.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Preston.

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

I heard one of the previous speakers, again, as we have heard about the corporate welfare and helping some of the big companies, but let us look at the reality. Ten years ago just in Allegheny County, Westinghouse used to employ over 20,000 employees. They were the pride of downtown. They had one of the corporate office buildings. I would like to let that gentleman know that that corporate office building now is empty. The 1500 employees who were there are no longer there. One of the Fortune 500 companies is no longer in Pittsburgh. The work force that existed just in Allegheny County of over 20,000 employees now is less than 20 percent of what it used to be.

But let us look on the bright side of what we are talking about with this piece of legislation. It is not also just about the jobs and the wages; it is also more than just the spinoff jobs. But what about the new houses that will be bought here in Pennsylvania? What about the cars that will be bought? What about the silverware? What about the plates? What about the children who are going to be buying food from the small corner grocery store? What about all of those other different things that we in Pennsylvania and Americans always want to talk about, what is going to be good in Pennsylvania? What about the small businesses that will also start from the new families who come into Pennsylvania from this?

So it is more than just wages, and it is our responsibility as elected officials to be able to create this form of energy. It is also our responsibility and the kindness that we as a legislative body should look at. This is about the hairdressers; this is about the barbershops; this is about the laundry; this is about the washing machines; this is about the light bulbs; this is about the doors; this is about the glass that is going to be bought; it is about the industry that is going to be there, the new roads that we are going to have from the new taxpayers. We have a responsibility that we should out of respect.

This bill is good. The time is now. Let us show some respect, and let us get a little bit more energy back in southwestern Pennsylvania. Let us vote this bill, and let us go home.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—185

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

NAYS—10

| | | | |
|-----------|------------|--------|----------|
| Dally | McIlhinney | Ross | Schroder |
| Denlinger | Miller, R. | Rubley | Steil |
| Forcier | Rohrer | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

Ordered, That the clerk inform the Senate accordingly.

CONSIDERATION OF HB 700 CONTINUED

The SPEAKER pro tempore. The Chair returns to House calendar supplemental E that we passed over briefly a few minutes ago and returns to HB 700, and we will be voting on concurrence in Senate amendments as amended with corrective reprint No. 4887.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On that question, the gentleman, Mr. Vitali, is recognized for the purpose of offering an amendment.

Mr. VITALI. Mr. Speaker, I initially have a parliamentary inquiry.

The SPEAKER pro tempore. Just a question, Mr. Vitali. Are you offering that amendment?

Mr. VITALI. I have two amendments, yes, and I will be offering them both.

The SPEAKER pro tempore. You need to move to suspend the rules to offer them.

Mr. VITALI. Well, prior to doing that, I have a parliamentary inquiry and perhaps a point of order.

The SPEAKER pro tempore. The gentleman may state it.

Mr. VITALI. As I understand it, when the Senate passed what was ostensibly HB 700, it appears they did not actually pass that, because I believe it was in their Rules Committee they had voted on language that we never approved. So there was a break in this chain, and what we are now voting on is a bill that, frankly, was improperly passed by the Senate.

I am trying to understand under what theory we can be doing this, because if in fact the Senate as a whole, if what they have voted on was not the language that we sent over, how can we be dealing with this on concurrence?

It seems to me if I sort of logically think this through, what the Senate did in passing HB 700 was a nullity because they were not dealing with a legitimate piece of legislation. So if they were not dealing with a legitimate piece of legislation and they passed it, we cannot be dealing with a piece of legislation. So I am trying to understand under what theory we can even be considering this tonight.

The SPEAKER pro tempore. Mr. Vitali, my understanding is that the Senate passed this legislation and the House has corrected it with a corrective reprint that you have before you today as to what the Senate had apparently intended to do but

did not, so that if we pass this tonight, it will still need to go back to the Senate for them to vote on the corrected reprint version.

Mr. VITALI. But what I am trying to get at is, what the Senate as a body, that 50-member body, voted on was the wrong thing; it was not the proper amendment. So they never, they never voted on the proper thing. So they could not have approved it if it was not the proper thing. So how do we get beyond the fact that we have something valid to vote on?

The SPEAKER pro tempore. They did not approve it finally, but they did amend the bill and send it back to us for concurrence.

Mr. VITALI. But what they voted on—

The SPEAKER pro tempore. Just let me finish the explanation. I am not finished yet. Okay?

We are concurring in their amendments, even though that was perhaps not what they intended to do, by doing what we are doing tonight, by doing it correctly. It will then go back to the Senate for them to vote on the correct measure. So ultimately what you will see is the Senate will be voting on whatever we are voting on tonight. So it will be identical before it goes to the Governor, which of course is a requirement of the Constitution.

RULING OF CHAIR APPEALED

Mr. VITALI. If that is your final ruling, I am going to appeal it because I think it is wrong.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Maher, is seeking recognition. Could you tell us why you are seeking recognition, Mr. Maher?

Mr. MAHER. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAHER. Thank you, Mr. Speaker.

The gentleman on the other side of the aisle has sufficiently confused me with his confusion that I thought I might just ask a series of questions to see if my understanding is actually accurate.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MAHER. Mr. Speaker, as I understand it, the Senate acted early today to approve HB 700, PN 4884, and delivered that bill to this chamber. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. MAHER. Thank you, Mr. Speaker.

I also understand that that bill, HB 700, PN 4884, was referred to the Rules Committee.

The SPEAKER pro tempore. That is correct.

Mr. MAHER. I also understand that in the Rules Committee HB 700, PN 4884, was amended by replacement with the corrective reprint 4887.

The SPEAKER pro tempore. That is correct also.

Mr. MAHER. So, Mr. Speaker, while there is a cognizance, thanks to the Legislative Reference Bureau, identifying unintended language that was included in HB 700, PN 4884, it would be my understanding that regardless of what the Senate intended to pass, that just as is the case with any other piece of legislation which is received by this chamber on concurrence that requires amendment, that this bill, like any other, went to

committee, was amended, was rereported to the floor, and that is where we are right now. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. MAHER. Thank you, Mr. Speaker.

I would hope that that might clarify that. That series of interrogatories leads me to the conclusion that the bill before us, as it is right now, has gone through the appropriate steps to be before us right now. Is that your ruling, Mr. Speaker?

The SPEAKER pro tempore. That is the Chair's ruling.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair returns to Mr. Vitali.

Mr. VITALI. I appeal that ruling. I would like to argue that.

PARLIAMENTARY INQUIRY

Mr. MAHER. Mr. Speaker, a parliamentary inquiry.

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

Mr. MAHER. Could we ask the gentleman, Mr. Vitali, to have some clarity in this appeal of the ruling, and which of these many steps does he believe that your understanding and my understanding are mistaken?

The SPEAKER pro tempore. Mr. Vitali, would you please approach the Speaker's desk for a moment.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. We are back in session dealing with the issue before us.

The Chair recognizes the gentleman, Mr. Vitali, who moves that the bill currently before us, HB 700, PN 4887, is not properly before the House.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. VITALI. Thank you, Mr. Speaker.

I do not think the procedural error here is in dispute. We all received this letter from the Legislative Reference Bureau.

I mean, essentially what has happened is that the bill that the Senate voted on is not the bill that the Senate Rules Committee gave to them. Essentially, the Senate Rules Committee took our bill and amended it, and then when the Senate as a whole voted on this, the Legislative Reference Bureau put a different version of that amendment in. So the Senate essentially, even though unwittingly, voted on the wrong thing, and since it voted on the wrong thing, we would be voting on the wrong thing if we continued with this.

I believe that the proper action is that the Senate needs to correct what they did before we can move forward on this. So that is why I think— So that is why I would ask that the ruling of the Chair be overturned.

The SPEAKER pro tempore. The gentleman, Mr. Maher, is recognized.

Mr. MAHER. Thank you, Mr. Speaker.

The discussion from our colleague really goes as to Senate rules and the Senate procedures. I am not aware of any

objection that he has voiced that goes as to House rules and House procedures.

In this chamber we received a bill with a printer's number as approved by the Senate. That bill, thanks to our alertness and our attention to detail, was amended to coincide with what we had expected. But in that sense it is really no different than any other amendment of any other bill over on concurrence.

I do not believe that the members of this body have standing to question parliamentary procedures and rules as applied by the Senate. Consequently, since none of the gentleman's objection as to the ruling of the Chair has anything to do with the process of this chamber, I would ask that the members support your ruling, which I think was eminently clear that we have dotted every i, crossed every t, to ensure that this highly public, open process has been understood by all and that this legislation that will emerge will be exactly as intended.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the Democrat leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I would identify favorably with the remarks of the gentleman, Mr. Maher, from Upper St. Clair. The Senate made a mistake. We corrected it on this side of the building. Our procedures, our rules, are being focused upon with punctilious rectitude and attention, and I see no reason to hold up lobbyist reform.

This is an open process. It is going to go back to the Senate before it gets the gubernatorial stamp of approval. It is going to be done in the near-term future. And although I think the honorable gentleman from Delaware County is well meaning and well intentioned, I certainly do not think that our rules are being vitiated or violated, and I would ask that we vote against this appeal of the ruling of the Chair.

Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Smith, is recognized.

Mr. S. SMITH. Mr. Speaker, I rise to support the ruling of the Chair.

Clearly when we look at the legislative process, and there is no denying that this has taken an odd turn; I mean, you have a letter from the Legislative Reference Bureau on your desks that gives a short explanation of this. The previous parliamentary inquiries helped to spell that out a little more specifically. But the bottom line is, Mr. Speaker, that in order for legislation to be passed through this legislative body, it had to be considered 3 days in the House and the Senate, and as long as at the end of that process, whether it is the conference committee process or the process by which we amend bills in Rules on concurrence, which in many cases are very parallel in their practice, there is no question in my mind, Mr. Speaker, that when that bill comes out of there, the identical language has to pass the House and the Senate. The fact that the supplemental calendar, supplemental E House calendar, indicates that it is a bill on concurrence in Senate amendments as amended with corrective amendment No. 4887, and we are insisting this bill does not go to the Senate unfortunately, we are insisting that this bill goes back and that the Senate must in fact affirm their support, their affirmative vote, of this bill as we have it before us tonight.

If we were trying to take this corrective reprint and say, this is what the Senate really meant to do and it is going to the Governor's desk tonight, as much as it would be nice that this bill were going to the Governor's desk tonight, then I would say

that the gentleman's question had merit. The fact that we are proposing to pass it with a majority vote in the House tonight and sending it back to the Senate insisting that they affirm that vote I think sets it clear what our processes and our intent are. At the end of the day, a majority in the House must vote for the identical language that the majority in the Senate voted for or vice versa, and the Governor must sign it. That is what constitutes the final legs of making a bill law.

I think that the Speaker's ruling is consistent with that, and I think that our process, while having a unique twist in it given the Legislative Reference Bureau and the error in the Senate, the process we are going keeps us back on firm footing in terms of our constitutional process of a bill being passed by the House, the Senate, and signed by the Governor.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—193

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

| | | | |
|------------|-----------|----------|------------|
| DiGirolamo | Kotik | Reed | Youngblood |
| Diven | Leach | Reichley | Yudichak |
| Donatucci | Lederer | Roberts | Zug |
| Eachus | Leh | Roebuck | |
| Ellis | Lescovitz | Rohrer | Perzel, |
| Evans, D. | Levdansky | Ross | Speaker |
| Evans, J. | Mackereth | Rubley | |

NAYS—2

Freeman Vitali

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

The SPEAKER pro tempore. The question is, will the House concur in the Senate amendments as amended with this corrective reprint that we have discussed already, corrective reprint 4887?

On that issue, the gentleman, Mr. Vitali, is recognized for the purpose of a motion.

PARLIAMENTARY INQUIRY

Mr. VITALI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VITALI. I wonder if it would be permissible to speak on the bill? That could get me some background information laid out, so when I make my motion, the background would already be laid.

The SPEAKER pro tempore. The correct answer to your question is yes, but the Chair would ask Mr. Vitali to keep that fairly brief. If he knows that he is going to be making a motion that we need to consider, I would appreciate just some brief comments.

Mr. VITALI. Okay. I respect that. So this will be speaking on the bill, and then I will move into the motions, the two motions to suspend. So right now I am speaking on the bill?

The SPEAKER pro tempore. That would be in order.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Maher, is seeking recognition. For what purpose does the gentleman—

Mr. MAHER. Thank you, Mr. Speaker.

If I understood, the gentleman, Mr. Vitali, was recognized for the purpose of offering his amendment.

The SPEAKER pro tempore. No. He was recognized to speak on the bill, but he indicated to the desk earlier that he was going to make a motion at a later time. But he is in order to

speak on the bill first and then to make the motion. The only thing I asked of him was that he would please keep his comments brief, knowing that he was going to make a motion—

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. —and to not drag this process out any longer than necessary.

Mr. MAHER. Thank you.

The SPEAKER pro tempore. Mr. Vitali, you may begin.

Mr. VITALI. Thank you, Mr. Speaker.

I think the goals of lobbying reform in this legislation are noble, and the ultimate goal, I think, is that we want our legislative process, the bills we pass, the contracts we award, the people we appoint to various commissions, be based on good public policy, not money and personal connections. And as such, in order to assure that, we need transparency in government, and I think that what this bill is an attempt to do is to reveal, to improve that transparency, because there is a concern on the part of our constituents about lobbyists: what lobbyists spend to influence our votes; what lobbyists spend on gifts; what lobbyists spend on hospitalities — meals, lodging, sporting events, and so forth. So this bill is an attempt to deal with improving the transparency so the public is assured that they are comfortable with the things lobbyists are spending to influence their legislators.

There are a couple of flaws in this bill which I have amendments designed to correct. I think that this bill, to really be worthy of this body's support, has to accomplish at least four things. It has to show what lobbyists are giving what gifts and hospitalities to what elected officials to influence what bills. That, I think, is the bare minimum that a lobbying bill has to do, and the reason it has to do those things is, that is the information the public needs to evaluate the conduct of their legislator. They need the confidence when their legislator votes on a given bill, they would like to know, have they been given gifts by people in support of that bill? have they been taken to sporting events by the people who are in support of that bill? or have they stayed away from that? So they can determine this nexus between what was spent on gifts and hospitalities and the actions their legislators took. This, I think, is the goal.

The problem with this bill as it is written is, it does not contain sufficient information for the public to evaluate the conduct of their own legislators. I have prepared— I think that— Let me back up a second. With regard to gifts— Let us look at hospitalities. With regard to hospitalities, which includes meals, the public will not be able to see the involvement of their legislator until spending for meals gets to be \$650 per lobbyist, and I would suggest to you that that amount is so high to render it meaningless. In other words, when this same standard was applied to the Senate rules, no Senators' names showed up on those reports. So the first problem with this bill as I see it is the reporting level is too high to reveal what individual legislators are receiving what.

The second problem is this. As we said, I think we need to show what lobbyists are giving what legislators what gifts to move what piece of legislation. The second problem here is, when you look at this bill and you look at the registration statement and you look at the reporting statement, lobbyists do not have to list the specific things they are lobbying on and they do not have to list the bills they are lobbying on. The language in this bill says "the general subject matter." The general subject matter is so broad as to render it meaningless. For example,

you could be lobbying on factory farms but just talk generally about agriculture. That does not give the public the knowledge of what specifically their legislator is being lobbied on, because what needs to be done is in the reporting requirement and the registration statement, there needs to be specificity. A lobbyist has to indicate the specific things they are lobbying on, the specific things they are lobbying on, not general, and the bill number if it is appropriate.

MOTION TO SUSPEND RULES

Mr. VITALI. So in order to correct these two flaws, I would move to suspend the rules initially to move amendment 10367, which would reduce the reporting threshold of reporting the names of elected officials who receive gifts from \$650 in the aggregate a year to \$25 in the aggregate a year, and I so move to suspend the rules.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, moves that the rules be suspended for the offering of amendment 10367.

On the question,

Will the House agree to the motion?

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

Mr. VITALI. Thank you, Mr. Speaker.

I am not going to repeat all of what I said, but I think that this is the bare minimum. Some States have a total gift ban, other States have full penny disclosure of anything given. What this amendment does is simply try to put a standard of reasonableness there so a lobbyist does not have to put every cup of coffee down, but if it gets to be a significant level, the \$25 threshold, then the name of the elected official has to appear. And what we are trying to accomplish by this is to break the culture where the relation—

The SPEAKER pro tempore. Will the gentleman suspend.

As you know, Mr. Vitali, on the motion to suspend the rules, you give a brief explanation. I think you have gone a little bit beyond that.

Mr. VITALI. I agree. What took you so long to chastise me?

The SPEAKER pro tempore. You are taking it well.

Mr. VITALI. Thank you.

The SPEAKER pro tempore. On the question of suspension of the rules, the gentleman, Mr. Smith, defers to the gentleman, Mr. Maher, to speak on that motion. Mr. Maher, you are recognized.

Mr. MAHER. Thank you, Mr. Speaker.

The gentleman failed to actually explain his amendment, and I will not torture the chamber with inquiries about what his amendment actually says but will simply share with you that this amendment also requires a disclosure of each and every bill number that anyone who is defined as a "lobbyist" would discuss with any State official or member.

Now, why is that important? Well— Excuse me, Mr. Speaker. The way this is written would serve to chill regular folks from coming up and talking to their legislators and State officials. Because we can barely keep track of every bill number, it is an unfair burden to place upon the folks coming from mental health associations and so forth to come on in here and then the price of admission, the price to see their legislator,

now becomes that they must monitor every bill that goes through the House and goes through the Senate to ensure that their disclosure is actually consistent with their conversations, and if that does not discourage all the charities in this State and all the mom-and-pop outfits in this State from coming and talking and seeking help from this State government, I do not know what would.

But the other reason I think we ought to reject suspension, Mr. Speaker, is that the gentleman has already illustrated for us just a few minutes ago his keen desire to respect rules of not just this chamber but the Senate chamber. Consequently, I find his motion to suspend the rules a bit disingenuous, and I would ask that it be rejected.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the Democrat leader, Mr. DeWeese.

Mr. DeWEESE. I say it often, and I hope to have the privilege to say it even more often: Politics is the art of the possible, the art of the next best, the art of the deal. Not my words: Bismarck, Chancellor of Germany, late 19th century. We have a deal, Mr. Speaker. We have a deal. The art of the next best; the art of the possible; the art of the deal. If we suspend the rules and alter this proposal, albeit somewhat imperfect, with the laudatory efforts of my honorable colleague from Delaware, the deal is fractured and the chasm may not be repaired during this session.

We have a chance to do lobbyist reform. Last night in the wee hours, several of the potentates in the Republican Senate indicated that this was a strong proposal. Mr. Jubelirer, who has a reputation for wholesomeness, was advocating the efficacy of this proposal. I admit that like most other work products from this chamber, there are some imperfections, but nevertheless, this is an immeasurable leap forward. Mr. Maher has done a laudable job at the helm trying to make certain that our institutional perspectives were well delineated, and I would ask that the rules not be suspended, because with the small alteration that the Rules Committee allowed earlier in the evening, the Senate has indicated it will come back and agree, probably with unanimity – 50 to nothing at 3 a.m.; 50 to nothing after many, many hours of debate yesterday. So lobbyist reform can pass and it can pass now. If we suspend the rules, we alter the status quo to who knows where, and I do not think a lobbyist reform bill will be signed by Governor Rendell in the near-term future. I think it could potentially postpone it until the next session.

So I would agree with Mr. Maher that we vote against the suspension of the rules, notwithstanding some of the laudatory impetus emanating from Delaware County.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—22

| | | | |
|-------------|---------|-----------|-----------|
| Bebko-Jones | George | Petrarca | Santoni |
| Buxton | Gergely | Pistella | Tangretti |
| Cawley | Kotik | Roberts | Tigue |
| Costa | McCall | Sainato | Vitali |
| Dermody | Melio | Samuelson | Walko |
| Freeman | Pallone | | |

NAYS—173

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

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Mr. Vitali, do you wish to be recognized again?

Mr. VITALI. Yes, Mr. Speaker. For the purpose of making a motion.

The SPEAKER pro tempore. The gentleman is in order and may make his motion.

Mr. VITALI. Thank you, Mr. Speaker.

This would be a motion to suspend the rules in order to offer amendment 10366, which would alter the language of the reporting requirements to include the language that it must, quote, include “specific subject matter or issue and bill number, if any” – “specific subject matter or issue and bill number, if any.” They are the exact words, and the purpose would be to allow the public to see specifically what a lobbyist is lobbying on, and if there is a bill number, what bill number that would be. So this would be the amendment, and I so move.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. In lieu of the majority leader, the Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

For the reasons just cited a few moments ago, I find a proposal to bar the door of the Capitol to charities across the State, to mom-and-pops who will be caught in this definition, this very low threshold of what constitutes becoming a lobbyist, that to burden each and every one of those individuals with having to monitor every single bill that is introduced and considered in this chamber and the Senate strikes me as a terrible infringement on the First Amendment rights of those individuals.

The gentleman has a point with respect to subject matter. We have addressed that. We have provided that the subject matter, in a phrase that he apparently does not care for, must be disclosed. That was never the case before. There will be great revelation about who is giving what to whom in respect to what issue. But that does not mean we should bar the Capitol from all the regular folks out there.

And insofar as this is largely duplicative of half of the amendment that we just refused to suspend the rules for, I would go so far as to say it is dilatory and vexatious and would ask that you join me in refusing to support this motion for suspension.

The SPEAKER pro tempore. The Chair recognizes the Democrat leader, Mr. DeWeese. Mr. DeWeese, you have been recognized.

Mr. DeWEESE. For the same reasons that I previously enunciated, I would ask for a negative vote on suspension of the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—24

| | | | |
|-------------|---------|-----------|-----------|
| Bebko-Jones | Freeman | Petrarca | Staback |
| Blaum | George | Pistella | Tangretti |
| Casorio | Kotik | Roberts | Tigue |
| Costa | McCall | Sainato | Vitali |
| DeLuca | Melio | Samuelson | Walko |
| Dermody | Pallone | Santoni | Wheatley |

NAYS—171

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

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. McGeehan, for the purpose of making a motion to suspend the rules in order to offer an amendment. Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I move to suspend the rules for the immediate consideration of amendment A10370.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the question of the motion to suspend the rules, Mr. Maher, speaking on behalf of the majority.

Mr. MAHER. Very briefly, Mr. Speaker, I would echo the comments of the minority leader with respect to the prior two requests for suspension and recognize that we have an opportunity to have the strongest lobbying law that Pennsylvania has ever considered, and introducing red-herring issues at this stage will only serve to obstruct progress, and I really would hope you will join me in opposing suspension.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the Democrat leader, who defers to Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, what this amendment would do, it would preclude any Senator or Representative during the time of which they serve and are elected to receive earned income derived for serving as an officer or member of a board of any association, corporation, or other business entity, including any entity incorporated or otherwise headquartered outside of the Commonwealth of Pennsylvania.

Mr. Speaker, this language mirrors the Federal preclusion of earned outside income for members of the United States Congress. Mr. Speaker, I feel that it would be consistent with the Federal law, with the Federal standards for the United States Congress. Mr. Speaker, it would do a number of things, I believe. It would obviously in the public's mind relieve any potential questions about conflicts of interest, and also to the public relieve them of any sense of perception of impropriety of members of the House or the Senate.

Mr. Speaker, I ask for the suspension, to have this House and this Senate join with our Federal brothers and sisters and preclude earned outside income.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—60

| | | | |
|-------------|-----------|-----------|------------|
| Bebko-Jones | Dermody | McCall | Scavello |
| Belardi | Donatucci | McGeehan | Shaner |
| Belfanti | Eachus | Melio | Shapiro |
| Biancucci | Evans, D. | Myers | Siptroth |
| Blaum | Fabrizio | Oliver | Staback |
| Buxton | Freeman | Pallone | Sturla |
| Casorio | George | Parker | Surra |
| Cawley | Gerber | Petrarca | Tangretti |
| Cohen | Grucela | Pistella | Thomas |
| Corrigan | Hanna | Ramaley | Tigue |
| Costa | Harhai | Roberts | Vitali |
| Cruz | Josephs | Roebuck | Wansacz |
| Curry | Kirkland | Sainato | Waters |
| Daley | Lederer | Samuelson | Wheatley |
| DeLuca | Markosek | Santoni | Youngblood |

NAYS—135

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Flick | Mackereth | Rohrer |
| Allen | Forcier | Maher | Ross |
| Argall | Frankel | Major | Rublely |
| Armstrong | Gabig | Manderino | Sabatina |
| Baker | Gannon | Mann | Sather |
| Baldwin | Geist | Marsico | Saylor |
| Barrar | Gergely | McGill | Schroder |
| Bastian | Gillespie | McIlhattan | Semmel |
| Benninghoff | Gingrich | McIlhinney | Smith, B. |
| Beyer | Godshall | McNaughton | Smith, S. |
| Birmelin | Good | Metcalfe | Solobay |
| Bishop | Goodman | Micozzie | Sonney |
| Blackwell | Grell | Millard | Stairs |
| Boyd | Harhart | Miller, R. | Steil |
| Bunt | Harper | Miller, S. | Stern |
| Caltagirone | Harris | Mundy | Stevenson, R. |
| Cappelli | Hasay | Mustio | Stevenson, T. |
| Causar | Hennessey | Nailor | Taylor, E.Z. |
| Civera | Herman | Nickol | Taylor, J. |
| Clymer | Hershey | O'Brien | True |
| Cornell | Hess | O'Neill | Turzai |
| Crahalla | Hickernell | Payne | Veon |
| Creighton | Hutchinson | Petri | Walko |
| Dally | James | Petrone | Watson |
| Denlinger | Kauffman | Phillips | Williams |
| DeWeese | Keller, M. | Pickett | Wilt |
| DiGirolamo | Keller, W. | Preston | Wojnaroski |
| Diven | Kenney | Pyle | Wright |
| Ellis | Killion | Quigley | Yewcic |
| Evans, J. | Kotik | Rapp | Yudichak |
| Fairchild | Leach | Raymond | Zug |
| Feese | Leh | Readshaw | |
| Fichter | Lescovitz | Reed | Perzel, |
| Flaherty | Levdansky | Reichley | Speaker |
| Fleagle | | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

The SPEAKER pro tempore. Ms. Manderino, are you seeking recognition? On concurrence? You are recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support and ask for a “yes” vote on concurrence in HB 700. As many know, the issue of lobby disclosure has been one that has been long traveled in this House, and I think tonight we finally have an agreement, and it is a good one.

We have had a long journey. Just this session, HB 700 has gone through six reprints of changes. At the same time, SB 1 worked its way through both chambers with at least four different versions. What we have before us in this version of HB 700 is the best and the strongest of all of the provisions that were in those prior versions.

The bill before us has strengthening language on some very substantial issues that were not covered, were silent in prior versions, or were specifically excluded. But we have some very good disclosure language. We have some very good conflicts-of-interest language to make sure that there are not conflicts of interest that lobbyists have with clients. We have very good provisions to deal with the lawyer-lobbyist concern that caused the 2002 law to be struck down. We have addressed that issue.

On the issue of what this accomplishes, I think that the gentleman from Delaware had it right. I think this does very much improve the transparency of government. This bill does tell us what lobbyists are spending what money on whom at a level that makes sense with regard to the current guidelines in our State ethics laws and our current financial disclosure laws, which we have lived with in this Commonwealth for many years.

Under this version, stronger than in any past versions that the House had passed, we will have disclosure of travel and hospitality, not at the \$650 per incident level but at a total aggregate amount of \$650. We will do the same with gifts. We will make sure that the subject matters on which people are lobbying are disclosed. But at the same time we have made sure that we protect our average citizens' rights to feel free to petition their government without running afoul of any overly restrictive definitions that would classify them as a lobbyist if they, for example, a practicing nurse decided to come up to Harrisburg and take 1 day off from work to lobby their legislator on behalf of the Nurses Association.

And so we have put some reasonable guidelines in there to kick in the threshold of who is a lobbyist, a professional lobbyist, and who must report, but they are very serious and they are low enough thresholds that people who are professional lobbyists are not going to be able to hide from the citizens of Pennsylvania. Anybody who spends \$2,500 or more in a given quarter must register and must report. Anybody who spends more than 20 hours in a quarter up here in Harrisburg lobbying must register and must report. Everyone must report every spending dollar that they engage in lobbying once they hit the threshold, whether it is direct lobbying on a particular bill, communicating directly with legislators, or whether they are out there running television campaigns under the name of an anonymous group or a not very well defined group that you do not really know who is paying for the ads. Now you will know who is paying for the ads that are telling the public, call your legislator and tell them to vote "yes" or tell them to vote "no." You will understand and the public will understand the money behind those kinds of campaigns to influence government.

I really think that the minority leader hit it right when he described where we are tonight. This is the art of the deal. But you know what, Mr. Speaker? It is a good deal. It is a good deal for the citizens of Pennsylvania, and we ought to pass it with overwhelming support.

LETTER SUBMITTED FOR THE RECORD

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

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

As the debate winds down on this legislation, Mr. Speaker, I just wanted to ask, I had made reference to a letter earlier from

the Legislative Reference Bureau. It is dated October 24, 2006. It is addressed to the Parliamentarian, and it is from Robert W. Zech, Jr., the Director, and I would like to ask that this letter be entered onto the record, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. S. SMITH submitted the following letter for the Legislative Journal:

Legislative Reference Bureau
Room 641 Main Capitol Building
Harrisburg, Pennsylvania 17120-0033

October 24, 2006

Clancy Myer, Parliamentarian
House of Representatives
113 Main Capitol Building
Harrisburg, PA 17120

Re: HB 700, P.N. 4884

Dear Clancy:

Upon review, the Legislative Reference Bureau has determined that HB 700, P.N. 4884 was engrossed with an amendment number that was immediately prior to the amendment number that was actually adopted by the Senate Rules Committee. The Legislative Reference Bureau is requesting the House to please consider taking appropriate action to correct this error.

If you have any questions, please contact me.

Sincerely,
Robert W. Zech, Jr.
Director

The SPEAKER pro tempore. The gentleman from Venango County, Mr. Hutchinson, is recognized.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I, too, want to rise in favor of this bill, and I particularly want to commend the Representative from Allegheny County, the chairman of our State Government Committee, and everyone else who worked so very hard for a long, long time to make this bill happen.

You know, it is better to be late than to never have this at all, and I know it took a long time. I wish we could have had lobbyist disclosure right along, right after it was thrown out by the Supreme Court. But knowing that we could not do that, I am just happy to rise today to support this bill. I am glad to join the ranks of the other States that do have lobbyist disclosure, and I do think that by opening the books of lobbyists and letting their records be on the table for people to see will make for better government in Pennsylvania as we move forward and maybe, just maybe, put a little bit more trust of the people in the process that is going on in their State Capitol.

So I thank everyone who helped make this possible tonight and ask for your support as we move on. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher. Rescinds that statement.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise to urge nonconcurrency on HB 700. I think that we do more harm than good by voting for this, because by voting for this, we are creating the illusion of reform without any real reform. We are accomplishing one great thing tonight, which is a PR job for the legislature prior to the election. We are not solving the problem, but we are doing PR for ourselves.

One of the most disappointing and frustrating parts of this job is to try to work on good public policy and see it eroded by the chummy relationships in this Capitol, in this town, between some lobbyists and some legislators which flow from, in my mind, the improper wining and dining in the best midstate restaurants, the buying and taking of legislators to the sporting events, giving them the best seats they would ever get, buying them the best wine they would ever drink, the wining and dining and how that has eroded good public policy. I can name bill after bill and see the effect of that.

Mr. Speaker, when I hear the term used “this is the strongest lobbying bill,” I have to laugh. This is ridiculous. A strong lobbying bill would ban gifts. That is what a strong lobbying bill would do. A moderate lobbying bill would require first-penny disclosure. That is what a moderate lobbying bill would do. That is what other States have done. Compared to that, we are doing nothing. We are giving the public no real information to evaluate the conduct of their legislators, and because we are giving the public no real information to evaluate their legislators, this culture in Harrisburg where it is all about personal connections and money is going to continue. But the problem here is, by passing this, we are taking the pressure off of the legislature to do real reform.

As I said before, the public is entitled to know what lobbyists are giving what elected officials what gifts to move what bills. They are entitled to know that. We work for them; we work for them. We have been given this public trust for a short period of time. This is not like we are opening up our own business and we can do what we want. They are entitled to know. If we are wined and dined by some special interest group and then vote on a piece of their legislation, the public has a right to know that, because it is their lives that are being affected and their money that is being spent, not ours, and, Mr. Speaker, this bill simply does not give us that information. It gives us money in the aggregate. We can say, oh, there is going to be \$4 million in office expenses or \$5 million in mailings, but you know what? That is not going to shape or change conduct.

A previous speaker said, well, the limits are low enough so we will be able to see that. That \$650 aggregate per year is low enough so we will be able to see who is getting the money. That was said. I can say for sure that will not happen because – and it is not speculation – the Senate had rules that had that \$650 aggregate for hospitalities, and virtually no elected official’s name ever showed up on those reports. It just is not low enough. We are not giving the public any idea what we are being lobbied on. It is not that big of a deal to talk about the specific issue. And whenever you fill out these reports, there is a reasonableness standard, and if the bill changes numbers, well, you put two numbers on it, or if there is not a bill number, it is just an issue, you just put the specific issue. You do what you can and you will be judged by a reasonableness standard.

But, Mr. Speaker, we are selling the public a bill of goods tonight, and all the patting on the back and all the self-congratulations do not mean a thing because it is just not going to change anything. My hope is that when we come back

next January with 60-some new faces, we will be entitled to do real lobbying reform, because we sure as heck are not doing it tonight.

I urge a nonconcurrency. Thank you.

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

Mr. MAHER. Thank you, Mr. Speaker.

The prior speaker spent quite a bit of time suggesting that this progress before us tonight would be doing nothing, and it caused me to think about people who do nothing, and I thought I would double-check, given all of his ideas about what we should be doing, to see the lobbying bill he introduced this session. I tried to find the lobbying bill he introduced last session. I tried to find the lobbying bill—

The SPEAKER pro tempore. The gentleman, Mr. Maher, suspend.

Mr. MAHER. Thank you.

POINT OF ORDER

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

Mr. VITALI. Yes. Point of order, Mr. Speaker.

Mr. Maher does this again and again. We are on HB 700. His ruminations about what I might have introduced is totally irrelevant here. I ask you to keep him in check and force him to defend what he is passing and not raise smoke screens.

Mr. MAHER. Mr. Speaker?

The SPEAKER pro tempore. Mr. Vitali, the Chair gave you considerable leeway in your remarks and is extending the same courtesy to Mr. Maher. I would, however, caution Mr. Maher to make sure that he is not making personal attacks on the gentleman, Mr. Vitali. But it is fair game to speak about what Mr. Vitali did discuss.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. As much as I agree with the content of the honorable gentleman, Mr. Maher, and disagree with the content of the debate of my own honorable colleague from Delaware County, I think there was at least a marginal differentiation in the way the debate accelerated and focused and became a bit aggressive.

Now, I have said innumerable times from this microphone that I wish we had the same operation relative to parrying and thrusting as the British Parliament. I wish we could go at it, but we do not. I mean, the rules constrain us, and although Mr. Vitali’s remarks were not ones that I would embrace in total for a variety of reasons – some I would, but not all of them – I think my honorable colleague and very dear friend from Upper St. Clair just breached the threshold of the cordiality that should punctuate our process, and I would just ask the Chair to keep a very close eye on what might be an impetuous moment from the gentleman from Upper St. Clair.

The SPEAKER pro tempore. The Chair appreciates your words of wisdom and again would remind Mr. Maher that whatever Mr. Vitali discussed is fair game, but you should not challenge his motivations or speculate as to things that he had planned, never had, or put yourself in his position.

Mr. MAHER. All right. I embrace your guidance entirely, Mr. Speaker.

The SPEAKER pro tempore. You may continue.

Mr. MAHER. The hope that I had was to attempt to benchmark the proposal before us, the comprehensive, wide-ranging reform before us, to benchmark it against whatever legislative bills were introduced that would embrace the other point of view, and I found that compared to what has been introduced from that other point of view, that the choice is this. The choice is this well-thought-out, expansive proposal versus nothing. It is that simple. And I thought a bit more about the really nasty characterization of many members of this chamber – none by name, mind you, but some do this, some do that – and the explanation from the prior speaker that somehow or another the thresholds for reporting in this bill are insufficient, but then I took comfort in knowing that this very same individual voted for these very same thresholds when the bill was coming from committee.

Now, PCN (Pennsylvania Cable Network) did not cover that meeting, and I am glad that they are covering this this evening, because we do want the light of day on our proceedings. The bill that is before us embraces the belief that sunshine serves as a great disinfectant. There will be sunlight in corners of Pennsylvania that have never seen the light of day before. The shadows are being removed. As Mr. Hutchinson said, I expect that one of the predictable results of this is that the more people understand about the way the State functions, I believe it will increase the confidence of the public in what the State does.

This bill, of course, is not just about legislators; it is about the executive branch; it is about all of the departments; it is about all of the agencies in this State. Many of them, I suspect probably all of them, are approached at one time or another certainly by folks who identify themselves and think of themselves as professional lobbyists, but also by folks who are just going about their life's work in some other capacity and have a concern about legislation and choose to come and knock on our door or knock on the Governor's door or knock on a department head's door, and those folks should have the ability to come and exercise their First Amendment right.

When my colleague speaks about the first-dollar disclosure, there are not too many folks who can get about lobbying, if you use that word, or petitioning their own government without spending any pennies. Heck, if you have constituents that send you a letter, would you be sending them a letter back saying now you should register as a lobbyist? Well, that is not reasonable. That would not improve government. That would make it a threat, a risk, a criminalization of First Amendment rights, and I will not stand for that and I doubt very many others in this chamber would stand for that.

So we have to accomplish a balance, a balance to ensure that those who expend significant funds must reveal those expenditures, whether to do it directly by knocking on your doors or indirectly by mail campaigns, poster campaigns, television campaigns. The public deserves to know who is spending what to influence whom about what. This bill does that. Pennsylvanians will know more about the workings of government and those who attempt to influence it than they have ever known before. I think that is a good thing. I believe your constituents will agree it is a very good thing, and I ask you to join me in embracing this proposal that requires that every dollar, every dollar spent by every lobbyist, will have to be reported, every dollar spent on gifts or entertainment of any sort will have to be reported, every dollar spent for directly reaching out to elected or appointed officials in any corner of the State government will have to be reported, every dollar

spent to influence you indirectly or other officials indirectly through AstroTurf grassroots campaigns will have to be reported.

The bill has checks and balances by providing for the first time that the thresholds for reporting gifts or entertainment or travel involving any State official is the same between the ethics law and the lobbying law. This will result in that anything that you are obliged to report, a lobbyist will be obliged to report and vice versa. When you have that sort of checks and balances, it inspires good voluntary action to ensure that you are following the rules.

But if that is not enough, we also have checks and balances behind that. There will be randomly selected audits to ensure that every lobbyist and every firm that hires a lobbyist is reporting information they need to report, and there are stiff civil and criminal penalties associated with violations. The teeth for enforcement are very sharp. A lobbyist can lose his right to practice for up to 5 years. A principal can be fined \$25,000 for a single intentional violation.

This is a very strong bill, and it accomplishes what has never been accomplished before in Pennsylvania, and I thank all of those involved, particularly singling out the gentleman, Mr. Clymer, for his leadership and for organizing the thorough series of public hearings, public meetings, committee discussions, and inviting all those who appeared as interested parties to come and express their point of view. Thank you all for your hard work, and let us move forward to turn the lights on in Pennsylvania.

Thank you, Mr. Speaker.

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

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

Mr. Speaker, I will be brief. I apologize for following the prime sponsor of the bill. I realize it would have been more appropriate for him to be last, but I just had to respond to a couple of things and I wanted to go get a couple of props, and I think it follows up what his comments were.

Personally, I was offended by some of the comments made here in the innuendo, and I would draw the question to the members, I think everybody got a package like this in their district office. When they talk about dollar-one reporting, it is just not practical, Mr. Speaker. Everybody got one of these in their district offices. It is a book which I know nothing about. I do not know really where it came from. There is a return address on it. I do not know the value of this book. I got a magazine this week. We all get this governing magazine, I suspect. They send you the magazine, then they send you a subscription and ask you to pay for it. I told them to take me off their mailing list; they keep me on it. I think I read it once or twice, gotten it for years. It has a value. I do not know exactly what it is. It is probably like a \$50- or \$60-a-year subscription. I do not know. I do not want it. They send it to me. How can we all be held responsible for reporting gifts of that nature when it is something we do not want, we do not need, we did not ask for.

The thresholds in this bill, Mr. Speaker, are real; they are practical. The last thing we need is people getting in trouble over something they did not try to do, something they had nothing to do with. Mr. Speaker, I applaud the many people who have worked hard to make this bill a reality and urge the members to support it on final passage.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887?

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—194

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fabrizio | Mackereth | Rubley |
| Allen | Fairchild | Maher | Sabatina |
| Argall | Feese | Major | Sainato |
| Armstrong | Fichter | Manderino | Samuelson |
| Baker | Flaherty | Mann | Santoni |
| Baldwin | Fleagle | Markosek | Sather |
| Barrar | Flick | Marsico | Saylor |
| Bastian | Forcier | McCall | Scavello |
| Bebko-Jones | Frankel | McGeehan | Schroder |
| Belardi | Freeman | McGill | Semmel |
| Belfanti | Gabig | McIlhatten | Shaner |
| Benninghoff | Gannon | McIlhinney | Shapiro |
| Beyer | Geist | McNaughton | Siptroth |
| Biancucci | George | Melio | Smith, B. |
| Birmelin | Gerber | Metcalfe | Smith, S. |
| Bishop | Gergely | Micozzie | Solobay |
| Blackwell | Gillespie | Millard | Sonney |
| Blaum | Gingrich | Miller, R. | Staback |
| Boyd | Godshall | Miller, S. | Stairs |
| Bunt | Good | Mundy | Steil |
| Buxton | Goodman | Mustio | Stern |
| Caltagirone | Grell | Myers | Stevenson, R. |
| Cappelli | Grucela | Nailor | Stevenson, T. |
| Casorio | Hanna | Nickol | Sturla |
| Causer | Harhai | O'Brien | Surra |
| Cawley | Harhart | O'Neill | Tangretti |
| Civera | Harper | Oliver | Taylor, E.Z. |
| 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 | 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. | Ramaley | Wilt |
| Dermody | Kenney | Rapp | Wojnaroski |
| DeWeese | Killion | Raymond | Wright |
| DiGirolamo | Kirkland | Readshaw | Yewcic |
| Diven | Kotik | Reed | Youngblood |
| Donatucci | Leach | Reichley | Yudichak |
| Eachus | Lederer | Roberts | Zug |
| Ellis | Leh | Roebuck | |
| Evans, D. | Lescovitz | Rohrer | Perzel, |
| Evans, J. | Levdansky | Ross | Speaker |

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments as amended by the Rules Committee with corrective reprint No. 4887 were concurred in.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2269, PN 4731**, entitled:

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services and for funding; and prescribing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. **PISTELLA** offered the following amendment No. **A09758**:

Amend Sec. 103, page 6, by inserting between lines 6 and 7

(3) An intermediate care facility for people with mental retardation.

Amend Sec. 103, page 6, line 7, by striking out “(3)” and inserting

(4)

Amend Sec. 103, page 6, line 10, by striking out “(4)” and inserting

(5)

Amend Sec. 103, page 6, line 13, by striking out “(5)” and inserting

(6)

Amend Sec. 103, page 6, by inserting between lines 13 and 14

(7) A residential treatment facility.

Amend Sec. 301, page 9, line 12, by removing the period after “ADULTS” and inserting

or county mental health and mental retardation programs.

Amend Sec. 301, page 9, line 30, by striking out “providers” and inserting

agencies

Amend Sec. 307, page 21, line 19, by inserting after “Community”

or general

Amend Sec. 307, page 21, line 20, by inserting after “community”

or general

On the question,

Will the House agree to the amendment?

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

Mr. **PISTELLA**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will expand the definition of a “facility” to include intermediate care facilities for people with mental retardation and residential treatment facilities.

In addition, it amends the section regarding the duties of the department and agencies to require agencies' bidding to provide protective services to remain separate from county MH/MR (mental health/mental retardation) programs, the net effect of which would be that agencies providing those mental health/mental retardation services would not be eligible to provide protective services.

In addition, there are some technical portions of this amendment. It amends the section requiring the department to establish minimum standards of training and experience that agencies, as opposed to providers, shall follow in the selection and assignment of staff for the provision of protective services.

It amends the section pertaining to involuntary intervention by emergency court order to include general hospitals with community hospitals as facilities that individuals may be sent to for treatment.

I would appreciate the support of the members for this amendment.

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

Mr. SATHER. Thank you, Mr. Speaker.

This is an agreed-to amendment. It does quite a bit to add to the bill, and I would ask for your support.

The SPEAKER pro tempore. Is the gentleman, Mr. Hutchinson, seeking recognition on this amendment?

MOTION TO ADJOURN

Mr. HUTCHINSON. Actually, Mr. Speaker, I would like to make a motion.

The SPEAKER pro tempore. The gentleman may state it.

Mr. HUTCHINSON. Mr. Speaker, in light of the numerous mistakes we have seen done in this building in the last couple nights, I would like to make a motion that we adjourn until tomorrow morning at 10 a.m.

The SPEAKER pro tempore. Motions for adjournment are debatable only by the floor leaders.

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

The SPEAKER pro tempore. Mr. DeWeese, would you like to speak on that motion? The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. I empathize with my honorable colleague, and I hope we can expedite the procedure to some degree, but the Cover All Kids legislation is vital to both the Republicans and the Democrats and certainly to Governor Rendell. So I would regretfully oppose the gentleman's motion, although understanding its motivation and asking the indulgence of the membership to keep our remarks somewhat circumscribed as the debate unfolds in the next several minutes or hours or whatever, but I would ask for a negative vote.

The SPEAKER pro tempore. The gentleman, Mr. Smith, do you seek to speak on this motion? The gentleman says no.

Mr. S. SMITH. Mr. Speaker, as my good friend, Pat Fleagle, would note, let us just get this done tonight.

The SPEAKER pro tempore. Mr. Fleagle is well worth quoting.

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

(Members proceeded to vote.)

The SPEAKER pro tempore. Let the record reflect that Mr. Eachus would like to be recorded in the negative.

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

The following roll call was recorded:

YEAS—55

| | | | |
|-------------|------------|------------|-----------|
| Armstrong | Forcier | Mackereth | Rapp |
| Barrar | Freeman | Maher | Reichley |
| Benninghoff | Gabig | Manderino | Rohrer |
| Birmelin | Gannon | Marsico | Sainato |
| Bunt | Gillespie | McGill | Samuelson |
| Buxton | Grell | McIlhattan | Saylor |
| Causer | Harhai | Metcalfe | Scavello |
| Cawley | Harhart | Miller, R. | Schroder |
| Corrigan | Harper | Mundy | Smith, B. |
| Creighton | Hutchinson | Nailor | Solobay |
| Dally | Kauffman | Nickol | Tigue |
| DiGirolamo | Keller, M. | Parker | Vitali |
| Ellis | Lederer | Petrarca | Yewcic |
| Flaherty | Lescovitz | Quigley | |

NAYS—140

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Fabrizio | Markosek | Shaner |
| Allen | Fairchild | McCall | Shapiro |
| Argall | Feese | McGeehan | Siptroth |
| Baker | Fichter | McIlhinney | Smith, S. |
| Baldwin | Fleagle | McNaughton | Sonney |
| Bastian | Flick | Melio | Staback |
| Bebko-Jones | Frankel | Micozzie | Stairs |
| Belardi | Geist | Millard | Steil |
| Belfanti | George | Miller, S. | Stern |
| Beyer | Gerber | Mustio | Stevenson, R. |
| Biancucci | Gergely | Myers | Stevenson, T. |
| Bishop | Gingrich | O'Brien | Sturla |
| Blackwell | Godshall | O'Neill | Surra |
| Blaum | Good | Oliver | Tangretti |
| Boyd | Goodman | Pallone | Taylor, E.Z. |
| Caltagirone | Gruclera | Payne | Taylor, J. |
| Cappelli | Hanna | Petri | Thomas |
| Casorio | Harris | Petrone | True |
| Civera | Hasay | Phillips | Turzai |
| Clymer | Hennessey | Pickett | Veon |
| Cohen | Herman | Pistella | Walko |
| Cornell | Hershey | Preston | Wansacz |
| Costa | Hess | Pyle | Waters |
| Crahalla | Hickernell | Ramaley | Watson |
| Cruz | James | Raymond | Wheatley |
| Curry | Josephs | Readshaw | Williams |
| Daley | Keller, W. | Reed | Wilt |
| DeLuca | Kenney | Roberts | Wojnaroski |
| Denlinger | Killion | Roebuck | Wright |
| Dermody | Kirkland | Ross | Youngblood |
| DeWeese | Kotik | Rubley | Yudichak |
| Diven | Leach | Sabatina | Zug |
| Donatucci | Leh | Santoni | |
| Eachus | Levdansky | Sather | Perzel, |
| Evans, D. | Major | Semmel | Speaker |
| Evans, J. | Mann | | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

The SPEAKER pro tempore. We return to the Pistella amendment, amendment No. 9758. Are there any other members seeking recognition on that amendment? Seeing none, the question recurs, will the House agree to the amendment?

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

The following roll call was recorded:

YEAS—195

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

| | | | |
|-----------|-----------|--------|---------|
| Ellis | Lescovitz | Rohrer | |
| Evans, D. | Levdansky | Ross | Perzel, |
| Evans, J. | Mackereth | Rubley | Speaker |
| Fabrizio | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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. VEON offered the following amendment No. **A10258**:

Amend Sec. 508, page 32, line 13, by inserting before "The"

(a) General rule.—

Amend Sec. 508, page 32, by inserting between lines 15 and 16

(b) Organizations.—The department, the Department of Public Welfare and the Department of Health shall promulgate within 120 days interim regulations to be utilized in determining organizations that are subject to Chapter 5 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act. Regulations under this subsection are exempt from the following:

(1) Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A10267**:

Amend Sec. 303, page 16, by inserting between lines 11 and 12

(iii) Be written in plain language whenever possible and prepared in a manner which can be easily understood by an adult in need of protective services or that adult's appointed guardian.

Amend Sec. 303, page 16, line 12, by striking out "(iii)" and inserting

(iv)

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, when an elderly person must be taken into protective services, the stress and strain can be unimaginable. Understanding the findings dealing with their condition and care

is a priority for them and their caregiver. Helping them through this difficult time is the least that we can do. My amendment will make those findings easily understandable for the elderly person involved.

I ask for your support on this amendment.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Sather.

Mr. **SATHER**. Thank you, Mr. Speaker.

This amendment also is agreed to, and I appreciate a supportive vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Gruitza LaGrotta Rieger Ruffing
Haluska Maitland Rooney

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Barrar, who moves that the rules be suspended for the offering of an amendment. Mr. Barrar, would you give us that amendment number, please.

Mr. BARRAR. This is to HB 2699. Is that right?

The SPEAKER pro tempore. Your amendment number, please.

Mr. BARRAR. The amendment number is A10357.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Barrar, I think we have made a mistake here. I know that is hard to believe, but your amendment was to a different bill so—

Mr. BARRAR. It should be to the, it says here on mine, it is on a House bill.

The SPEAKER pro tempore. We had a twisting around of the numbers.

Mr. BARRAR. Right.

The SPEAKER pro tempore. Your amendment is to a different bill but has the—

Mr. BARRAR. Right.

The SPEAKER pro tempore. —same numbers in a different arrangement.

Mr. BARRAR. So it is messed up on the computer?

The SPEAKER pro tempore. The Chair apologizes to the gentleman.

Mr. BARRAR. Thank you.

The SPEAKER pro tempore. And there is no Barrar amendment at this point. So we are on final passage.

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?

Mr. Sather, you are recognized.

Mr. SATHER. Thank you, Mr. Speaker. I am going to be very brief.

This bill is a result of nearly 3 years of meetings, public hearings, discussions, and negotiations between consumers and advocates and providers of services to the vulnerable individuals of 18 to 59. Temple University is supporting it; Pennsylvania Developmental Disabilities Council; the

Arc (Advocacy & resources for citizens) of Greater Pittsburgh; the Arc of Pennsylvania; the Arc of Beaver County; Pennsylvania area agencies on aging; Pennsylvania Protection and Advocacy; the National Multiple Sclerosis Society; and Vision for EQuality.

HB 2269 may very well be the most important piece of legislation directly affecting Pennsylvania's vulnerable individuals between the ages of 18 and 59, and I want to truly express my appreciation to the disabilities coalition and all the aforementioned groups for the hard work and many hours devoted to putting this initiative together.

Now, I am going to make a comment. Thank you all for your support this evening, recognizing that the 2005-06 legislative session is fast drawing to a close and that HB 2269 will not likely make it to the Governor's desk this year, but I want to encourage all of you, I want to encourage all of you to stay the course on the adult protective services issue and to act deliberately and with swiftness next session to make sure that this becomes a reality and the system is put in place.

Thank you very much.

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

| | | | |
|------------|------------|----------|------------|
| Dally | Keller, M. | Quigley | Wheatley |
| DeLuca | Keller, W. | Ramaley | Williams |
| Denlinger | Kenney | Rapp | Wilt |
| Dermody | Killion | Raymond | Wojnaroski |
| DeWeese | Kirkland | Readshaw | Wright |
| DiGirolamo | Kotik | Reed | Yewcic |
| Diven | Leach | Reichley | Youngblood |
| Donatucci | Lederer | Roberts | Yudichak |
| Eachus | Leh | Roebuck | Zug |
| Ellis | Lescovitz | Rohrer | |
| Evans, D. | Levdansky | Ross | Perzel, |
| Evans, J. | Mackereth | Rubley | Speaker |
| Fabrizio | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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 2978, PN 4751**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales and use tax.

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

The SPEAKER pro tempore. It is the understanding of the Chair that all of the amendments to this particular bill have been withdrawn. Are there any members who have information to the contrary?

The gentleman, Mr. Stevenson, do you have an amendment to this bill? Do you have an amendment, Mr. Stevenson?

Mr. R. STEVENSON. Yes, Mr. Speaker. It is a technical amendment, amendment A09941.

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

Mr. **R. STEVENSON** offered the following amendment No. **A09941**:

Amend Sec. 1 (Sec. 204), page 2, line 2, by striking out “purchase of” and inserting

sale at retail or use of copies of

Amend Sec. 1 (Sec. 204), page 2, line 3, by striking out “furnished to the public at cost” and inserting
sold

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Stevenson. The gentleman waives off.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. Is the gentleman, Mr. Stevenson, seeking recognition?

Mr. R. STEVENSON. Thank you, Mr. Speaker.

I would like to submit remarks for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. R. STEVENSON submitted the following remarks for the Legislative Journal:

Mr. Speaker, effective January 1, 2007, the Department of Revenue will begin collecting sales and use tax on copies of official documents furnished to the public at a cost by local government and court offices. This includes deeds, marriage licenses, wills, court orders, et cetera. This is the first time in history that this interpretation of Pennsylvania sales and use tax has been applied.

I have heard from many county officials as well as concerned taxpayers of the effect this will have on them. This new interpretation will cost counties and the courts thousands of dollars in programming changes, software updates, and places undue fiscal responsibility on local taxpayers to pay for these purchases. Keep in mind, the maintenance of these public records is already paid for by local tax dollars.

Please join me in preserving Pennsylvania's sales and use tax statute rather than allow for executive interpretations of the law as a means to collect additional revenue. The taxing power of this Commonwealth must remain in the hands of the General Assembly.

I ask for the support of the House in passing HB 2978.

Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2699, PN 4886**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing, in health care insurance individual accessibility, for expiration; providing, in quality health care accountability, for managed care plans participating in the medical assistance program; further providing, in children's health care, for legislative findings and intent, for definitions, for free and subsidized health care, for outreach and for payor of last resort and insurance coverage; and providing, in children's health care, for Federal waivers and for expiration.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The gentleman, Mr. Barrar, is recognized for the purpose of making a motion. Just a second, Mr. Barrar.

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

Mr. BARRAR. I need to make a motion to suspend the rules to offer amendment 10357.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. Mr. Barrar, would you give a brief explanation of your amendment.

Mr. BARRAR. Yes. This amendment, Mr. Speaker, deals with the retroactive denial of reimbursements to doctors and people in the medical community. It sets that look-back period at 12 months for the insurance company to look back into the medical doctors' or the chiropractors' records to see if they should repay back a payment to the insurance company.

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, defer to Mr. Eachus? Apparently; yes. So, Mr. Eachus, you may speak.

Mr. EACHUS. Thank you.

Mr. Speaker, I rise to oppose suspension of HB 2699. This is an essential bill. It has been negotiated by all four caucuses, all weekend long. This proposal will finish the deal to cover all children in Pennsylvania with access to the CHIP program (Children's Health Insurance Program), and any attempt to amend this bill will be opposed by our side, because any step will send this back into a tailspin, and we oppose suspension because we believe that the proposal before us is essential to giving children access to health insurance.

The SPEAKER pro tempore. Mr. Smith?

Mr. EACHUS. We sent this amendment, Mr. Speaker, earlier today to the Senate once. It is back now, final form, and we absolutely support this process.

The SPEAKER pro tempore. The gentleman, Mr. Smith, indicates that he is deferring to the chairman of the Health and Human Services Committee, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose suspension of the rules. The language being proposed I believe was already added to SB 1335 and to HB 2178, which is already in the Senate. As was mentioned by the gentleman, Mr. Eachus, this was a piece of legislation, HB 2699 was legislation agreed upon by leadership. It does expand health-care coverage to all children throughout Pennsylvania, and for that reason I would ask for a negative vote on suspension of the rules.

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

The following roll call was recorded:

YEAS—62

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, J. | Hutchinson | Pyle |
| Allen | Fairchild | Kauffman | Quigley |
| Argall | Fleagle | Killion | Rapp |
| Armstrong | Forcier | Leh | Reed |
| Baker | Gabig | Maher | Reichley |
| Baldwin | Gannon | Marsico | Rohrer |
| Barrar | Geist | McNaughton | Saylor |
| Benninghoff | Gillespie | Metcalfe | Scavello |
| Birmelin | Godshall | Millard | Schroder |
| Boyd | Good | Miller, R. | Semmel |
| Causar | Harhart | Mustio | Smith, B. |
| Cornell | Harris | Nickol | Stevenson, R. |
| Crahalla | Hennessey | Petri | Stevenson, T. |
| Creighton | Herman | Phillips | Taylor, E.Z. |
| Denlinger | Hess | Pickett | Wilt |
| Ellis | Hickernell | | |

NAYS—133

| | | | |
|-------------|------------|------------|------------|
| Bastian | Fichter | McGeehan | Sipthoth |
| Bebko-Jones | Flaherty | McGill | Smith, S. |
| Belardi | Flick | McIlhatten | Solobay |
| Belfanti | Frankel | McIlhinney | Sonney |
| Beyer | Freeman | Melio | Staback |
| Biancucci | George | Micozzie | Stairs |
| Bishop | Gerber | Miller, S. | Steil |
| Blackwell | Gergely | Mundy | Stern |
| Blaum | Gingrich | Myers | Sturla |
| Bunt | Goodman | Nailor | Surra |
| Buxton | Grell | O'Brien | Tangretti |
| Caltagirone | Gruclera | O'Neill | Taylor, J. |
| Cappelli | Hanna | Oliver | Thomas |
| Casorio | Harhai | Pallone | Tigue |
| Cawley | Harper | Parker | True |
| Civera | Hasay | Payne | Turzai |
| Clymer | Hershey | Petrarca | Veon |
| Cohen | James | Petrone | Vitali |
| Corrigan | Josephs | Pistella | Walko |
| Costa | Keller, M. | Preston | Wansacz |
| Cruz | Keller, W. | Ramaley | Waters |
| Curry | Kenney | Raymond | Watson |
| Daley | Kirkland | Readshaw | Wheatley |
| Dally | Kotik | Roberts | Williams |
| DeLuca | Leach | Roebuck | Wojnaroski |
| Dermody | Lederer | Ross | Wright |
| DeWeese | Lescovitz | Rubley | Yewcic |
| DiGirolamo | Levdansky | Sabatina | Youngblood |
| Diven | Mackereth | Sainato | Yudichak |
| Donatucci | Major | Samuelson | Zug |
| Eachus | Manderino | Santoni | |
| Evans, D. | Mann | Sather | Perzel, |
| Fabrizio | Markosek | Shaner | Speaker |
| Feese | McCall | Shapiro | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

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

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

NAYS—19

| | | | |
|-------------|-----------|------------|---------------|
| Benninghoff | Harris | Miller, R. | Steil |
| Birmelin | Leh | Mustio | Stern |
| Creighton | Mackereth | Rohrer | Stevenson, R. |
| Denlinger | Maher | Saylor | Wilt |
| Gillespie | Metcalf | Schroder | |

NOT VOTING—0

EXCUSED—7

| | | | |
|---------|----------|--------|---------|
| Gruitza | LaGrotta | Rieger | Ruffing |
| Haluska | Maitland | Rooney | |

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER pro tempore. There are no more votes to be taken. The House will convene at midnight for a few matters that you do not need to be here, nor vote on.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1095, PN 2113

By Rep. GEIST

An Act amending the act of July 5, 1984 (P.L.587, No.119), known as the Rail Freight Preservation and Improvement Act, further providing for definitions and for program authority.

TRANSPORTATION.

SB 1330, PN 2217 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "serious traffic violations"; further providing for employer responsibilities; authorizing certain charitable organizations to solicit funds on highways; and further providing for unlawful acts.

TRANSPORTATION.

STATEMENT BY MR. BENNINGHOFF

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The last bill passed so quickly, some of us could not even get our coats on fast enough, but I did want to make a comment for the record.

While it sounds nice to cover all kids, I suspect no one is going to know how to fund this, and I think we ought to put on the record the fact that by the admission of this own administration, we are going to be going into a budget cycle with probably no less than a half-a-billion-dollar deficit, with no understanding of how we are going to fund Medicaid needs at a time when we already have an abundance of funding in our CHIP program and it is underutilized, and now as a Commonwealth, we have started a new program that sounds good, feels good, with no idea how we are going to fund it.

For the record, I oppose it, and I am really kind of discouraged that we are going to set ourselves up for that kind of economic challenge next year.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair reminds the members there are no votes tomorrow; there are no votes being taken tomorrow.

ANNOUNCEMENT BY MR. COHEN

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I just want to announce there will be informal discussions in the Democratic caucus room, and I want to announce that there will be no review and planning meeting for tomorrow.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any other announcements? Any other members have an announcement to make?

Tomorrow is nonvoting. Tomorrow begins in about 19 minutes, at midnight.

Any announcements?

The House will be at ease until midnight.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Perzel. His name will be canceled from the legislative leave list.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

BILLS SIGNED BY SPEAKER

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

HB 552, PN 4879

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the authority to invest and reinvest certain moneys; defining “general use prepaid cards,” “gift card,” “gift certificate” and “qualified gift certificate”; further providing for unclaimed property and for property held by courts and public officers and agencies; and clarifying provisions relating to notice and publication of lists.

HB 2202, PN 4285

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home infusion therapy to be available to all eligible recipients and adding a definition of “home infusion therapy.”

HB 2639, PN 4878

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, providing for glomerular filtration rate testing.

HB 2667, PN 4848

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.

HB 2699, PN 4886

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing, in health care insurance individual accessibility, for expiration; providing, in quality health care accountability, for managed care plans participating in the medical assistance program; further providing, in children’s health care, for legislative findings and intent, for definitions, for free and subsidized health care, for outreach and for

payor of last resort and insurance coverage; and providing, in children’s health care, for Federal waivers and for expiration.

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

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Benninghoff, from Centre County.

Mr. BENNINGHOFF. Mr. Speaker, I move that this House do now recess until Wednesday, October 25, 2006, at 12:01 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 12 a.m., e.d.t., Wednesday, October 25, 2006, the House recessed.