

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 15, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 67

HOUSE OF REPRESENTATIVES

The House convened at 11:30 a.m., e.s.t.

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

PRAYER

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

Thank you, Mr. Speaker.

If I may, a comment. I asked my secretaries in my district office to write the prayer for today, and they were gracious enough to do that. They said, if it is not long enough, you can sing a hymn at the end, and I told them I will add a little note to the prayer rather than sing a hymn, but thanks to Deb and Leigh and Mary.

Would you pray with me, please.

Dear Heavenly Father, we thank You for the many blessings You have bestowed upon us here in this great State and nation, among which are our resources, our relationships, and freedoms that we came together today to protect and preserve.

The Bible says that he who is the greatest among you must be the servant of all. Keep us mindful that we are to serve You and our fellowmen. Let us realize that our purpose in working together is to ease the path of others. Grant us the wisdom, integrity, and compassion in fulfilling the responsibility given to us to this end.

All of us in this chamber share the desire to make a positive difference. Legislation scheduled to be considered today has been proposed with the intention of improving conditions within our State. Direct us as we strive to enhance the lives of all who live in the Commonwealth of Pennsylvania. Guide our decisions in accordance with Your will. Extend Your guidance also to other branches of State and Federal governments for our common goals of protecting the gifts given to us and the betterment of our lives and the lives of others.

We also thank You for the freedoms that come through our Constitution, particularly the freedom to vote. Not all were happy with the results this past week. However, we know that You are still in charge, and for those who lost, we know that when a door closes, another will soon open. For those who were victorious, give them the strength and wisdom to do the right thing in an honest and forthright manner.

Also, we continually ask You, God, to guide and protect our troops that are in harm's way.

Through You we can accomplish much. Be with us as we serve You and the people of the Commonwealth of Pennsylvania in our business today.

In Your holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, November 14, 2006, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. Without objection, the following Journals stand approved:

Thursday, June 15;
Monday, June 19; and
Tuesday, June 20, 2006.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Philadelphia, Mr. EVANS; the gentleman from Fayette, Mr. SHANER, for the week; the gentleman from Philadelphia, Mr. McGEEHAN, for the day; and the gentleman from Elk, Mr. SURRA, for the day. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Flaherty	Maitland	Sabatina
Baker	Fleagle	Major	Sainato
Baldwin	Flick	Manderino	Samuelson

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	McGeehan	Rieger	Surra
Killion	Pistella	Shaner	Youngblood

LEAVES ADDED—4

Armstrong	LaGrotta	Taylor, E.Z.	Wheatley
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LEAVES CANCELED—1

McGeehan

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Abdullah J. Ata and Selbi Akiyeva, who are serving as guest pages today for Representative Sheila Miller. Abdullah is a foreign exchange student from Baghdad, Iraq, and Selbi is from Ashgabat, the capital of Turk Menistan. The exchange students are attending Conrad Weiser High School while staying with their host family, the Belskis, who reside in

Womelsdorf. Would those guests please rise and be recognized. They are the guests of Representative Sheila Miller.

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 471, PN 4923 (Amended) By Rep. S. SMITH

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for transfers of appropriations and for notice of transfers and loans between funds; extending the time period covered by an application considered for the Merchant Marine World War II Veterans Bonus and the expiration of the Merchant Marine World War II Veterans Bonus Act; establishing the Cardiovascular Disease Advisory Committee and a Statewide stroke database; and making inconsistent repeals relating to the Merchant Marine World War II Veterans Bonus Act.

RULES.

LEAVE OF ABSENCE CANCELED

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. SOLOBAY called up **HR 915, PN 4920**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Army Corporal Russell G. Culbertson III, a member of the 1st Battalion, 22nd Infantry Regiment, 1st Brigade, 4th Infantry Division, out of Fort Hood, Texas, who tragically lost his life on October 17, 2006, while on active duty in Iraq.

On the question,
Will the House adopt the resolution?

The SPEAKER. This is a memorial resolution. Please keep the noise levels down.

The Chair recognizes the gentleman, Mr. Solobay.
Mr. SOLOBAY. Thank you, Mr. Speaker.

I appreciate the opportunity today to stand and speak on this resolution, although I do it with a heavy heart.

It is often said that freedom is not always free, and in times of war, the price that some pay for freedom is immeasurable and is felt beyond the standard loss of time and space. It is felt at the very root of our own existence – in the anguish of losing a son or a daughter, a brother or a sister, a grandson or a granddaughter, a nephew or a niece, or even a friend. It is felt in the heart.

Last month, on October 17, Cpl. Russell G. Culbertson III, only 22 years old and a resident of Amity, Pennsylvania, in Washington County, lost his life while serving with the United States Army in Iraq.

Ironically, Corporal Culbertson was scheduled to come home next month. His service in Iraq set to end and his return to family and friends just before Christmas was the plan, but that plan was tragically altered and his service became eternal. While driving outside of Baghdad with three fellow soldiers, Corporal Culbertson's Humvee hit a roadside bomb. All four brave American heroes lost their lives in that explosion.

Mr. Speaker, I did not want to take the floor today to focus on Corporal Culbertson's death but rather to take time to talk about his life.

I am told that Russell was a warmhearted guy who was quick with a smile. His sister, Elizabeth, often roughhousing with Russell, tells of a story about how one time things got a little out of hand and she ended up with a bloody nose. Russell begged her not to tell their parents, and as Elizabeth put it, the two became best friends because she did not rat him out, and, Russell, I hope I just did not rat you out today.

Russell was a graduate of Trinity High School in Washington County, the class of 2003. Before enlisting in the Army, he worked at a local restaurant where his specialty was the Bananas Foster dessert maker every Friday evening.

Russell was a car enthusiast, especially fond of the fast ones, and would often be found tinkering under a hood. It was reported that on his return to the States after service in Iraq, he wanted to replace a Camaro that he accidentally banged up a little bit last December before he left for Iraq.

It was only fitting that he start his military career driving a tank, although much slower than his Camaro. He was still driven by a strong passion to serve and quickly worked his way up to gunner in the 4th Infantry Division.

His passion to serve was only exceeded by his love for his family and friends. When asked why he volunteered to be in the Army during America's involvement in an active conflict, Russell said that he felt it was his duty to protect family, friends, and all Americans who cherished freedom.

As a military man, Russell was awarded the Bronze Star, Purple Heart, Army Good Conduct Medal, the National Defense Service Medal, Iraq Campaign Medal, the Global War on Terrorism Medal, the Army Service Ribbon, Overseas Service Ribbon, Combat Action Badge, and the Weapons Qualification Badge-Expert Rifle.

Today, Mr. Speaker, I would like to bestow one more honor on Cpl. Russell G. Culbertson III, a House resolution honoring his extraordinary life and the sacrifice he made, a House resolution extending condolences to his family and friends and a permanent memorial to a man whose life ended much too soon.

Corporal Culbertson will be remembered as a loving and devoted son, grandson, brother, nephew, and a friend, and his legacy will be that of an American hero, a legacy that has become eternal.

Please help me by doing this with unanimous approval of HR 915. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	LaGrotta	Rieger	Surra
Killion	Pistella	Shaner	Youngblood

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

STATEMENT BY MR. DALEY

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

Mr. DALEY. On unanimous consent, Mr. Speaker.

I would ask that all members of the House be added as cosponsors of the resolution, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Stevenson, please come to the rostrum.

**FAREWELL ADDRESS
BY MR. T. STEVENSON**

The SPEAKER. Representative Stevenson.

Mr. T. STEVENSON. Let me begin by saying that preparing these farewell remarks has been difficult but yet enlightening at times.

I have thought, rethought, scratched, scrawled, deleted, edited, reedited this brief presentation, hoping to leave you with some inspiring words to remember me by besides my two most popular catch phrases, which those around me have heard far too many times.

Shutting down both my district and Harrisburg offices has been emotional at times. I have greatly enjoyed reviewing my files. This process has triggered so many pleasant memories and stories. I never realized, for example, that I have over 20 bills that have become law. In my 10 years here, I have helped increase funding to libraries, I have established a tax refund checkoff for diabetes research, I have advocated for increased funding for our approved private schools. As a result of my efforts, the hero scholarship bill was enacted into law, and now the children of our deceased firemen, policemen, ambulance personnel, and National Guardsmen killed in the line of duty can go to our colleges and universities for free. I have also been involved with – and it was my bill that passed – the research and development tax credit tradability bill. And for those of you that do not know, this is working, and we are helping increase startup businesses, and they are adding more employees and their businesses are growing as a result of this bill. And also the film grant program was my bill, which is now bringing films back to Pennsylvania, which means more jobs.

Of course my legislative successes could not have been possible without the dedication of my staff here in Harrisburg and in Pittsburgh. Individuals such as Dawn Morrison, Nancy Makowski, Dan Howell, Terri Boyer, Wendy Seltzer, and Ty McCauslin were there to provide insight, expertise, and words of encouragement regardless of the task at hand.

And I also have to thank our research staff; they are second to none. They were always there for me. But I would like to recognize two of the people that made it in from Pittsburgh today from my staff, and that is Dawn Morrison and Nancy Makowski. Could you please stand. Thank you.

My success as a State Representative could not have been possible without the love and support of my family. Joining us today are my wife, Roberta, and my two kids, Bethany and Tommy. Could you please stand. Without you guys being there in good times and bad, I could not have done this job effectively. Thank you. I love you all.

And I was shocked and surprised to find out this morning that my in-laws, Flo and Mike Gaydos, and my sister-in-law, Donna Nartker, also showed up, and they have been great. They have been so supportive over the years. So please stand and be recognized.

I told Roberta when we got married that I would like to dabble in politics. Well, I think I have dabbled long enough, and it is time to move on with my life, and at this point in time, I am going to expand my law practice and spend more time with family and friends.

Before I end this farewell speech – because I told everybody around me this will be the shortest one you hear – I would like to comment on the winds of change that have swept this city and Capitol. I believe we all come to the House thinking that we are going to set the world on fire and be a catalyst for change. After all, is that not all part of our platforms at election time? But after a brief time here, I believe we all realize there are only a few things that need changed, and for this institution to continue to appropriately function and thrive as the oldest elected body in America, we all have to recognize this and be careful when we are talking about things we are going to change.

I encourage all of you to work towards achieving this necessary change without compromising your values and without tearing this fine long-standing institution down.

It has been a pleasure working with all of you on both sides of the aisle, and just like smoking a fine cigar, it will be a pleasure remembering the great times we have all enjoyed together.

So on a positive note, I would like to close by thanking the people of the 42d Legislative District for giving me the opportunity to be their Representative. It has been an honor and a privilege, and I want to thank all of you for your friendship and support.

Thank you.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and places the gentelady from Chester, Mrs. TAYLOR, for a leave of absence for the remainder of the day, and the gentleman, Mr. LaGROTTA, for the remainder of the day. Without objection, those leaves will be granted.

**FAREWELL ADDRESS
BY MR. GRUITZA**

The SPEAKER. Representative Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Members of the House, members of the staff within my voice, ladies and gentlemen, people across Pennsylvania that may be watching on PCN (Pennsylvania Cable Network), 26 years ago I had the great fortune of being elected to represent the wonderful people of the 7th Legislative District in Pennsylvania. Over that period of time I have dealt with every kind of issue imaginable, served on most of the legislative committees here, had the opportunity to work with some of the finest people you could ever ask to work with, both as elected

officials and members of the House and Senate, as well as the wonderful staff that we have here.

I have dealt with every kind of issue from stocking our woods with Sichuan pheasants to accomplishing a relining of a blast furnace at one of my local steel mills several years ago. We have worked hard to improve our transportation network in the area, which was really in shambles when I was first elected, and got some good projects done, and it has just been an amazing journey for me.

It is hard to wrap up in a few minutes 26 years, but I realized I guess it was last session when somebody said, you know, you are one of the most senior members in this area, and we started looking at the map and realized that from Erie all the way – you had to go as far south as Pittsburgh before there was a more senior member in the Pittsburgh area and you had to go as far east as Bud George's district in Clearfield County before there was a more senior member. So in that whole big section of northwestern Pennsylvania, I came to realize I had been around the longest, and I have to say again, I owe a lot of people a big debt of gratitude and a big thank-you for giving me that opportunity to serve in this wonderful chamber for so many years with so many wonderful people.

My staff is seated in the rear of the House, and I would like to first acknowledge them because they have done a terrific job of working with me and for me and for the people. In my Harrisburg office, Tom Hiller, who is the executive director of the minority party in the Children and Youth Committee and previously the State Government Committee – Tom, would you stand up – and Barb Mowery with our office; Bob Brownawell with the Harrisburg office; and certainly last but not least, Diane Simpson, who has been with me, really, the entire time and has just been my angel, my absolute guardian angel.

Coming in from Hermitage, from the Shenango Valley, this week are my two district office staff people – Lori Bertolasio – would Lori please stand – and Brenda Tomko. Brenda has been with me almost the entire time of my service.

The most important person sitting back there has been with me for the last 30 years, I guess it is, Joan; my wife, Joan, and I would like Joan to stand. In my absence she raised three kids, and she was always my best adviser and always the one I could go to to count on some good common sense, and she has been a great partner in all of this.

I have to tell you, you know, my district, and those of you from western PA know, you put a lot of time on the highway. I figure I have driven somewhere between half a million and 600,000 miles on this job; that is a few times around the earth, and a lot of that time has been in bad weather. So I would be remiss if I did not thank God for delivering me safely up and down that interstate for so many years through so many snowstorms and ice storms and fog and you name it.

I want to thank my family at home, my brothers and sisters. I have to remember my parents at this time. They are both deceased, but in the early days they were certainly all key to my success politically, and my family and all of our network of friends were really the key to my success politically. Our organization was centered around family and close friends, and I have to thank all of them.

To wrap this up, I want to wish you all the very best, the new members that are coming in. We have done a tremendous amount of good. We do not always get the credit that this chamber and that this State government deserves. In my experience I have had the opportunity from time to time to have

problems involving constituents or people in other States and tried to work through those other legislative offices, and I can tell you, no State government responds to legitimate complaints and concerns and problems of their people as well as the State of Pennsylvania through the good offices that we represent and that we hold. I mean, some of the reactions I have gotten in other States have just been almost unbelievable, and I have said many times, that would not happen in Pennsylvania. We have a lot to be proud of in this State. I think this State is poised to move forward into this century and be great.

In closing, I just want to say that most of the time it has really been a pleasure holding this office, but all of the time, every moment of this time, it has been a great privilege, and I have enjoyed it very much, and I have been very proud to hold the office.

I finally want to recognize the couple members from my delegation from Mercer County, Dick Stevenson and Rod Wilt. Before Rod, I had the pleasure to work with his father as a House member and then as our Senator and Senator Robbins on the other side of the building in the Senate. They have been wonderful people to work with and good partners in trying to move Mercer County forward and deal with the issues and the problems.

I want to thank our leadership. I have enjoyed working with all of you. Bill, you know, what can you say? I do not have the adjectives. You have got to give me some words, you know. But you have all been very special friends, and I guess that is about it for me.

So you all do a good job and take care of the people of Pennsylvania, as I know you will. There are a lot of great people here, and again, Mr. Speaker, thank you for giving me the opportunity to share a few thoughts, and God bless you all.

Thank you.

FAREWELL ADDRESS BY MR. RUFFING

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

Mr. RUFFING. Well, Mr. DeWeese, I am proud to say that I am standing at the same place that you stood at one time, and I am proud to say that I am standing at the same place that Mr. Perzel, our State Speaker, is right here.

Now, I want to thank my mother, whom I love, and my father. I hope they are watching. I want to thank my wife for putting up with what we all go through. And my two children, Nicholas and Alec, I want to thank them. Alec, my son, is autistic. Denny O'Brien, are you in the room? He fights for autistic children. I pulled up his name on the computer, and it said his name, Alec, is A-l-e-c, protector of men, and I was surprised. I never knew that.

I want to thank Tom Tigue. Tom, what time is it? What is my favorite movie? You are correct; you are correct.

And I want to thank John Pallone. Hey, John, what is your name? Who are you?

But do you know what? I am proud to have served in this House of Representatives. I want to thank Pete Daley; I want to thank Mark Cohen; I want to thank Mike Veon.

Kathy, I am mad about one thing. Your father stood here, and do you know why I am mad about that? Because Bill DeWeese has a picture of your father with a fly rod in his

office, and he could catch— I guess I could not get enough votes, because I can get the fish to come up, but they would not bite. I guess that is what happened to the voters with me this year, because I was defeated.

I want to thank my good friend, Bill Keller; and Jewell Williams, oh, my buddy. I am going to miss all of you. L.B.-J., right here. You know I owe you. Dave Levdansky; Paul Costa. Hey, Donny Walko, remember I supported you for judge? And Tony DeLuca, oh, I love it.

I am going to miss all of you on both sides of the aisle, but I am going to say something, that we have to push this Commonwealth forward; we really do. We have to push it forward for good causes, and I do not know how we are going to change the tax system, but that is your decision now, and you have to make a good call, because there are going to be winners and losers in that process. I mean, we cannot keep crushing the middle-class people; we cannot keep doing that. I mean, the lower-class people, the middle-class people, we have to figure out a way, a system, to work things out and help out the people of Pennsylvania, and that is what I have asked you to do, Mr. Thomas and Mr. Oliver. He is back there – Mr. Oliver, my friend.

You know, I want to mention a few other names. I am proud to have served in the House where Bernie Novak served, Mr. Chairman; and Richard D. Olasz, who said, “Think about it,” and that is the person I defeated, but do you know what? He is my friend, and I want to thank him for everything.

With that said, Godspeed.

The SPEAKER. Would the gentelady from Philadelphia, Mrs. Lederer, please come to the rostrum.

FAREWELL ADDRESS BY MRS. LEDERER

The SPEAKER. Representative Lederer.

Mrs. LEDERER. Good morning.

Like some of my predecessors, I, too, will be brief.

First I want to thank my mentor and husband, Judge Bill Lederer, and my children, Doneda, Billy, and Gina, and my two sons-in-law, Jean Francois and Dr. Raymond Joseph, for all their support, which made it possible for me to serve.

I am the fourth member of the Lederer family to serve in this chamber since 1948 from the same city block in Philadelphia.

Thank you to Speaker John Perzel, who has shown consideration to both sides of the aisle and who takes the time to listen. Thank you, Mr. Speaker.

Also, thank you to the former Speaker, Bill DeWeese, who is forever the marine officer, *semper fi*.

Like you, I arrived here with specific goals. I believe we all do. My last goal was accomplished a few months ago, granting children of divorced parents equal distribution of workers' compensation benefits, HB 30, which we named the Louis Nacke bill for one of our Pennsylvania heroes who helped bring down Flight 93 in Shanksville. Louis Nacke had a prior marriage and two children by that marriage, and those children were denied workers' compensation benefits because of an antiquated law. Thanks to your support during three sessions of the legislature, that will not happen again. The bill passed the Senate and was signed by Governor Rendell. Thank you,

Representative Katharine Watson, whose bipartisan support during all three sessions made it possible to pass that bill. Thank you, Katharine. Together we do make a difference.

Just as we parted from our high school and college friends, so must we part from our colleagues, and I will miss all of you: Tom Tigue for patriotism, Gaynor Cawley for his never-ending humor, Mike McGeehan for his advice and encouragement.

I will miss Rosita Youngblood for her courage and determination. She would have made a great marine, one whom Lt. Bill DeWeese would have been proud to have in his platoon.

I will miss Frank Oliver, who is always here and always willing to help everyone.

I will miss George Kenney, Denny O'Brien, and John Taylor, who have always devoted themselves to the underprivileged, and I have been proud to serve on your committees.

I will miss Tom Corrigan, chair of the Irish Caucus, with whom I worked to bring the Irish Memorial from a dream to reality.

I will miss most of all Bill Keller, who always does the right thing. He knows the right thing to do, and he always does it. I will miss working with him on port development, which is crucial to the economic development of this State. Just last week the Philadelphia Navy yard or, I should say, naval shipyard, Kvaerner, was granted orders for 12 new tankers, the first being built in the United States for many years.

I will miss looking up here at Clancy Myer and Fred Locketto, who stand here like the Swiss Guard at the Vatican.

Thank you to my wonderful staff: first, Mike O'Brien for his 12 years of excellent service. He is my successor. Would you please stand, Mike. Theresa Alicea, the best legislative assistant anyone could hope for. Thank you to Nancy Sodos, who enjoys constituent service. A very special thank you to my Harrisburg legislative assistant, John McDermott, for whom nothing is too much trouble, absolutely nothing. John, please stand.

A public official is only as successful as those he or she surrounds themselves with, and I have had the best.

Thank you also to Wally Macon, chief page, who sprints up and down the aisle to accommodate every wish. Thank you, Wally.

Thank you also to Roseann Cadau, my writer, who is the best in the business.

To my fellow Italian Caucus members, *grazie per le vostre bonta e per le memorie*. Translation to follow: Thank you for your kindnesses and for the memories.

An author and a writer, Helen Keller, said it best, another Keller, when she said, “Many persons have a wrong idea of what constitutes true happiness – it is not attained through self gratification, but through fidelity to a worthy purpose.” This body of devoted members does just that.

God bless you all and thank you for being my friends.

Thank you.

BILL SIGNED BY SPEAKER

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

SB 854, PN 2207

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.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 3081 By Representatives DeLUCA, CALTAGIRONE, CRAHALLA, CREIGHTON, DeWEESE, DONATUCCI, J. EVANS, FABRIZIO, GEIST, GINGRICH, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, HESS, LEDERER, MARKOSEK, NAILOR, PAYNE, PETRONE, PHILLIPS, PYLE, REICHLEY, SATHER, SIPTROTH, E. Z. TAYLOR, THOMAS, WALKO and MICOZZIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the penalty for unauthorized use of a person with a disability or severely disabled veteran plate or parking placard.

Referred to Committee on TRANSPORTATION, November 15, 2006.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCAVELLO called up **HR 917, PN 4924**, entitled:

A Resolution designating every Monday as “Healthy Lifestyle Day” in Pennsylvania and encouraging all citizens to eat healthily and exercise on these days.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

Casorio	Haluska	Nailor	Stevenson, T.
Causer	Hanna	Nickol	Sturla
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Oliver	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Parker	True
Corrigan	Hennessey	Payne	Turzai
Costa	Herman	Petrarca	Veon
Crahalla	Hershey	Petri	Vitali
Creighton	Hess	Petrone	Walko
Cruz	Hickernell	Phillips	Wansacz
Curry	Hutchinson	Pickett	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	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker
Fabrizio	Levdansky	Rooney	

NAYS—0

NOT VOTING—0

EXCUSED—9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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

* * *

Mr. METCALFE called up **HR 919, PN 4926**, entitled:

A Resolution recognizing December 11 through 17, 2006, as “Bill of Rights Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Gruitza	Myers	Stevenson, R.
Casorio	Haluska	Nailor	Stevenson, T.
Causser	Hanna	Nickol	Sturla
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Oliver	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Parker	True
Corrigan	Hennessey	Payne	Turzai
Costa	Herman	Petrarca	Veon
Crahalla	Hershey	Petri	Vitali
Creighton	Hess	Petrone	Walko
Cruz	Hickernell	Phillips	Wansacz
Curry	Hutchinson	Pickett	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
DiGirolo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker
Fabrizio	Levdansky	Rooney	

NAYS-0

NOT VOTING-0

EXCUSED-9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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

* * *

Mr. COSTA called up **HR 920, PN 4927**, entitled:

A Resolution recognizing the Enterprise Zone Corporation of Braddock for its outstanding achievements.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fairchild	Mackereth	Ross
Allen	Feese	Maher	Rubley
Argall	Fichter	Maitland	Ruffing
Armstrong	Flaherty	Major	Sabatina
Baker	Fleagle	Manderino	Sainato
Baldwin	Flick	Mann	Samuelson
Barrar	Forcier	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor

Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siproth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Gruitza	Myers	Stevenson, R.
Casorio	Haluska	Nailor	Stevenson, T.
Causser	Hanna	Nickol	Sturla
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Oliver	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Parker	True
Corrigan	Hennessey	Payne	Turzai
Costa	Herman	Petrarca	Veon
Crahalla	Hershey	Petri	Vitali
Creighton	Hess	Petrone	Walko
Cruz	Hickernell	Phillips	Wansacz
Curry	Hutchinson	Pickett	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
DiGirolo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker
Fabrizio	Levdansky	Rooney	

NAYS-0

NOT VOTING-0

EXCUSED-9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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

FAREWELL ADDRESS BY MR. FLICK

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

Mr. FLICK. Members will take their seats. Sergeants at Arms will close the doors. Oh, no, that part does not go.

Sergeants at Arms, I was just kidding.

I am going to take just 15 seconds per year of years served here, so if you could bear with me a little bit, I will try to make this as brief as I can.

Mr. Speaker, thank you for allowing me the opportunity to address the members of the Pennsylvania House of Representatives, and, Mr. Speaker, thank you also for allowing

me to serve as Speaker pro tem on occasion. A couple more times would have been better, but that is okay. I will take what I can get.

And also let me congratulate the leaders in the two respective caucuses on your elections yesterday, and I want you to know that I will be forming the 2006 retirement caucus, and we will be available on a regular basis to give you advice in doing what you need to do, because I am sure there is a lot expected of each and every one of you, by the new members. So we are available for consulting.

Twenty-four years ago I was elected to the Pennsylvania House of Representatives, and the splendor and magnificence of this beautiful chamber was both intimidating and humbling. As a freshman, I was terrified of the thought of rising from my chair, moving to a microphone, and addressing the members. Times change, though. We now have many freshman and junior members who not only rise on occasion, they rise every day, speak on every issue, and tell us what we do not know already. So it is good that I guess the freshman and junior members feel comfortable.

In 1983 there were 102 Democrats and 101 Republicans – I am sure Mr. DeWeese would hope that that was the same as I stand here today, but unfortunately, it is not – and K. Leroy Irvis was the Speaker and Jim Manderino was the majority leader and Matt Ryan was the Republican leader, and these two wonderful men viewed this chamber as an arena where they would come to battle. They would explain issues with elegance. They had a lot of energy and enthusiasm, and they oftentimes disagreed and sometimes disagreed strongly, but they never disrespected themselves, disrespected each other. They were always gentlemen, and when the debates were over, when the vote was taken, they usually left the chamber together. We need to have more men and women like them. It seems now there are a number of members who disrespect other members on a regular basis, and that is a sad thing, because this is a great institution. So I would urge each of you to be a little more respectful.

After my first term, Matt asked me to be the Republican person responsible for new-member orientation, and I really enjoyed that job. I did it for 20 years, worked with 10 incoming classes, got to know each and every one of you before session started, and that was some of the best times I spent here in Harrisburg, and in fact, it was the only time I ever regularly stayed overnight, for those two or three nights in Harrisburg. Otherwise, I am on the turnpike headed home after session. I really enjoyed meeting and working with each and every one of you.

I made it my job to know each and every one of you personally, Republicans and Democrats, and every time I saw you in the hall, I tried to refer to you by name and say hi because we are all part of a larger institution, the House of Representatives. We are not necessarily only Democrats or Republicans, we are not members of the rural caucus or the urban caucus or the Italian Caucus or the Irish Caucus; we are all members of the House of Representatives, and we need to remember that.

Knowing each of you made it easier for me to do my job, and while we did not agree on every issue, we respected each other's opinions and positions, and I remind you, it is only when we work with and through others that we can accomplish something up here. We are not a team of I's and I's and I's where one individual can go out and change the world. We are a

large body, 203 members, and we need to work together to accomplish change.

In 1986, when I was just a young pup, I had legislation that I felt was important, and I went to the Judiciary chairman, the majority chairman of the Judiciary Committee back then in 1986, Mr. DeWeese, and I said, this is legislation that I think is good for Pennsylvania; this is legislation I think will help. So after we talked about a few changes to the legislation, he released that bill from committee, and it went through the whole system, became law, and it was the legislation which protects our youth sports coaches and volunteers from frivolous lawsuits. So, Bill, thank you.

I point this out because there are some of my ultra-right-wing conservatives who think that the only good people on this floor are the Republicans, and that is so wrong; so very, very wrong. We all work together.

And just as important as it was to get to know you, I made it my job to get to know each and every one within reason who is behind the scenes. Whether or not they are leadership staff, executive directors of the standing committees, caucus staff, CORE staff, research staff, Reference Bureau staff, Sergeants at Arms, pages, bill room staff, tour staff, nursing staff, or custodial staff, each and every one of them works hard to make our lives more manageable and more comfortable.

In 1994 Tony Aliano interned for me, working with the Republican Caucus on work force development. Now he is the chief of staff to the majority leader of the House of Representatives of the Commonwealth of Pennsylvania. What a great country we live in.

We should never take any of these men and women for granted, these people who work with us here, and while I was not able to know all the names, I did know many of them, and I did know that Bill Clerk was really Bobby Harris. He is not on the floor, but it took me a number of years before I realized that Bill Clerk was not really the bill clerk; it was Bobby Harris. It was a joke. Come on; lighten up a little bit.

I am very proud the residents have enabled me to serve in the House of Representatives for the past 24 years. It has been a true privilege and an honor.

And I thank the leadership of the Republican Caucus for giving me the capable staff to serve the 167th. We have been a great team. In Harrisburg I have Michele Warren and Linda Gascoigne, two wonderful people. Michele has been with me for 24 years, and there have been no sexual harassment cases whatsoever. So I thank Michele and I thank Linda.

Back in the district, Doris D'Innocenzo and Sharon Repetto have been working with me. Doris D'Innocenzo has been there 24 years, and we have a lot of sexual harassment charges, and I filed them all. But they have been very important to me, and I thank them all.

I have been fortunate to be the majority chair of four standing committees and one select committee, and on the Intergovernmental Affairs Committee and the select committee on information security, Joyce Frigm has made me look great. She is a wonderful person, a hard worker, and she has broken in many of the Republican chair men and women over the past 24 years. Thanks, Joyce.

On the Labor Relations Committee, Bruce Hanson kept me in the loop, and I appreciate Bruce's work. And Marie Lederer just thanked the Labor Relations Committee for the legislation dealing with workers' comp. They do a good job.

On the Finance Committee, Mark Ryan tried to explain everything to me in simple terms, but the tax laws in this Commonwealth are so confusing, I found it very difficult, so I moved on to the Consumer Affairs Committee, and on the Consumer Affairs Committee, Colin Fitzsimmons and Matt Gregorits have led the way. I thank them all.

My Democrat counterparts were a pleasure to work with, and we rarely had disagreements. I proudly served with Italo Cappabianca, Frank Pistella, Tommy Tigue, Bob Belfanti, Dave Levdansky, and Joe Preston. Well, let me take that back. I did have a lot of disagreements with Dave Levdansky, but we were always able to work them out. Thanks, Dave.

As a member of this great institution, may I first say to my colleagues, we are not the important people. It is the position to which we have been elected which is important. It is our great democracy, and we are all just interchangeable parts, and that is good. I leave, someone comes; you leave, someone comes – that is the way our democracy works.

Of all the good things I have done and all that I have accomplished in the legislative arena, what I have done in Harrisburg is not nearly as important as what I was able to do back in my legislative district to help others.

Sometimes it is your comfort level which keeps one from moving on. In August of 2005, my youngest son and I went sky diving in San Diego with a couple of friends; they were both Navy SEALs (sea, air, land). Soon after I experienced that rush, I decided not to seek reelection. Other challenges and opportunities were waiting; it was time to move on. We jumped again this past spring in New Jersey from 13,500 feet. It was great, and during that drop I knew I had made the right decision. I am definitely ready for a change.

I was elected 12 times. I have served 12 years in the minority and 12 years in the majority. I have served 12 years under a Republican Governor and 12 years under a Democrat Governor. When you think about it, the timing is perfect. I hope, in a small way, I have helped to move Pennsylvania forward.

And one more thing, some advice for those in the media who suckle at the bosom of disgruntled lawmakers: Get a life. Get a real job. You could not accomplish half of what the good men and women in this chamber do for the public and for the Commonwealth.

I was going to say, kiss my cheek, but I did not think Clancy would like it, so I am not going to say that.

I consider you all my friends. Thanks for all the friendships. It has been great. I will never forget you, and God bless; Godspeed.

Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. We have a group of senior citizens here today, guests of Representative Dennis O'Brien and myself, St. Jerome's senior citizens from Philadelphia. Would they please rise and be recognized by the House.

CALENDAR CONTINUED

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?

The SPEAKER. The gentleman, Mr. O'Brien— Which amendment is the gentleman, Mr. O'Brien, offering first?

Would the gentleman, Mr. Dally, please come to the front desk, the Speaker's rostrum.

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

I wish to offer amendment A10200.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. O'BRIEN offered the following amendment No. **A10200**:

Amend Title, page 1, line 3, by inserting after "Statutes," further providing for composition of commission and for powers and duties;

Amend Title, page 1, line 3, by inserting after "for"

adoption of guidelines for State parole, for

Amend Bill, page 10, lines 28 and 29, by striking out all of said lines and inserting

Section 1. Section 2152 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 2152. Composition of commission.

(a.1) Ex officio members.—The Secretary of Corrections and the Chairman of the Pennsylvania Board of Probation and Parole shall serve as ex officio nonvoting members of the commission during their terms of office.

Section 1.1. Section 2153(a) of Title 42 is amended to read: § 2153. Powers and duties.

(a) General rule.—The commission, pursuant to rules and regulations, shall have the power to:

(1) Establish general policies and promulgate such rules and regulations for the commission as are necessary to carry out the purposes of this subchapter and Chapter 97 (relating to sentencing).

(2) Utilize, with their consent, the services, equipment, personnel, information and facilities of Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor.

(3) Enter into and perform such contracts, leases, cooperative agreements and other transactions as may be necessary in the conduct of the functions of the commission, with any public agency or with any person, firm, association, corporation, educational institution or nonprofit organization.

(4) Request such information, data and reports from any officer or agency of the Commonwealth government as the commission may from time to time require and as may be produced consistent with other law.

(5) Arrange with the head of any government unit for the performance by the government unit of any function of the commission, with or without reimbursement.

(6) Issue invitations requesting the attendance and testimony of witnesses and the production of any evidence that relates directly to a matter with respect to which the commission or any member thereof is empowered to make a determination under this subchapter.

(7) Establish a research and development program within the commission for the purpose of:

(i) Serving as a clearinghouse and information center for the collection, preparation and dissemination of information on Commonwealth sentencing and parole practices.

(ii) Assisting and serving in a consulting capacity to the Pennsylvania Board of Probation and Parole, State courts, departments and agencies in the development, maintenance and coordination of sound sentencing practices.

(8) Collect systematically the data obtained from studies, research and the empirical experience of public and private agencies concerning the sentencing processes.

(9) Publish data concerning the sentencing and parole processes.

(10) Collect systematically and disseminate information concerning parole dispositions and sentences actually imposed.

(11) Collect systematically and disseminate information regarding effectiveness of parole dispositions and sentences imposed.

(12) Make recommendations to the General Assembly concerning modification or enactment of sentencing, parole and correctional statutes which the commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing and parole policy.

(13) Establish a plan and timetable to collect and disseminate information relating to incapacitation, recidivism, deterrence and overall effectiveness of sentences and parole dispositions imposed.

(14) Establish a program to systematically monitor compliance with the guidelines and with mandatory sentencing laws by:

(i) Promulgating forms which document the application of [the] sentencing and parole guidelines or mandatory sentencing laws, or both.

(ii) Requiring the timely completion and submission of such forms to the commission.

Section 1.2. The act is amended by adding sections to read:
§ 2154.3. Adoption of guidelines for State parole.

(a) Adoption.—The commission shall adopt guidelines that shall be considered by the Pennsylvania Board of Probation and Parole or any other paroling entity when exercising its power to parole and reparole, committing and recommitting violations of parole, discharging from parole all persons sentenced by a court in this Commonwealth to imprisonment in a State or county prison or penal institution of this Commonwealth, imposing terms and conditions of parole and reparole and responding to major and minor violations of those terms and conditions. The guidelines shall do all of the following:

(1) Give primary consideration to the protection of the public and victim safety.

(2) Provide for due consideration to victim input.

(3) Be designed to encourage inmates and parolees to conduct themselves in accordance with conditions and rules of

conduct set forth by the Department of Corrections or other prison facilities and the parole board.

(4) Be designed to encourage inmates and parolees to participate in programs with demonstrated effectiveness in reducing recidivism, including appropriate drug and alcohol treatment.

(5) Provide for prioritization of incarceration, rehabilitation and other criminal justice resources for offenders posing the greatest risk to public safety.

(6) Be evidence-based, taking into account available research relating to risk of recidivism, threat to public safety, factors for successful reentry, using validated risk-assessment tools.

(b) Effective date.—The guidelines adopted under subsection (a) shall be published by April 1, 2007, and shall have an effective date of no later than July 1, 2007.

Amend Sec. 1.1, page 13, lines 6 through 30; page 14, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 1.3. Section 9762 of Title 42 is amended to read:
§ 9762. Sentencing proceeding; place of confinement.

(a) Sentences or terms of incarceration imposed before January 1, 2009.—All persons sentenced to total or partial confinement before January 1, 2009, for:

(1) maximum terms of five or more years shall be committed to the [Bureau of Correction] Department of Corrections for confinement;

(2) maximum terms of two years or more but less than five years may be committed to the [Bureau of Correction] Department of Corrections for confinement or may be committed to a county prison within the jurisdiction of the court;

(3) maximum terms of less than two years shall be committed to a county prison within the jurisdiction of the court except that as facilities become available on dates and in areas designated by the Governor in proclamations declaring the availability of State correctional facilities, such persons may be committed to the [Bureau of Correction] Department of Corrections for confinement.

(b) Sentences or terms of incarceration imposed on or after January 1, 2009.—All persons sentenced to total or partial confinement on or after January 1, 2009, for:

(1) Maximum terms of five or more years shall be committed to the Department of Corrections for confinement.

(2) Maximum terms of two years or more but less than five years shall be committed to the Department of Corrections for confinement, except that the person may be confined in the county prison within the jurisdiction of the court if that prison does not exceed 110% of its rated capacity, the District Attorney has requested that the person be incarcerated in the county prison, and the court committing the person for confinement has determined that he should be committed to the county prison within the jurisdiction of the court.

(3) Maximum terms of less than two years shall be committed to a county prison within the jurisdiction of the court except that as facilities become available on dates and in areas designated by the Governor in proclamations declaring the availability of State correctional facilities, the persons may be committed to the Department of Corrections for confinement.

(c) Reimbursement.—The Department of Corrections shall reimburse the counties the reasonable cost of confinement of persons committed to a county prison under subsection (b)(2), but the reimbursement per prisoner shall not exceed the average per prisoner cost of confinement paid by the Commonwealth for the confinement of prisoners in the Department of Corrections.

(d) Aggregation.—The two-year and five-year periods of time referred to in subsections (a) and (b) shall mean the entire continuous term of incarceration to which a person is subject, notwithstanding whether the sentence is the result of any of the following:

(1) One or more sentences.

(2) Sentences imposed for violations of probation.

(3) Sentences to be served upon recommitment for violations of parole.

(4) Any other manner of sentence.

(e) Date of imposition.—For the purposes of this section, if a person is subject to multiple sentences or terms of incarceration or any combination thereof, the date of the last sentence imposed or the date of recommitment, whichever is later, shall determine the place of incarceration and whether reimbursement is required.

(f) Transfer of prisoners.—Nothing in this section shall prohibit the transfer of prisoners otherwise authorized by law.

Amend Sec. 1.2, page 14, line 5, by striking out “1.2” and inserting

1.4

Amend Sec. 1.2 (Sec. 9776), page 14, line 15, by inserting after “chapter”

or if the Pennsylvania Board of Probation and Parole has exclusive parole jurisdiction

Amend Sec. 1.2 (Sec. 9776), page 15, lines 15 and 16, by striking out all of said lines and inserting
convicted.

Amend Sec. 3 (Sec. 9911), page 30, lines 4 through 6, by striking out all of said lines and inserting
under section 9912(b) (relating to supervisory relationship to offenders).

Amend Sec. 4 (Sec. 1151), page 42, lines 10 through 14, by striking out all of said lines and inserting

(1) (i) Except as provided in subparagraph (ii), the State correctional system shall transfer an inmate confined in a State correctional system temporarily to a State correctional institution of an appropriate security level for the particular inmate to be transferred that is located nearest to the location of the judicial proceeding. The Department of Corrections shall have the discretion to select alternative and reasonably accessible State correctional institutions due to unanticipated bed space limitations in the nearest State correctional institution.

Amend Sec. 4 (Sec. 1151), page 43, by inserting between lines 18 and 19

(v) The Department of Corrections may require the county to pay the reasonable cost of transportation between State correctional facilities if a court of that county has requested a temporary transfer under this subsection. The county reimbursements for transportation costs shall be automatically reappropriated to the Department of Corrections for purposes of prisoner transportation.

Amend Sec. 4 (Sec. 6102), page 128, line 21, by striking out “and” and inserting a comma

Amend Sec. 4 (Sec. 6102), page 128, line 23, by removing the period after “offenders” and inserting
, consider guidelines promulgated by the Pennsylvania Commission on Sentencing and ensure that parole proceedings, release and commitment are administered in an efficient and timely manner.

Amend Sec. 4 (Sec. 6112), page 131, by inserting between lines 1 and 2

(5) Administer the proceedings of the board to ensure efficient and timely procedures for parole board decisions, parole releases and recommitments.

Amend Sec. 4, page 139, by inserting between lines 29 and 30
6132.1. Guidelines.

Amend Sec. 4 (Sec. 6132), page 142, lines 28 through 30; page 143, line 1, by striking out all of said lines on said pages

Amend Sec. 4, page 143, by inserting between lines 9 and 10

§ 6132.1. Guidelines.

The board’s powers under this subchapter shall be subject to the guidelines established under 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for State parole). In every case in which the board deviates from the guidelines, it shall provide a contemporaneous written statement for the reason for the deviation.

Amend Sec. 4 (Sec. 6138), page 150, lines 17 through 19, by striking out “THE COUNTY PRISON HAS THE SOLE” in line 17 and all of lines 18 and 19

Amend Sec. 4 (Sec. 6138), page 152, lines 16 through 20, by striking out “CUSTODY OF THE DEPARTMENT OF CORRECTIONS” in line 16; all of lines 17 through 19 and “A PAROLE VIOLATOR” in line 20 and inserting
same institution or

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. O’Brien. The Chair recognizes the gentleman, Mr. O’Brien, on the amendment 10200.

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

Mr. Speaker, the House Judiciary Committee amended SB 506 to include the following provisions: It amends Title 42, requiring any person sentenced to a maximum of 1 year or more but less than 5 years imprisonment shall serve the time in State prison unless the county commissioners or the prison commissioner has agreed to house the inmates at the county prison. It goes on to provide that the maximum term of imprisonment is calculated by aggregating all terms of sentences. Further, it provides that when a prisoner will be temporarily transferred from State to county jail, the State is responsible for transferring the prisoner to a State correctional facility nearest the requesting county jail. Except in the counties of the first or second class, the State may designate alternative facilities no more than 100 miles from the underlying court proceeding; requires a court to find that video conferencing is not feasible or constitutionally allowed before ordering a temporary transfer; and finally, requires that parole violators that receive a State sentence requiring detainment or commitment to prison shall be housed in State prison unless the county agrees to take the custody of the prisoner. However, Mr. Speaker, I am offering an amendment to change that because several members, including Daylin Leach and other members of the committee, have voiced some concern.

The new amendment, very simply, will do this: DOC, the Department of Corrections, would incarcerate prisoners serving 2 to 5 years unless the county was under 110 percent of rated capacity, the D.A. requested confinement in the county jail, or the court ordered county confinement. DOC would require reimbursement to the county for the cost of confinement for these State prisoners. This entire place of confinement/reimbursement provision would apply to prisoners sentenced after 2009 – after 2009. That is a significant change in this amendment.

DOC further would provide transportation of their inmates needed for court hearings. The proposed amendment would reduce the wasteful practice of requiring all 67 counties to transport prisoners currently housed in the Pennsylvania Department of Corrections to court proceedings. It will reduce these prisoner transports by encouraging the use of video conferencing where appropriate. It will reduce the risk of prisoner escapes and the potential harm to prisoners that can

inevitably result when an unfamiliar prisoner is transported and the receiving county prison may lack essential medical information, knowledge of suicide, escape risks, and whether the prisoner has a history of prison assaults. It further provides that the counties should reimburse the DOC for the cost of transportation between DOC facilities if the counties choose to use this transportation service.

The Sentencing Commission would develop proposed guidelines for parole, recommitment, and reparole for State and county parole. The first priority of these guidelines would be public safety and would ensure that the State Parole Board prioritizes its resources for the highest risk offenders. In other words, Mr. Speaker, if you have a purse snatcher and you have a murderer, you should not have to apply the same level of due diligence for those two offenders. We want to focus on those most serious offenders. As with current sentencing guidelines, proposed parole guidelines would be subject to legislative review.

Finally, there is a technical amendment. Although Senator Greenleaf's original version of the bill purports to codify existing law, in fact one of the provisions relies on language that was partially repealed relating to aggregation of sentences for county parole jurisdiction. We corrected that so that this language truly does reflect current law.

Thank you, Mr. Speaker. I doubt that there are any questions.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Will the gentleman stand for brief interrogation?

Mr. O'BRIEN. Yes.

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

Mr. VITALI. Now, it was my understanding that the bill in chief had a fiscal note of 3.6 billion, billion with a "b," dollars, much of which was attributable to the issue we worked on in Judiciary, which basically drove more people from the county facilities to the State facilities. How does your amendment affect the fiscal impact in that area?

Mr. O'BRIEN. Mr. Speaker, that is a very good question, and I appreciate the fact that you are articulating that question. Very simply, in the original amendment, more than 1 year, it could be calculated that as many as 28,000 inmates would have to go to a State correctional facility. This amendment reduces that to about 2,000 inmates. So you are talking in the millions rather than the billions.

Mr. VITALI. Okay. Has the administration or the Department of Corrections taken part in the drafting of this amendment or rendered an opinion about this amendment?

Mr. O'BRIEN. I would say that the Department of Corrections has been consulted. That does not mean that they wholeheartedly support it.

Mr. VITALI. Go over again, if you would, how this would change when a county judge must send a person to a State facility as opposed to may.

Mr. O'BRIEN. DOC would incarcerate prisoners of 2 to 5 years unless the county was under 110 percent of capacity, the D.A. requested confinement in the county jail, or the court ordered county confinement, and then there is the reimbursement issue that DOC would reimburse the county for the cost of confining these State prisoners. The entire place of confinement/reimbursement provision would apply to prisoners, and again I will stress, this is the year 2009. Mr. Speaker, that is

important, because if there are other substantial issues, this legislative body has almost 3 years to come back and put this on another track. But this is critical, it is aggressive but it is critical to what is happening in the Commonwealth, specifically in Philadelphia and other counties around the Commonwealth.

Mr. VITALI. Thank you. That concludes my questions.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Will the gentleman, Mr. O'Brien, stand for interrogation?

Mr. O'BRIEN. Yes.

Ms. MANDERINO. Thank you.

Mr. Speaker, most of my questions were answered during the last interrogation, and I thank you for those answers. The one part I am still not understanding, which I know you tried to explain but I did not get it, is how this, I guess it is the move from 1 year to 2 years in terms of whom this would affect that drops the potential population of eligible from over 20,000 down to 2,000. So right now or as this is now drafted, the second part of my question, this 110 percent of capacity and judge-ordered stuff, that still does not come in unless it is a 2-or-more-year term, or would that come in if it was a less than 2-year term of confinement?

Mr. O'BRIEN. There are a number of issues related to that language. In other words, in some counties they accept prisoners from other jurisdictions, NIS (National Immigration Services) prisoners, prisoners from other counties. If there is space in those prisons, we do not want to affect the economies of operating those prisons. That is why the 110 percent is in there.

Ms. MANDERINO. Okay. But if, for example, in our county and if our county's corrections facilities/jails are at 110 percent of capacity or more, at what level of sentencing do they bounce to the State system? Maybe that is the way to answer.

Mr. O'BRIEN. 2 years.

Ms. MANDERINO. Okay. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Gruitza	Myers	Stevenson, R.
Casorio	Haluska	Nailor	Stevenson, T.
Causer	Hanna	Nickol	Sturla
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Oliver	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Parker	True
Corrigan	Hennessey	Payne	Turzai
Costa	Herman	Petrarca	Veon
Crahalla	Hershey	Petri	Vitali
Creighton	Hess	Petrone	Walko
Cruz	Hickernell	Phillips	Wansacz
Curry	Hutchinson	Pickett	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	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Roberts	
Ellis	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker
Fabrizio	Levdansky	Rooney	

NAYS-0

NOT VOTING-0

EXCUSED-9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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. **McGEEHAN** offered the following amendment No. **A10374**:

Amend Title, page 1, line 3, by inserting after "for"
claims for wrongful conviction and imprisonment
and for

Amend Table of Contents, page 1, by inserting after line 25
SUBCHAPTER B.1
CLAIMS FOR WRONGFUL
CONVICTION AND IMPRISONMENT

Sec.

- 8531. Eligibility.
- 8532. Statement of claim.
- 8533. Presentation of claim.
- 8534. Award.
- 8535. Notice.
- 8536. Statute of limitations.
- 8537. Right of appeal.

Amend Bill, page 10, lines 28 and 29, by striking out all of said lines and inserting

Section 1. Chapter 85 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER B.1

CLAIMS FOR WRONGFUL
CONVICTION AND IMPRISONMENT

Sec.

- 8531. Eligibility.
- 8532. Statement of claim.
- 8533. Presentation of claim.
- 8534. Award.
- 8535. Notice.
- 8536. Statute of limitations.
- 8537. Right of appeal.

§ 8531. Eligibility.

Except as otherwise provided in this subchapter, a person convicted and subsequently imprisoned for one or more crimes which he did not commit may present a claim for damages against the Commonwealth.

§ 8532. Statement of claim.

(a) Evidentiary proof required.—In order to obtain a judgment in his claim for unjust conviction and imprisonment, the claimant must file a verified claim and establish by documentary evidence that is both clear and compelling that:

(1) the claimant was convicted of or was persuaded to plead guilty, no contest or nolo contendere to one or more criminal offenses against the Commonwealth and subsequently sentenced to a term of imprisonment and has served all or any part of the sentence;

(2) (i) the claimant was pardoned upon the ground of innocence of the crime or crimes for which the claimant was sentenced and which are the grounds for the complaint; or

(ii) the claimant's judgment of conviction was reversed or vacated, or his plea of guilty, no contest or nolo contendere was withdrawn by leave of court, and the indictment or information dismissed or, if a new trial was ordered, either the claimant was found not guilty at the new trial or was not retried and the indictment or information dismissed; provided that the count or counts dismissed were the sole basis for the imprisonment complained of;

(3) the claimant's claim is not time-barred by the provisions of section 8536 (relating to statute of limitations);

(4) at the time of presenting the claim, the claimant is not currently incarcerated for the commission of a misdemeanor in this Commonwealth or in another jurisdiction; and

(5) the claimant has never been incarcerated in this Commonwealth or in another jurisdiction for commission of a felony.

(b) Statement of facts.—The claim shall state facts in sufficient detail to permit the court to find that the claimant is likely to succeed at trial in proving that:

(1) the claimant did not commit any of the acts charged in the accusatory instrument or the claimant's acts or omissions charged in the accusatory instrument did not constitute a crime; and

(2) the claimant did not commit or suborn perjury or fabricate evidence to cause or bring about his conviction. A guilty plea to a crime the claimant did not commit does not constitute perjury under this paragraph.

(c) Dismissal.—If the court finds after reading the claim that the claimant is not likely to succeed at trial, it shall dismiss the claim, either on its own motion or on the motion of the Commonwealth.

§ 8533. Presentation of claim.

All claims of wrongful conviction and imprisonment shall be presented to and heard by the court of common pleas of this Commonwealth in accordance with the Pennsylvania Rules of Civil Procedure.

§ 8534. Award.

(a) Damages.—If the court finds that the claimant was wrongfully convicted and imprisoned, it shall award damages amounting to the greater of the following:

(1) for each day that the claimant was incarcerated, a sum of money equivalent to the highest amount that a member of the General Assembly would have been entitled to collect for that day as a per diem under section 162(h)(1)(B) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 162(h)(1)(B)); or

(2) the claimant's actual salary or wage loss during the period of incarceration, calculated on the basis of the claimant's salary or wages immediately prior to the arrest for the crime for which the claimant was unjustly convicted and imprisoned.

(b) Award.—If the court finds that the claimant was wrongfully convicted and imprisoned:

(1) (i) The court shall award damages which shall include \$50,000 for each year served on death row, as adjusted to account for:

(A) inflation from the date of enactment;
and

(B) partial years served.

(ii) Economic damages, including, but not limited to, lost wages, costs associated with the claimant's criminal defense and efforts to prove the claimant's innocence and medical expenses required after release.

(iii) Up to ten years of physical and mental health care through the State employees health care system, to be offset by any amount provided through the claimant's employers during that time period.

(iv) Compensation for any reasonable reintegrative services and mental and physical health care costs incurred by the claimant for the time period between the claimant's release from mistaken incarceration and the date of the claimant's award.

(v) Reasonable attorney fees calculated at 10% of the damage award plus expenses. These fees, exclusive of expenses, shall not exceed \$75,000, as adjusted to account for inflation from the date of enactment. These fees shall not be deducted from the compensation due to the claimant, nor is counsel entitled to receive additional fees from the client.

(2) The damage award shall not be subject to:

(i) any cap applicable to private parties in civil lawsuits; or

(ii) any taxes, except for those portions of the judgment awarded as attorney fees for bringing a claim under this chapter.

(3) The acceptance by the claimant of any such award, compromise or settlement shall be in writing and shall, except when procured by fraud, be final and conclusive on the claimant, and shall constitute a complete release of any claim against the Commonwealth and all political subdivisions of the Commonwealth and a complete bar to any action by the claimant against the Commonwealth or any political subdivision of the Commonwealth by reason of the same subject matter.

(4) The damage award shall not be offset by any expenses incurred by the Commonwealth or any political subdivision of the Commonwealth, including, but not limited to, expenses incurred to secure the claimant's custody, or to feed, clothe or provide medical services for the claimant, nor shall the court offset against the award the value of any services or reduction in fees for services or the value thereof to be provided to the claimant that may be awarded to the claimant pursuant to this section.

(c) Source of funds.—Damages awarded shall be paid out of the General Fund.

§ 8535. Notice.

(a) Court.—A court granting judicial relief consistent with the criteria set forth in this subchapter shall provide a copy of this subchapter to the individual seeking such relief at the time the court determines that the claimant's claim is likely to succeed. The individual shall be required to acknowledge his receipt of a copy of this subchapter in writing on a form established by the Supreme Court. The acknowledgment shall be entered on the docket by the court and shall be admissible in any proceeding filed by a claimant under this subchapter.

(b) Parole board.—The Pennsylvania Board of Probation and Parole, upon the issuance of a full pardon on or after the effective date of this subchapter, shall provide a copy of this subchapter to the individual at the time of the granting of the pardon. The individual shall be required to acknowledge his receipt of a copy of this subchapter in writing on a form established by the parole board, which shall be retained on file by the parole board as part of its official records and shall be admissible in any proceeding filed by a claimant under this subchapter.

(c) Failure to provide notice.—In the event a claimant granted judicial relief or a full pardon on or after the effective date of this subchapter shows he did not properly receive a copy of the information required by this section, the claimant shall receive a one-year extension on the three-year time limit provided in section 8536 (relating to statute of limitations).

(d) Notice by Supreme Court.—The Supreme Court shall make reasonable attempts to notify all persons pardoned or granted judicial relief consistent with this subchapter before the enactment of this subchapter of their rights under this subchapter.

§ 8536. Statute of limitations.

An action for compensation brought by a wrongfully convicted person under the provisions of this subchapter shall be commenced within three years after either the grant of a pardon or the grant of judicial relief and satisfaction of other conditions described in section 8532 (relating to statement of claim), provided, however, that any action by the Commonwealth challenging or appealing the grant of said judicial relief shall toll the three-year period. Persons convicted, incarcerated and released from custody prior to the effective date of this subchapter shall commence an action under this subchapter within five years of the effective date.

§ 8537. Right of appeal.

Any party is entitled to the rights of appeal afforded parties in a civil action in accordance with the Pennsylvania Rules of Civil Procedure.

Section 1.1. Title 42 is amended by adding a section to read:

Amend Sec. 6, page 215, by inserting between lines 7 and 8

(i) 42 Pa.C.S. Ch. 85 Subch. B.1.

Amend Sec. 6, page 215, line 8, by striking out "(i)" and inserting

(ii)

Amend Sec. 6, page 215, line 9, by striking out "(ii)" and inserting

(iii)

Amend Sec. 6, page 215, line 10, by striking out "(iii)" and inserting

(iv)

Amend Sec. 6, page 215, line 13, by striking out "(iv)" and inserting

(v)

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. McGEEHAN. Thank you, Mr. Speaker.
 Mr. Speaker, after a consultation with the chairman of the Judiciary Committee, I withdraw the amendment.
 The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Is the gentleman, Mr. O'Brien, offering a second amendment? The gentleman withdraws.

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

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

The following roll call was recorded:

YEAS—187

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

Diven	Kotik	Roberts	Zug
Donatucci	Leach	Roebuck	
Eachus	Lederer	Rohrer	Perzel,
Ellis	Leh	Rooney	Speaker
Evans, J.			

NAYS—6

Gillespie	Marsico	Nickol	Saylor
Mackereth	Miller, R.		

NOT VOTING—0

EXCUSED—9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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 1331, PN 2166**, 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?
 Bill was agreed to.

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

On that question, the Chair recognizes the gentleman, Mr. McGeehan, for a statement. It was the understanding of the Chair the gentleman wanted to make a statement on this bill.

Mr. McGEEHAN. Thank you, Mr. Speaker.

I have no statement other than the fact that I did have an amendment posted to this bill, and after consultation with the prime sponsor, I withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Solobay. The gentleman has withdrawn his amendment.

On the question recurring,
 Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—1

Veon

EXCUSED—9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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.

FAREWELL ADDRESS BY MR. McILHINNEY

The SPEAKER. The Chair at this time would like to call to the rostrum Chuck McIlhinney.

Mr. McILHINNEY. Thank you, Mr. Speaker.

If I could have the House's attention just for a second. I would like to say a few parting words.

First I would like to thank the leadership here, both Minority Leader DeWeese and Speaker Perzel. It is kind of funny, I was elected in a special election, and I had the opportunity of bringing about 60 or so members down to the Capitol here to see me get sworn in. And on that day Bill DeWeese made his usual welcoming remarks, and afterwards, a member from Bucks County came up to me and asked me if I actually knew what that guy had said, and I had to look at him and say I am not really sure, but I think it was a compliment. At this point, after 9 years of listening to Representative DeWeese, I can truly say that I still do not know half the things that he is saying when he speaks on the floor. But I know that he has worked hard with both sides of this aisle, and I appreciate John Perzel's commitment to Bucks County as well. He has helped me out in ways he probably still does not know. And both leadership, Sam Smith and Dave Argall, who were both in the rank and file with me when I first got here, I think they are doing a great job moving up through the ranks and leading this caucus in a tremendous way.

I need to thank my Bucks County delegation: Kathy Watson, Paul Clymer, Scott Petri, Bernie O'Neill, Dave Steil, Matt Wright, Gene DiGirolamo, and also Roy Reinard, who was here when I first got here and was a tremendous mentor to me as well. We worked together very well, bringing things back to Bucks County and working hard for the constituents there, and it has been a pleasure and an honor of serving with you in that capacity.

The Delaware County delegation also. As you know, they have a lot of senior members there and they have helped out a lot of the junior members that we have in Bucks County. So I want to thank Ron Raymond and Billy Adolph, Steve Barrar, Mario Civera and Nick Micozzie, and also the late Speaker Ryan, who was also here when I first got here and was a tremendous help in guiding us through a lot of the difficulties we had as a changing delegation in Bucks County.

There are also a few other members: Denny Leh; Pops Marsico; John Maher, my office mate. I appreciate the friendships I have made there. I guess if I continue in this vein I am going to end up naming everybody in the House; I will stop there. But I appreciate all the friends that I have made in this chamber through the years.

And one of the things I do notice a lot is that we have worked in a bipartisan way, and when I say that, I do not necessarily mean on the issues; I mean in the friendships afterwards. We have had some heated debates, but in the end we can cross the aisles and talk about it very nicely. And I see that changing a lot in Washington. You see a very negative atmosphere in Washington. So I am hoping in some sort of way we can continue that, making Pennsylvania a little bit different than we see coming down in Washington.

With that said, I have to tell you that I actually do succumb to a lot of those same sorts of cynicisms sometimes. Just this morning I got up and I looked at the USA Today, looked at the

papers and started thinking to myself, you know, the Democrats have been in charge in Washington for about a week and they already got us stuck in an unwinnable war in Iraq. But that is the sort of cynicism that you need— You need to make a joke about it. You need to start working together and continuing to push this issue forward.

As I go across the hall, I am not going too far, I am going down the hall to the Senate side, and a lot of you have probably heard me criticize the Senate a lot, and probably many of you in my caucus. I have been a rather vocal critic of the Senate, but I want to assure you, there is new leadership in the Senate and there is some new leadership in the House as well, and I am hoping to have a good working relationship as I go down to the other side of the building.

That said, I want you all to be assured, because of those late nights when we sat up and we would get some language back from the Senate, we would really be upset because the House felt really strongly about a certain issue and they would change that legislation and mess it up and we would be complaining, and I want you to know that I am going to be down on the other side of that chamber, and I am going to be just as vocal in that chamber, speaking up very loud and clear when you guys all send some messy legislation down to us that we have got to clean up.

So I do appreciate all the support and the friendships that I have made through the last 9 years here. I am looking forward to continuing working with all of you in a different capacity, and I want to say a final thank you to my office staff here in Harrisburg, Debbie Finney. I hope she is listening now, and I do appreciate the support that you have given me through the last 9 years, and I am looking forward to continuing seeing everyone for quite a long time on the other side of the aisle, the other side of the chamber, actually the other side of the Capitol.

Thank you very much. I appreciate it. Goodbye.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1285, PN 2202**, entitled:

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

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

Mr. **O'BRIEN** offered the following amendment No. **A10143**:

Amend Title, page 1, line 3, by removing the period after "service" and inserting
and for classes of service.

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 5302(b)(2) and 5306(b) of Title 71 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Bill, page 2, by inserting between lines 22 and 23 § 5306. Classes of service.

(b) Other class membership.—

(1) A State employee who is a member of a class of service other than Class A on the effective date of this part shall retain his membership in that class until such service is

discontinued; any service thereafter shall be credited as Class A service, Class AA service or Class D-4 service as provided for in this section.

(2) Notwithstanding any other provision of this section, a State employee who is appointed bail commissioner of the Philadelphia Municipal Court under 42 Pa.C.S. § 1123(a)(5) (relating to jurisdiction and venue) may, within 30 days of the effective date of this sentence or within 30 days of his initial appointment as a bail commissioner, whichever is later, elect Class E-2 service credit for service performed as a bail commissioner [after the effective date of this sentence]. This class of service multiplier for E-2 service as a bail commissioner shall be 1.5.

Section 2. Notwithstanding any other provision of law, the liability for any additional benefits established by the amendment of 71 Pa.C.S. § 5306(b) shall be funded in equal dollar annual payments over a period of ten years commencing July 1, 2007.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting
3

Amend Bill, page 2, by inserting between lines 29 and 30

Section 4. The amendment of 71 Pa.C.S. § 5306(b) shall apply retroactively to January 26, 2004.

Amend Sec. 3, page 2, line 30, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect January 1, 2007:

- (i) The amendment of 71 Pa.C.S. § 5302(b)(2).
- (ii) Section 3 of this act.

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

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—1

Belardi

EXCUSED—9

Evans, D.	Pistella	Shaner	Taylor, E.Z.
Killion	Rieger	Surra	Youngblood
LaGrotta			

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Godshall— The Chair rescinds.

The gentleman, Mr. O'Brien, has a second amendment? It is the information of the Chair that the second amendment was withdrawn? Mr. O'Brien?

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

Mr. **GODSHALL** offered the following amendment No. **A10459**:

Amend Title, page 1, line 3, by removing the period after "service" and inserting

and for administrative duties of the board.

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 5302(b)(2) and 5902(a) of Title 71 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 22 and 23 § 5902. Administrative duties of the board.

(a) Employees.—

(1) [Effective 30 days after the effective date of this paragraph, the] The positions of the secretary, assistant [secretary] secretaries and investment [professional] professionals shall be placed under the unclassified service provisions of the act of August 5, 1941 (P.L.752, No.286),

known as the Civil Service Act, as those positions are vacated or created. All other positions of the board shall be placed in either the classified or unclassified service according to the definition of the terms under the Civil Service Act.

(2) Notwithstanding any other provisions of law, the compensation of the secretary, assistant secretaries and investment professionals shall be established by the board. The compensation of all other officers and employees of the board who are not covered by a collective bargaining agreement shall be established by the board consistent with the standards of compensation established by the Executive Board of the Commonwealth.

* * *

Amend Sec. 3, page 2, line 30, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The amendment of 71 Pa.C.S. § 5902(a) shall take effect in 30 days.

(3) The remainder of this act shall take effect January 1, 2007.

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

The SPEAKER. On that question, Mr. Vitali.
Mr. VITALI. Thank you, Mr. Speaker.

That amendment is not in our report. Could we have a brief explanation of that?

The SPEAKER. It is listed under my name, Mr. Vitali.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and places the gentleman, Mr. ARMSTRONG, from Lancaster County on leave for the remainder of the day, without objection.

CONSIDERATION OF SB 1285 CONTINUED

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

The following roll call was recorded:

YEAS—190

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

Cappelli	Grucela	Mundy	Stern
Casorio	Gruitza	Mustio	Stevenson, R.
Causer	Haluska	Myers	Stevenson, T.
Cawley	Hanna	Nailor	Sturla
Civera	Harhai	Nickol	Tangretti
Clymer	Harhart	Oliver	Taylor, J.
Cohen	Harper	Pallone	Thomas
Cornell	Harris	Parker	Tigue
Corrigan	Hasay	Payne	True
Costa	Hennessey	Petrarca	Turzai
Crahalla	Herman	Petri	Veon
Creighton	Hershey	Petrone	Vitali
Cruz	Hess	Phillips	Walko
Curry	Hickernell	Pickett	Wansacz
Daley	Hutchinson	Preston	Waters
Dally	James	Pyle	Watson
DeLuca	Josephs	Quigley	Wheatley
Denlinger	Kauffman	Ramaley	Williams
Dermody	Keller, M.	Rapp	Wilt
DeWeese	Keller, W.	Raymond	Wojnaroski
DiGirolamo	Kenney	Readshaw	Wright
Diven	Kirkland	Reed	Yewcic
Donatucci	Kotik	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—2

O'Brien O'Neill

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubley
Argall	Flaherty	Major	Ruffing
Baker	Fleagle	Manderino	Sabatina
Baldwin	Flick	Mann	Sainato
Barrar	Forcier	Markosek	Samuelson
Bastian	Frankel	Marsico	Santoni
Bebko-Jones	Freeman	McCall	Sather
Belardi	Gabig	McGeehan	Saylor
Belfanti	Gannon	McGill	Scavello
Benninghoff	Geist	McLhattan	Schroder

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following **SB 583, PN 2214**, as further amended by the House Rules Committee:

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.

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

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

On that question, the gentleman, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

I would like to move for a suspension of the rules.

The SPEAKER. For what purpose?

Mr. PYLE. I would like to offer an amendment to SB 583, amendment 10360.

The SPEAKER. Would the gentleman please bring a copy of that to the Speaker's rostrum.

Would the gentleman, Mr. Pyle, please come to the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. It is the information of the Chair the gentleman is withdrawing the amendment.

It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1095, PN 2113**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

I am just wondering if we could get a brief explanation of this from somebody.

Mr. Speaker, I withdraw my request.

The SPEAKER. The Chair was waiting for the gentleman, Mr. Geist.

The gentleman, Mr. McCall, would be glad to answer your question.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, this is really a technical change in the law. The chief counsel in PENNDOT made a decision on our rail freight assistance grant program and excluded shippers from the rail freight grant assistance program and made an interpretation that any grants that are over \$100,000, under \$250,000, would require capital budget authorization. This legislation puts

shippers back in. It is a very important economic development tool, and also takes that cap off or the requirement that there has to be reauthorization under the capital budget bill.

So I would ask the members to vigorously support this legislation.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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.

* * *

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?

Mr. **O'BRIEN** offered the following amendment No. **A10430**:

Amend Sec. 1 (Sec. 4304), page 2, line 3, by striking out the bracket before "HE"

Amend Sec. 1 (Sec. 4304), page 2, line 4, by striking out "[THE PERSON]"

On the question,

Will the House agree to the amendment?

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

On the amendment, those in favor of the amendment will vote "aye"; those opposed, "no." The members will proceed—

PARLIAMENTARY INQUIRY

The SPEAKER. The gentledady, Ms. Josephs. The Chair rescinds.

Ms. JOSEPHS. Thank you.

I have a parliamentary inquiry.

I have an amendment. I am wondering if this amendment renders it incapable of being introduced.

The SPEAKER. No, it does not.

Ms. JOSEPHS. Thank you.

The SPEAKER. The Chair thanks the gentledady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—1

Perzel,
Speaker

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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?

Miss MANN offered the following amendment No. A10423:

Amend Sec. 8 (Sec. 9795.4), page 11, lines 8 through 10, by striking out all of lines 8 and 9 and “Internet, the” in line 10 and inserting

(d.1) Summary of offense.—The

Amend Sec. 9 (Sec. 9798.1), page 14, by inserting between lines 2 and 3

(vii) a physical description of the offender, including sex, height, weight, eye color, hair color and race;

(viii) any identifying marks, including scars, birthmarks and tattoos;

(ix) the license plate number and description of any vehicle owned or registered to the offender;

(x) whether the offender is currently compliant with registration requirements;

(xi) whether the victim is a minor;

Amend Sec. 9 (Sec. 9798.1), page 14, line 3, by inserting brackets before and after “(vii)” and inserting immediately thereafter

(xii)

Amend Sec. 9 (Sec. 9798.1), page 14, lines 4 and 5, by striking out “provided for by section 9795.4(d.1) (relating to assessments)”

Amend Sec. 9 (Sec. 9798.1), page 14, lines 6 through 8, by striking out all of said lines and inserting

[(viii)] (xiii) the date of the offense and conviction, if available.

Amend Bill, page 16, by inserting between lines 4 and 5

Section 10. The amendment of 42 Pa.C.S. § 9798.1(c)(xi) shall apply to persons convicted after November 30, 2006, of an offense requiring registration under 42 Pa.C.S. § 9795.1.

Amend Sec. 10, page 16, line 5, by striking out “10” and inserting

11

Amend Sec. 10, page 16, line 17, by inserting after “9798.1(B)” , (c)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

Just very briefly, for the knowledge of the members, this amendment would add further descriptions to those sex offenders who must register under Megan’s Law. This is something I know I have been working with the chairman very hard to make sure it becomes reality, and I ask for the members’ support.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. O’Brien.

Mr. O’BRIEN. This is an agreed-to amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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. The Chair recognizes the gentleman, Mr. Blaum, who offers the following amendment, which the clerk— It is the understanding that it has been withdrawn.

On the question recurring,

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

Ms. JOSEPHS offered the following amendment No. **A10192**:

Amend Sec. 3 (Sec. 6311), page 4, line 15, by striking out the bracket before "AN"

Amend Sec. 3 (Sec. 6311), page 4, line 15, by striking out "[A]"

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

For the information of the members, I want to say my amendment makes a small but a very important change to just one sentence of this bill. Under current law, only confidential communications regarding child abuse that are made to an ordained member, an ordained member of the clergy, are not subject to reporting requirements. For some reason the bill that we are voting on at this moment, this version of SB 1054, deletes the word "ordained." My amendment would restore that word and close a potential loophole.

I think it is important to put the word "ordained" back in the bill so we do not see self-appointed ministers and other clergy persons claiming that they are exempt from reporting child abuse. I think it is critical we strengthen the laws regarding the reporting of child abuse and not weaken them. If my amendment is not adopted, I think our courts will have to decide whether there is some significance to the deletion of this word from existing law, and the courts could end up accepting an argument made on behalf of a clergy person who got his or her credentials online or who claims he did not have or she did not have a duty to report instances of child abuse communicated to him or her because that person is a member of the clergy.

Please help me close the loophole. Please make sure we stand with those who are asking us to strengthen our laws on child abuse. Please support my amendment so we do not enact a bill that makes the law any weaker than the present law that we have.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would like to interrogate Chairman O'Brien on this amendment, if I could.

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

I had a conversation with the maker of this amendment and with a staff person on our Republican side, and I came away with sort of a mixed response as to what exactly this amendment does, and I would like to ask you for your take on this amendment as it would affect people who are not

particularly ordained but who serve in a capacity in a church. For instance, some churches—

The SPEAKER. Will the gentleman yield.

The gentleman is entitled to be heard. Please keep the noise levels down. Will the conferences please break up.

Mr. BIRMELIN. There are people in a church who are not necessarily ordained, who are considered to be part of an overall ministry. For instance, some churches elect deacons, who are assistants to the pastor in some of the ministry functions that he has. We have people who serve as Sunday school superintendents and maybe in other capacities, which may or may not by some court standards be considered to be clergy. What is your take on this particular amendment as to how, if it were to pass and this word “ordained” were reinstated in the language of this bill, would that affect those sorts of people – deacons, Sunday school superintendents, et cetera?

Mr. O'BRIEN. No, I do not believe so. I think they are going to go by what is in Title 42, and that is where those issues are explained. And for further clarification for the members, the purpose of this bill is to make Title 23 and Title 42 consistent. This amendment will disrupt that. It is an issue that has not been considered specifically by our committee, and in a few minutes I will be able to explain all the good things that are in this bill. This amendment, unfortunately, would jeopardize the passage of this bill in the House and in the Senate.

Mr. BIRMELIN. A follow-up question to that: Would it be your understanding that if the Josephs amendment were adopted, that you then would have a problem with people getting exempted because it would be more narrowly defined and people like the ones that I described would be more vulnerable if her amendment were to pass?

Mr. O'BRIEN. If I understand the gentleman's question, if I can restate it, your concern is, if we use the definition as contained in Title 42, and that is more narrowly construed, would it involve those individuals that you described in your previous question.

Mr. BIRMELIN. Would the Josephs amendment bring in more people that would be subject to the potential of being charged with a criminal offense because they did not report something and did not know they were supposed to because they did not consider themselves clergy?

Mr. O'BRIEN. I think it would confuse the issue.

Mr. BIRMELIN. Well, I am already confused so I can agree with that.

I guess the bottom line is, I think that Representative Josephs' amendment is well intentioned, but I think that it would have the opposite effect of bringing more people into a reporting system who normally would not be considered to be mandated reporters in that they were people who are not ordained but are considered to be part of a ministry team, if you will. So I think for the purposes that the gentleman, Mr. O'Brien, explained and from my understanding of the amendment, at this point in time I would have to oppose the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. O'Brien, seek recognition?

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

As I said, this is an issue that we have not discussed in the context of this legislation. As I have stated, the purpose of this bill is to make, it is a three-title bill. We are making the provisions of Titles 23 and 42 consistent. That has been a very

difficult task. There have been numerous parties, including the members of the Judiciary Committee, that have worked very, very hard and diligently on this. The language is very, I believe, complete and consistent, and I would ask the members of the House to vote against this amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

There is no confusion here except that what was made by the gentleman from Philadelphia. Title 42 already is consistent with my amendment. If my amendment passes, this bill that is before us will be consistent with Title 42. If it does not pass, it will not be consistent. Title 42, section 5943, says “Confidential communications to clergymen. No clergyman, priest, rabbi or minister of the gospel of any regularly established church or religious organization, except clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers, who while in the course of his duties has acquired information from any person secretly and in confidence shall be compelled, or allowed without consent of such person, to disclose...” such information. Right here, Title 42; Purdon's; already excludes people who are not ordained. I do not want to see somebody getting off from not reporting because that person says, wait a minute; I am a minister, even though I was not ordained. I am a deacon. I did not report this child abuse, and now I am not guilty of any crime or sin because the bill that you passed on November 15, 2006, does not have the word “ordained” in it.

We are tightening the requirements. We are closing the loophole. We are making sure that more, not fewer, people are required to report child abuse. I am not a friend of child abuse. I want people to report it. I want a very small number of people to be exempt from reporting it. I do not want a larger group of people to be exempt from reporting it.

Please support my amendment. It is not confusing; it is clear as water. Thank you.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman, Mr. O'Brien.

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

Just once again to the members, I respectfully disagree with the position of the maker of the amendment, and I would like to also thank all the other members, who are numerous in this body, who have withdrawn their amendments.

I will say again, very simply, that this bill makes Titles 23 and 42 consistent. I ask for a negative vote on this amendment. Thank you.

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—72

Bebko-Jones	Dermody	Maher	Samuelson
Belardi	DeWeese	Manderino	Santoni
Belfanti	Eachus	Mann	Shapiro
Biancucci	Fabrizio	Markosek	Solobay
Bishop	Frankel	McCall	Staback
Blackwell	Freeman	Melio	Turla
Blaum	George	Myers	Tangretti

Buxton	Gerber	Nickol	Thomas
Caltagirone	Gergely	Oliver	Tigue
Casorio	Gruitza	Pallone	Veon
Cawley	Harhai	Parker	Vitali
Cohen	Harhart	Petrone	Walko
Costa	James	Preston	Wansacz
Crahalla	Josephs	Readshaw	Waters
Cruz	Kirkland	Roberts	Wheatley
Curry	Kotik	Roebuck	Williams
Daley	Leach	Ross	Wojnaroski
DeLuca	Levdansky	Ruffing	Yudichak

NAYS—119

Adolph	Forcier	Maitland	Rohrer
Allen	Gabig	Major	Rooney
Argall	Gannon	Marsico	Rubley
Baker	Geist	McGeehan	Sabatina
Baldwin	Gillespie	McGill	Sainato
Barrar	Gingrich	McIlhattan	Sather
Bastian	Godshall	McIlhinney	Saylor
Benninghoff	Good	McNaughton	Scavello
Beyer	Goodman	Metcalfe	Schroder
Birmelin	Grell	Micozzie	Semmel
Boyd	Grucela	Millard	Siptroth
Bunt	Haluska	Miller, R.	Smith, B.
Cappelli	Hanna	Miller, S.	Smith, S.
Causser	Harper	Mundy	Sonney
Civiera	Harris	Mustio	Stairs
Clymer	Hasay	Nailor	Steil
Cornell	Hennessey	O'Brien	Stern
Corrigan	Herman	O'Neill	Stevenson, R.
Creighton	Hershey	Payne	Stevenson, T.
Dally	Hess	Petrarca	Taylor, J.
Denlinger	Hickernell	Petri	True
DiGirolamo	Hutchinson	Phillips	Turzai
Diven	Kauffman	Pickett	Watson
Donatucci	Keller, M.	Pyle	Wilt
Ellis	Keller, W.	Quigley	Wright
Evans, J.	Kenney	Ramaley	Yewcic
Fairchild	Lederer	Rapp	Zug
Feese	Leh	Raymond	
Fichter	Lescovitz	Reed	Perzel,
Fleagle	Mackereth	Reichley	Speaker
Flick			

NOT VOTING—1

Flaherty

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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

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

The SPEAKER. The gentleman, Mr. Reed, offers the following amendment, which the clerk will read. The gentleman waives off.

The remaining amendments are either withdrawn or out of order.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. O'Brien.

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

This bill amends three consolidated statutes in order to strengthen the laws protecting all children from sexual assault and abuse by adults.

Title 18, the endangering of the welfare of children, amends this law to add criminal liability to those persons who supervise or employ child abusers and knowingly allow the abuser access to children. The current law punishes only those people with the duty of care to a child who violate that duty by abusing or endangering the child. This bill acknowledges that employers and supervisors of those abusers should also share responsibility for the welfare of these children. Thus, this bill imposes criminal liability on the employers or supervisors of abusers who knew of the abuse but failed to act, or worse, concealed the abuse. The grading of the statute remains unchanged, a misdemeanor 1 or felony 3 if there is a course of conduct.

It amends the Child Protective Services Law, the CPSL, by adding new sections that require all employers and organizations to perform background checks of potential employees who would have regular contact with children. The current background check provisions within the CPSL are inadequate since they apply only to prospective child-care or school personnel. This bill would provide enhanced protection against child predators by requiring all employers to perform background checks of potential employees who have regular contact with children.

It expands the mandatory reporting of suspected child abuse provisions of the CPSL by removing the requirement that an alleged victim come before the mandated reporter. It requires such reports no matter who the offender is and requires notification of reports to law enforcement authorities. Incidents of child abuse are going unreported because of the unduly restrictive definitions of the Child Protective Services Law. This bill would broaden those definitions so that any professional who suspects child abuse of a child under the care, supervision, guidance, or training of his organization must report it to authorities. This provision applies whether the child comes before them or not and regardless of whether the offender falls within the narrow definition of "perpetrator."

It amends the Megan's Law sexual offender reporting law by adding to the duties of the State Sexual Offenders Assessment Board, SOAB, as follows: concise narrative of the offender's conduct; whether the victim was a minor; manner of weapon or physical force threatened, if applicable; whether the offense involved unauthorized entry into a room or vehicle occupied by the victim; whether the offense was part of a course of conduct or pattern of conduct involving multiple incidents or victims; any previous instances in which the offender was determined guilty of an offense subject to Megan's Law registration or the crimes of violence listed in the "three strikes" law; whatever

other information SOAB deems applicable to the description of the offense.

It requires additional information be posted on the public Megan's Law Web site for all registrants as follows: special designation when the victim is a minor; street address, municipality, and name of prison, if incarcerated, where the registrant lives; municipality and name of school where enrolled as a student; municipality of any employer; description of offense as provided by SOAB; release dates, or earliest possible release dates, for those imprisoned.

The statute of limitations is increased to 32 years after the victim's 18th birthday. That means the 50th birthday. Presently the statute of limitations runs out when the victim reaches the age of 30. The statute of limitations is raised for sexual criminal offenses when committed against a victim under the age of 18 for the following: rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, endangering the welfare of children, corruption of minors, sexual abuse of children, sexual exploitation of children.

I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I would just like— Obviously this is going to pass overwhelmingly with perhaps one negative vote, but I just have to raise what I consider a very important point here, and I wish this provision were not in because it is important and it makes a bill that has a lot of good stuff in it, in my view, unpalatable.

Mr. Speaker, I think the length of this statute of limitations really does a disservice to our criminal justice system. Extending the statute of limitations here until an alleged victim is 50 years old, in my view, creates a situation where an innocent person could be wrongfully convicted and subjects a person accused of a crime to a position where he is really in an unfair position to defend himself. Let me give you a hypothetical.

Let us say you are a 60-year-old man, you are a 60-year-old man and you are accused by a 49-year-old man back in 1966, let us just say August 1, 1966, of doing some obscene sexual act to him. You as that 60-year-old man would be compelled to put on a defense right now in year 2006 or 2007 to defend yourself on a date back on August 1, 1966, some 40 years ago; 40 years ago you have to defend yourself because someone steps forward after 40 years and says you did something heinous. Mr. Speaker, that is just not the way our criminal justice system works. It is not fair.

Mr. Speaker, over that, there are very good reasons for statutes of limitations. There are very good reasons for alleged victims to either come forward and make their accusation or forever hold silent. Some of those reasons include the fact that witnesses die, memories fail, crime scenes change. You very well, if you are that 60-year-old man, may have a very good explanation as to where you were that day, and if that crime charge were brought promptly, you would know: Oh, sure, I was with my wife; we were at this restaurant; we went to dinner, of course; or I was in Germany that day, or I— You can prove that. But can any one of us here now tell me where they were on some given date in 1966? You just cannot do it. It is not just— You cannot do it.

I certainly understand, Mr. Speaker, that if you are a 9-year-old and you have been victimized and raped and all the worst things, sure, you cannot come forward right away; sure, you might not even be able to come forward when you are 18 or 20. But at some point there has to be a balance between the duty of a person to come forward and fairness of someone wrongfully accused, and I just think that by eroding this statute of limitations we are just eroding one more safeguard against a situation where an innocent person is unfairly put to trial.

Mr. Speaker, I have real concerns with this bill, I know which way it is going, but I just think for the record people really need to know.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to thank my chairman on Judiciary for the work he has done on this, Mr. O'Brien, and all those that participated in a bipartisan way to strengthen the law that is protecting children against child abusers. It is very important that we do this. We have worked on this for a solid year, I would say, if not longer, in a bipartisan way.

And just in response to the previous gentleman from, I believe, Delaware County's comments, as a former prosecutor that handled many, many child abuse cases I had the duty to do, let me give you a hypothetical. Someone sexually assaults a child, abuses a child, and later on, after much lifelong struggle, that child who now is older, is fully grown, an adult, brings it to the light of the authorities for whatever reason, and the abuser is confronted with that accusation and confesses to the heinous crime, and it could be that it was multiple, multiple people that that abuser abused. It could have been a series of children in a classroom; it could have been someone else that had access to children and was doing this on an ongoing basis. I handled cases such as this, and under the technical law that we had, the district attorney would not even have the discretion to prosecute that case even though there were credible accusations and confessions – confessions. You could not prosecute it because there would be this technical defense. That is what this law fixes. It fixes that so that we can bring justice to these cases. There will not be cases brought under this law that just by a mere accusation someone is going to be found guilty. It still protects the innocent. There is all the rights that we have under our system of justice to do that. A mere accusation will not be sufficient to convict somebody beyond a reasonable doubt.

So I disagree with my colleague and friend on the other side of the aisle, and I want to again thank my chairman on Judiciary and all my colleagues on Judiciary for their hard work on this.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. O'Brien.

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

I almost restrained myself from responding, but I think the gentleman is right to this extent: I think he may be the only person that votes against this, and for good reason, and I understand the gentleman's concern, but I think you have to understand where the victims are in this equation. Very simply stated, these victims are 9, 10, 11, 12 years old and they need an opportunity to disclose, and that disclosure could even involve the victim meeting with the victimizer if it is clinically indicated. But there has to be a response to these individuals, a clinical counseling response, that could be frequent if not for a

lifetime. Mr. Speaker, these individuals have never had the opportunity to discern right from wrong. They were too young to formulate that ability. Further, further, they have had the violation of the most intimate boundary, their body itself, by someone who is a friend of the family or a relative. It is inappropriate to assume that they can come forward by the age of 30. Most of the victims we know that are out there are not disclosing until the ages of 40, 50, and beyond.

Mr. Speaker, I ask for an affirmative vote on this, and again I would like to congratulate the members of the Judiciary Committee, and this is not feigned praise. This has been a very, very difficult, emotionally charged issue. The members dug their heels in. They invested in this. There has been considerable discussion, and we have come up with what I think is a wonderful step forward in addressing this issue, and I ask for your support.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

Diven	Kotik	Readshaw	Yewcic
Donatucci	Leach	Reed	Yudichak
Eachus	Lederer	Reichley	Zug
Ellis	Leh	Roberts	
Evans, J.	Lescovitz	Roebuck	Perzel,
Fabrizio	Levdansky	Rohrer	Speaker
Fairchild			

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—10

Armstrong	LaGrotta	Shaner	Taylor, E.Z.
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger		

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.

FINANCE COMMITTEE MEETING

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

Mr. LEH. Mr. Speaker, to announce a committee meeting.

I would like to announce a meeting of the House Finance Committee in the rear of the House as soon as we break, and hopefully this will be the last committee meeting of the House Finance Committee for this session. It is an agreed-to bill, so it should breeze through.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will be meeting in the rear of the House at the break.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 471, PN 4923**, as further amended by the House Rules Committee:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for transfers of appropriations and for notice of transfers and loans between funds; extending the time period covered by an application considered for the Merchant Marine World War II Veterans Bonus and the expiration of the Merchant Marine World War II Veterans Bonus Act; establishing the Cardiovascular Disease Advisory Committee and a Statewide stroke database; and making inconsistent repeals relating to the Merchant Marine World War II Veterans Bonus Act.

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

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

On that question, Mr. Frankel? The gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Will the author of the bill please stand for interrogation?

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

Mr. FRANKEL. Mr. Speaker, would you please explain the amendments that were inserted in the Rules Committee, please?

Mr. REICHLEY. Mr. Speaker, the amendments that were taken in the Rules Committee actually removed portions which were added by the Senate. One dealt with the travel logs used by the Governor's airplane. The Governor's Office implemented a policy, I believe, prior to the election which covered this situation, so it was felt that it was not necessary to put that in statutory form, and secondarily, the ban on smoking in facilities regulated by the State, I think specifically related to gaming facilities, this was also covered by an amendment to which the gentleman introduced to the gambling reform bill which was adopted by the Senate and then signed into law.

Mr. FRANKEL. Thank you, Mr. Speaker.

May I please speak on the bill?

The SPEAKER. The gentleman is in order.

Mr. FRANKEL. You know, we just had orientation for more than 50 freshman lawmakers, many who came here with an agenda of reform. Among those issues I think foremost in their minds was the issue of the transparency in the legislative process, that we deal openly and honestly with the legislation.

These two changes that were made in the Rules Committee, one of which it sounds very logical to me, I mean, I do believe we ought to have a log for the use of the State plane and probably should be used as separate legislation, but the other amendment tries to undo something that we overwhelmingly voted for in an amendment that I offered to the gaming reform bill, and that was, removing language from the Senate, original Senate bill that came over here that would have prohibited local municipal laws that ban smoking in different types of venues, including gaming venues. It gave back authority to municipalities and county governments who saw fit to protect the health and welfare of their citizens by banning smoking in all public places, including casinos. We, you, all of us here overwhelmingly supported that. We stood for protecting public health, both the health of people who patronize casinos and, most importantly, the people who really do not have that much of an option, their employees.

I find this to be a very deceptive way to approach fixing a problem that a very small group of people apparently want to narrowly address. We spoke as a collective body representing our constituents when we passed my amendment. This is a very deceptive approach, an approach that is being roundly rejected by the voters of this Commonwealth, and to go ahead and do this through the Rules Committee when we have spoken clearly that we want to provide local governments the authority to ban smoking in all public places, including casinos, as they see fit, Mr. Speaker, this is not what Pennsylvanians expect from us as lawmakers. They have spoken clearly that they want

transparency in this process. They want to know how legislation is passed. They want to see it. They want to have it debated. They do not want to have substantive changes made in a Rules Committee that tries to change the will of this body and the will of the Pennsylvania electorate.

Mr. Speaker, I ask members here, while there is good to this legislation, to oppose concurrence in HB 471.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This time maybe we can have some order so that folks can understand what the Rules Committee just did, in that the Rules Committee just contravened the will of this legislature via a vote we made on an amendment by the gentleman from Allegheny County.

Can we have some order, please?

The SPEAKER. The gentlelady is entitled to be heard. Please keep the noise levels down. They were actually quite nice to you, Ms. Josephs, but please keep the noise levels down.

Ms. JOSEPHS. Thank you.

What just happened before our eyes is exactly what the people of Pennsylvania said they did not want to happen anymore. They said that when they voted for their Representatives in Washington, DC, and they said that when they voted for their Representatives in Harrisburg, Pennsylvania. They did not want any more legislation that went on behind closed doors that nobody was able to participate in except for a few.

The Rules Committee just killed the local initiative to ban smoking in casinos. They not only took away from our voters their voice as we express it, they took away from the local governments who express their voice in their own local affairs. They took away our opportunity to protect workers in casinos from poisonous secondhand smoke, and they took away the right of four-fifths of the adults in Pennsylvania to gamble without breathing that garbage in.

I recommend a "no" vote. We can come back and do the "yes" votes on the other part of this bill next session, this session. I am voting "no." I would like to see a good—I would like to see everybody who voted for the local smoking ban to work against casinos to vote "no" as well. That is what I would like to see.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

PARLIAMENTARY INQUIRY

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

Mr. MAHER. Thank you, Mr. Speaker.

I have a parliamentary inquiry specific to the effect of language in this bill, if that would be in order?

The question is, beginning on page 7, and I believe it is line 25 and following. I will—

The SPEAKER. Page 7, what line?

Mr. MAHER. Page 7, beginning with line 25. There is language there which is a strike-through—

The SPEAKER. Yes.

Mr. MAHER. —which seems to be at the heart of this question. When I am reading this bill, Mr. Speaker, I do not read that language to have the effect of repealing any aspect of

the gaming law but rather to simply delete that language from this particular bill. Am I correct that as—

The SPEAKER. The gentleman is correct.

Mr. MAHER. So as drafted, this bill does not repeal the local option on smoking that is in the gaming law. Is that correct?

The SPEAKER. That is correct.

Mr. MAHER. Thank you, Mr. Speaker. Just briefly then on concurrence.

If there were the concerns voiced from my colleagues across the aisle, I think it is simply a misreading of this bill. If this were an attempt to repeal the aspects that you speak about, I would join you, but I am satisfied that this bill does not have the effect of repealing the sections dealing with smoking that are of concern and would ask that perhaps to take a fresh look at this, and if you reach that same agreement, join me in concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, can we just suspend for a minute so I can confirm this?

The SPEAKER. The House will be temporarily at ease.

Mr. FRANKEL. Thank you.

The SPEAKER. Is there anyone else that would like to speak while the gentleman is trying to find out whatever it is he is trying to find out?

The House will be at ease.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman, Mr. WHEATLEY, will be placed on leave for the remainder of the day.

CONSIDERATION OF HB 471 CONTINUED

The SPEAKER. Is the gentleman, Mr. Frankel, on the floor? Okay. The Chair apologizes. The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, after reviewing the language, which we did not have, staff has confirmed from both sides of the aisle that this legislation does not impact the gaming bill that we passed a couple of weeks ago, the gaming reform bill, but it does still speak to the fact that I think we need to see language quickly, in a timely way, in order to be able to measure legislation accurately, and I would ask then in the future that, you know, using the Rules Committee in this ad hoc way is not the most effective way to be dealing with legislation. I understand this is done in the Senate, but we have done it here as well.

So I remove my objections and will support the legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker, and I certainly appreciate the actions taken by the gentleman from Allegheny.

To make sure that everybody is completely clear on the chronological history of HB 471, this bill dealt originally with trying to improve the level of stroke treatment care for all Pennsylvanians by creating an advisory commission as part of the Department of Health, which would then pass on

recommendations as to the best management practices that all hospitals in Pennsylvania can utilize.

In the course of the activities over in the Senate, various amendments were placed into that bill, one of which dealt with the provision which the gentleman from Allegheny had been speaking of. That had nothing at all to do with what our original intention was behind this, and in fact, that amendment preceded what this body and the gentleman from Allegheny did with the gambling reform bill.

So to make sure that there is not any confusion, the actions we are taking by removing an extraneous two amendments actually improve this bill, do not do anything to affect local option or repeal any portion of the gambling law and deal with this in a more straightforward fashion.

I would appreciate a unanimous concurrence on the bill as it is currently so we can get it back over to the Senate for them to act duly upon this.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—191

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

DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	Leach	Reed	Yudichak
Eachus	Lederer	Reichley	Zug
Ellis	Leh	Roberts	
Evans, J.	Lescovitz	Roebuck	Perzel,
Fabrizio	Levdansky	Rohrer	Speaker
Fairchild			

NAYS-0

NOT VOTING-0

EXCUSED-11

Armstrong	LaGrotta	Shaner	Wheatley
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger	Taylor, E.Z.	

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1139, PN 2176**, entitled:

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.

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

RULES SUSPENDED

The SPEAKER. The Chair at this time recognizes Representative Sather.

Mr. SATHER. Mr. Speaker, I move for the purpose of a suspension of the rules for amendment No. A10466.

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

The following roll call was recorded:

YEAS-191

Adolph	Feese	Mackereth	Rooney
Allen	Fichter	Maher	Ross
Argall	Flaherty	Maitland	Rubley
Baker	Fleagle	Major	Ruffing
Baldwin	Flick	Manderino	Sabatina
Barrar	Forcier	Mann	Sainato
Bastian	Frankel	Markosek	Samuelson
Bebko-Jones	Freeman	Marsico	Santoni
Belardi	Gabig	McCall	Sather
Belfanti	Gannon	McGeehan	Saylor
Benninghoff	Geist	McGill	Scavello

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Armstrong	LaGrotta	Shaner	Wheatley
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger	Taylor, E.Z.	

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

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

Mr. SATHER offered the following amendment No. **A10466**:

Amend Title, page 1, lines 12 and 13, by striking out "PROVIDING FOR A TAX CREDIT FOR NEW DIESEL" in line 12 and all of line 13 and inserting

further providing, in personal income tax, for classes of income.

Amend Bill, page 5, lines 8 through 30; pages 6 through 8, lines 1 through 30; page 9, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. Section 303(a)(1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended July 7, 2005 (P.L.149, No.40), is amended to read:

Section 303. Classes of Income.—(a) The classes of income referred to above are as follows:

(1) Compensation.

(i) All salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered whether directly or through an agent and whether in cash or in property except income derived from the United States Government for active duty outside the Commonwealth of Pennsylvania as a member of its armed forces[.] and income from the United States Government or the Commonwealth of Pennsylvania for active State duty for emergency within or outside the Commonwealth of Pennsylvania, including duty ordered pursuant to 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact).

(ii) Compensation of a cash-basis taxpayer shall be considered as received if the compensation is actually or constructively received for Federal income tax purposes as determined consistent with the United States Treasury regulations and rulings under the Internal Revenue Code of 1986, as amended, except that, for purposes of computing tax under this article:

(A) Amounts lawfully deducted, not deferred, and withheld from the compensation of employes shall be considered to have been received by the employe as compensation at the time the deduction is made.

(B) Contributions to an employes' trust, pooled fund or other arrangement which is not subject to the claims of creditors of the employer made by an employer on behalf of an employe or self-employed individual at the election of the employe or self-employed individual pursuant to a cash or deferred arrangement or salary reduction agreement shall be deemed to have been received by the employe or individual as compensation at the time the contribution is made, regardless of when the election is made or a payment is received.

(C) Any contribution to a plan by, on behalf of or attributable to a self-employed person shall be deemed to have been received at the time the contribution is made.

(D) Employer contributions to a Roth IRA custodial account or employe annuity shall be deemed received, earned or acquired only when distributed, when the plan fails to meet the requirements of section 408A of the Internal Revenue Code of 1986 (26 U.S.C. § 408A), as amended, or when the plan is not operated in accordance with such requirements.

(E) Employe contributions to an employes' trust or pooled fund or custodial account or contract or employe annuity shall not be deducted or excluded from compensation.

(iii) For purposes of determining when deferred compensation of employes other than employes of exempt organizations and State and local governments is required to be included in income, the following apply:

(A) The rules of sections 83 and 451 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 83 and 451), as amended, shall apply.

(B) The rules of section 409A of the Internal Revenue Code of 1986 (26 U.S.C. § 409A), as amended, shall apply.

(iv) For purposes of determining when deferred compensation of employes of exempt organizations and State and local governments is required to be included in income, the following apply:

(A) The rules of sections 83, 451 and 457 of the Internal Revenue Code of 1986, as amended, shall apply.

(B) The rules of section 409A of the Internal Revenue Code of 1986, as amended, shall apply.

* * *

Section 2. The amendment of section 303(a) of the act shall apply to taxable years beginning after December 31, 2006.

Amend Sec. 2, page 9, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

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

This amendment amends Act 2 of 1971, the Tax Code, by excluding the active State duty for emergency pay of Pennsylvania National Guard soldiers from the State income tax. This identical language passed the House and Senate under HB 2282 but was vetoed by the Governor this past weekend due to a nonrelated hotel tax issue which was amended into the bill on the floor some time ago. That has been removed from this amendment, and the amendment goes just to the basis of income from the United States government or the Commonwealth of Pennsylvania for active State duty for emergency within or outside of the Commonwealth of Pennsylvania shall not be taxed by the Commonwealth of Pennsylvania. There is a fiscal note of about \$100,000.

Mr. Speaker, I would hope that we can all support this for our good friends and those who are serving us well in the National Guard.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand up to offer my support for amendment 10466. This is important for the men and women who serve in our National Guard and Reserves, as far as giving them a break. Already they are exempt from Federal taxation of this money. We would ask that the State do the same thing and show our support for them and support this amendment.

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—191

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

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Armstrong	LaGrotta	Shaner	Wheatley
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger	Taylor, E.Z.	

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

On the question,

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

The SPEAKER. The Chair has been advised that all the other amendments have been withdrawn. If that is not the case, please stand and tell the Chair that.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-191

Adolph	Feese	Mackereth	Rooney
Allen	Fichter	Maher	Ross
Argall	Flaherty	Maitland	Rubley
Baker	Fleagle	Major	Ruffing
Baldwin	Flick	Manderino	Sabatina
Barrar	Forcier	Mann	Sainato
Bastian	Frankel	Markosek	Samuelson
Bebko-Jones	Freeman	Marsico	Santoni
Belardi	Gabig	McCall	Sather

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Armstrong	LaGrotta	Shaner	Wheatley
Evans, D.	Pistella	Surra	Youngblood
Killion	Rieger	Taylor, E.Z.	

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.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, for a correction.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I was inadvertently voted in the positive on SB 655, and I would like to be recorded in the negative.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

**STATE GOVERNMENT
COMMITTEE MEETING**

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

Mr. CLYMER. Mr. Speaker, for a committee announcement.

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at the end of session, the State Government Committee will meet at the rear of the hall for a brief time. I ask all members to be present.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a brief meeting of the State Government Committee at the rear of the hall at the recess.

Mr. Geist, please come to the rostrum; Mr. Geist.

There will be no further votes on the floor of the House today.

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. Just a reminder for the members. There is an immediate meeting of the Finance Committee in the rear of the hall of the House.

Will the gentleman, Mr. Keller, please come to the rostrum.

The House will come to order.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

SB 1263, PN 1932

By Rep. LEH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in abandoned and unclaimed property, for property subject to custody and control of Commonwealth.

FINANCE.

SB 1353, PN 2145

By Rep. CLYMER

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for contracting with veteran-owned businesses; and imposing duties on the Department of General Services.

STATE GOVERNMENT.

RECESS

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

AFTER RECESS

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

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

Mr. SABATINA. Mr. Speaker, I move that this House do now recess until Monday, November 20, 2006, at 1:15 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:14 p.m., e.s.t., Monday, November 20, 2006, the House recessed.