

COMMONWEALTH OF PENNSYLVANIA

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SATURDAY, JULY 7, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 68

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

PRAYER

HON. JERRY A. STERN, member of the House of Representatives, offered the following prayer:

Our dear Heavenly Father, we praise You for this glorious and beautiful day that You have given us. As we gather today and conduct the business of this Commonwealth, let us show one another the goodness of our hearts and the passion of our beliefs. Guide us, dear Lord, with wisdom and patience and discernment to do the right things. We pray for those in authority today, dear Lord. Please be with our President and those advising him. Be with our troops and protect them and watch over them. Guide our Governor and his leadership team as well as all of our legislative leaders in their deliberations. Be with those gathered here today and bless and guide them.

Our Founding Fathers turned to You, dear God, when times were difficult and trying. We ask You to allow calm heads to prevail. With all the issues and important things we are doing, give us knowledge and strength to carry on and do Your will. Thank You for Your mercies and Your grace and the hope we have in Your truth. As we remain faithful and just, we trust in Your son's name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Friday, July 6, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip. The majority whip requests leaves for Representative READSHAW from Allegheny County, Representative WANSACZ from Lackawanna, and Representative HALUSKA from Cambria

County for the day. The Chair hears no objections. The leaves will be granted.

The Chair turns to the minority whip, who requests that Representative BASTIAN from Somerset, Representative NICKOL from York, and Representative BARRAR from Delaware County be placed on leave for the day. The Chair hears no objection. The leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Sipthroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White

Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

LEAVES CANCELED—1

Readshaw

The SPEAKER. A quorum being present, the House will proceed to conduct business.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 86, PN 1250**.

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 86, PN 1250

An Act amending the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further providing for reselling of tickets and for printing prices on tickets.

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. GEORGE called up **HR 363, PN 2192**, entitled:

A Resolution designating August 29, 2007, as "Environmentally Beneficial Use of Waste Coal as an Alternative Energy Source Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative George on the resolution.

Mr. GEORGE. Thank you, Mr. Speaker. I will wait on them, Mr. Speaker. I have all day.

The SPEAKER. Members will take their seats. The House is about to conduct business. Conversations will cease. The gentleman is entitled to be heard.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, Pennsylvanians have been relying upon coal energy for almost 200 years. Unfortunately, piles of waste coal have been left to degrade our natural environment. We are fortunate that today circulating fluidized bed technology, CFB, can use waste coal to create cleaner energy more cost effectively than conventional coal combustion technology. It has become a financially viable and environmentally practiced alternative for both cleaning up these piles and generating cleaner energy.

Therefore, this resolution designates August 29, 2007, as "Environmentally Beneficial Use of Waste Coal as an Alternative Energy Source Day" in Pennsylvania. I appreciate your support.

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

The following roll call was recorded:

YEAS—190

Adolph	Frankel	Mann	Rubley
Argall	Freeman	Mantz	Sabatina
Baker	Gabig	Markosek	Sainato
Bear	Galloway	Marsico	Samuelson
Belfanti	Geist	McCall	Santoni
Benninghoff	George	McGeehan	Saylor
Bennington	Gerber	McI. Smith	Scavello
Beyer	Gergely	McIlhattan	Schroder
Bianucci	Gibbons	Melio	Seip
Bishop	Gillespie	Mensch	Shapiro
Blackwell	Gingrich	Micozzie	Shimkus
Boback	Godshall	Millard	Sipthoth
Boyd	Goodman	Miller	Smith, K.
Brennan	Grell	Milne	Smith, M.
Brooks	Grucela	Moyer	Smith, S.
Buxton	Hanna	Mundy	Solobay
Caltagirone	Harhai	Murt	Sonney
Cappelli	Harhart	Myers	Staback
Carroll	Harkins	Nailor	Stairs
Casorio	Harper	O'Brien, M.	Steil
Causar	Harris	O'Neill	Stern
Civera	Helm	Oliver	Stevenson
Clymer	Hennessey	Pallone	Sturla
Cohen	Hershey	Parker	Surra
Conklin	Hess	Pashinski	Swanger

Costa	Hickernell	Payne	Tangretti
Cox	Hornaman	Payton	Taylor, J.
Creighton	Hutchinson	Peifer	Taylor, R.
Cruz	James	Perzel	Thomas
Curry	Josephs	Petrarca	True
Cutler	Keller, M.	Petri	Turzai
Daley	Keller, W.	Petrone	Verb
Dally	Kenney	Phillips	Vitali
DeLuca	Kessler	Pickett	Vulakovich
Denlinger	Killion	Preston	Wagner
DePasquale	King	Pyle	Walko
Dermody	Kirkland	Quigley	Waters
DeWeese	Kortz	Quinn	Watson
DiGirolamo	Kotik	Ramaley	Wheatley
Donatucci	Kula	Rapp	White
Eachus	Leach	Raymond	Williams
Ellis	Lentz	Reed	Wojnaroski
Evans, D.	Levdansky	Reichley	Yewcic
Evans, J.	Longietti	Roae	Youngblood
Everett	Maher	Rock	Yudichak
Fabrizio	Mahoney	Roebuck	
Fairchild	Major	Rohrer	O'Brien, D.,
Fleck	Manderino	Ross	Speaker

NAYS—7

Kauffman	Marshall	Moul	Perry
Mackereth	Metcalfe	Mustio	

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

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

I would ask that the House be in momentary recess while the Appropriations Committee meets at 2 o'clock sharp and we reconvene our deliberations at 2:15.

The SPEAKER. There will be an Appropriations Committee meeting at 2 p.m.

RECESS

The SPEAKER. The House will stand in recess till the call of the Chair. The Chair expects the House to reconvene promptly at 2:15.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 1235, PN 2235

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading the offense of impersonating a public servant, for exceptions to the prohibition of interception and disclosure of certain communications, for challenge to criminal history records, for review of challenge and for appeals.

APPROPRIATIONS.

SB 623, PN 1282

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement; in theft and related offenses, defining "firearm"; and providing for firearm tracing.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

BILL PASSED OVER

The SPEAKER. HB 1541 will be over for today.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1235, PN 2235**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading the offense of impersonating a public servant, for exceptions to the prohibition of interception and disclosure of certain communications, for challenge to criminal history records, for review of challenge and for appeals.

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.

(Bill analysis was read.)

The SPEAKER. 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—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causser	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 97, PN 1275**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further defining "manufacture"; further providing, in capital stock franchise tax, for the definition of "capital stock value" and, in bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations; providing for a film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development; further providing, in neighborhood assistance tax credit, for definitions, for tax credit and for grant of tax credit; and providing for pass-through entity.

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

Mr. **NAILOR** offered the following amendment No. **A02692**:

Amend Title, page 1, line 13, by inserting after ""MANUFACTURER" "

and further providing for exclusions

Amend Bill, page 7, by inserting between lines 12 and 13

Section 1.1. Section 204 of the act is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon any of the following:

* * *

(67) Fees charged by nonprofit humane organizations to transfer custody and possession of animals that are used as household pets.

Amend Sec. 11, page 22, line 7, by striking out "IMMEDIATELY." and inserting as follows:

(1) The addition of section 204(67) of the act shall take effect in 60 days.

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

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

AMENDMENT WITHDRAWN

The **SPEAKER**. The Chair recognizes Representative Nailor on the amendment.

Mr. **NAILOR**. Thank you, Mr. Speaker.

Mr. Speaker, I was looking over it because it was requested by one of the other members concerning their amendment, I guess an agreement was reached, and they asked that I withdraw my amendment at this time. Another similar bill will be running next week, so I will do that.

The **SPEAKER**. The Chair thanks the gentleman for his announcement.

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

Mrs. TRUE offered the following amendment No. **A02693**:

Amend Title, page 1, line 13, by inserting after "MANUFACTURE";

further providing, in personal income tax, for operational provisions;

Amend Bill, page 7, by inserting between lines 12 and 13

Section 1.1. Section 315.9 of the act, added July 7, 2005 (P.L.149, No.40), is amended to read:

Section 315.9. Operational Provisions.—(a) Except for the checkoff established under sections 315.2, 315.6 and 315.7 and except as otherwise provided under subsection (b), the checkoffs established under this part shall apply through taxable years ending December 31, 2007.

(b) Any checkoff established under this part and applicable for the first time in a taxable year beginning after December 31, 2003, shall expire four years after the beginning of such first taxable year.

(c) Sections [315.2,] 315.3 and 315.4 shall expire January 1, 2008.

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

The SPEAKER. On the amendment, the Chair recognizes Representative True.

Mrs. TRUE. Thank you, Mr. Speaker.

This amendment is just to extend the tax credit checkoff for breast and cervical cancer that is now on our State income tax forms, and it was to sunset in 2008. My concern was, if Jonas Salk should pass, a lot of the money is being taken out of the tobacco settlement money for research, and we have raised over \$200 million with that. We would like to keep it in place.

So I would ask the members' support. Thank you.

The SPEAKER. Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I want to commend Representative True for essentially continuing a tax credit checkoff that has worked I think really well, and we ought to lift the sunset provision and extend it a little bit further. So I would urge an affirmative vote on her amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback

Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longiotti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. STERN offered the following amendment No. **A02695**:

Amend Title, page 1, line 19, by inserting after "DEVELOPMENT"

and for a resource enhancement and protection tax credit

Amend Sec. 4, page 10, line 11, by striking out "AN ARTICLE" and inserting

articles

Amend Sec. 4, page 17, by inserting between lines 24 and 25

ARTICLE XVII-E
RESOURCE ENHANCEMENT AND
PROTECTION TAX CREDITS

Section 1701-E. Scope of article.

This article relates to resource enhancement and protection tax credits.

Section 1702-E. Legislative findings.

The General Assembly determines, finds and declares that:

(1) Best management practices installed on agricultural lands and riparian forest buffers are among the most effective

tools to reduce nutrients, sediment and other pollutants carried by storm water.

(2) Statewide, 13,400 miles of streams do not meet water quality standards.

(3) Financial assistance to support the adoption of conservation practices must be increased substantially to achieve acceptable water quality in this Commonwealth. Within the Pennsylvania portion of the Chesapeake Bay watershed it is estimated that an increase of \$175 million per year in conservation funding is needed to achieve nutrient and sediment pollution reduction goals under the Chesapeake 2000 Agreement.

(4) As Pennsylvania develops Total Maximum Daily Loads for impaired waters required by the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), hundreds of millions of dollars will be necessary to implement the nonpoint source components.

(5) There is considerable unmet demand on the part of agricultural producers for financial assistance to support the adoption of conservation practices, with \$37,500,000 of unfunded conservation support from the United States Department of Agriculture Natural Resource Conservation Service requested by Pennsylvania producers in 2004.

(6) Encouraging private investment in the implementation of best management practices, planting of forested riparian buffers and remediation of legacy sediment will provide an expanded source of funding that increases the private sector's involvement in cleaning up our waterways.

(7) Section 27 of Article I of the Constitution of Pennsylvania declares, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

(8) The Commonwealth has adopted tax credit programs to encourage private funding of educational programs and research and development efforts which are critical to the future and economic health of Pennsylvania.

(9) Providing tax credits for the design and implementation of practices that are necessary to protect and restore our waterways is equally critical to the quality of life in this Commonwealth and its economic future.

Section 1703-E. Definitions.

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

"Agricultural erosion and sedimentation control plan." A site-specific plan that:

(1) Meets the requirements of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law and 25 Pa. Code Ch. 102 (relating to erosion and sediment control).

(2) Identifies best management practices to minimize accelerated erosion and sediment from an agricultural operation.

"Agricultural operation." The management and use of farming resources for the production of crops, livestock or poultry or for equine activity.

"Animal concentration areas." An exterior area of an agricultural operation subject to rainfall where livestock congregate, including a barnyard, a feedlot, a loafing area, an exercise lot or other similar animal confinement area that will not maintain a growing crop, or where deposited manure nutrients are in excess of crop needs. The term does not include areas managed as a pasture or other cropland and pasture accessways if they do not cause direct flow of nutrients to surface water or groundwater.

"Best management practice." A practice or combination of practices determined by the State Conservation Commission or United States Department of Agriculture Natural Resources and

Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrients and sediment to protect surface water.

"Business firm." An entity authorized to do business in this Commonwealth and subject to the taxes imposed by Article III, IV, VI, VII, VIII, IX or XV.

"Commission." The State Conservation Commission.

"Conservation district." A county conservation district established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation plan." A plan, including a schedule for implementation, that identifies site specific conservation best management practices on an agricultural operation.

"Department." The Department of Revenue of the Commonwealth.

"Eligible applicants." A business firm or an individual who is subject to taxation under Article III.

"Equine activity." The term includes the following activities:

(1) The boarding of equines.

(2) The training of equines.

(3) The instruction of people in handling, driving or riding equines.

(4) The use of equines for riding or driving purposes.

(5) The pasturing of equines.

The term does not include activity licensed under the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act.

"Individual." A natural person.

"Legacy sediment." Sediment that meets all of the following conditions:

(1) Was eroded from upland areas after the arrival of early Pennsylvania settlers and during centuries of intensive land use.

(2) Was deposited in valley bottoms along stream corridors, burying presettlement streams, floodplains, wetlands and valley bottoms.

(3) Was altered and continues to impair the hydrologic, biologic, aquatic, riparian and water quality functions of presettlement and modern environments.

"Nutrient management plan." As defined under 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management).

"Nutrient management specialist." As defined under 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management).

"Pass-through entity." A partnership or Pennsylvania S corporation as defined in section 301(n.0) and (s.2).

"Qualified tax liability." The liability for taxes imposed upon an eligible applicant under Article III, IV, VI, VII, VIII, IX or XV.

"Riparian forest buffer." An area of mostly trees or shrubs which is adjacent to and up-gradient from watercourses or water bodies and which meets standards established by the United States Department of Agriculture-Natural Resources and Conservation Service.

"Technical service provider." An individual, entity or public agency certified by the United States Department of Agriculture Natural Resources Conservation Service and placed on the approved list to provide technical services to program participants or to the United States Department of Agriculture program participants.

"USDA-NRCS." The United States Department of Agriculture Natural Resources and Conservation Service.

Section 1704-E. Resource Enhancement and Protection Tax Credit Program.

(a) Establishment.—The Resource Enhancement and Protection Tax Credit Program is established to encourage private investment in the implementation of best management practices on agricultural operations, the planting of riparian forest buffers and the remediation of legacy sediment.

(b) Limits.—The following limits shall apply:

(1) An eligible applicant may be granted a maximum of \$150,000 in tax credits under this program.

(2) No more than \$150,000 in tax credits shall be granted toward projects on an agricultural operation.

(3) An eligible applicant may submit an application for a single project or multiple applications for multiple projects within the limits of this section.

(4) There shall be no limit on the amount of tax credits that may be purchased from or be assigned from an eligible applicant.

(5) There shall be no limit on the amount of tax credits granted to a sponsor under subsection (f).

(c) Carryover.—

(1) If the eligible applicant cannot use the entire amount of the tax credit for the taxable year in which the tax credit is first granted, then the excess may be carried over to succeeding taxable years and used as a credit against the qualified tax liability of the eligible applicant for those taxable years. Each time that the tax credit is carried over to a succeeding taxable year, it is to be reduced by the amount that was used as a credit during the immediately preceding taxable year. The tax credit provided by this article may be carried over and applied to succeeding taxable years for no more than 15 taxable years following the first taxable year for which the eligible applicant was entitled to claim the credit.

(2) A tax credit granted by the department shall be applied against the taxpayer's qualified tax liability for the current taxable year as of the date on which the credit was granted before the tax credit is applied against any tax liability under paragraph (1).

(d) Assignment of credit.—

(1) An eligible applicant, upon application to and approval by the department, may sell or assign, in whole or in part, a tax credit granted to the eligible applicant under this article if no claim for allowance of the credit is filed within one year from the date the credit is granted by the department under this section. The department shall establish guidelines for the approval of applications under this subsection.

(2) The purchaser or assignee of a portion of a tax credit under this subsection shall immediately claim the credit in the taxable year in which the purchase or assignment is made. The amount of the credit that a purchaser or assignee may use against a qualified tax liability may not exceed 75% of the qualified tax liability for the taxable year. The purchaser or assignee may not carry over, carry back, obtain a refund of or assign the tax credit. The purchaser or assignee shall notify the department of the seller or assignor of the tax credit in compliance with procedures specified by the department.

(e) Sponsorship.—An eligible applicant may be a sponsor by applying for a tax credit for a project authorized under section 1708-E if a written agreement between the eligible applicant and the owner of property on which the project will be completed is submitted to the commission, certifying that the property owner will comply with all the provisions of this article.

(f) Tax credits for pass-through entities.—

(1) If a pass-through entity has any unused tax credit, it may elect in writing, according to procedures established by the department, to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of its distributive income to which the shareholder, member or partner is entitled.

(2) The credit provided under paragraph (1) is in addition to any tax credit to which the shareholder, member or partner is otherwise entitled under this article.

(3) A pass-through entity and its partners or shareholders shall not claim a tax credit under this article for the same project authorized under section 1708-E.

Section 1705-E. Tax credits.

(a) General eligibility.—Projects shall be eligible for a tax credit as follows:

(1) Only best management practices completed after the effective date of this article shall be eligible for a tax credit.

(2) An agricultural operation shall have in place a current conservation plan, a current agricultural erosion and sediment control plan if engaged in plowing and tilling, and a current nutrient management plan if required, or the development of such plans shall be included in an application for a tax credit.

(3) An agricultural operation with an animal concentration area shall have implemented best management practices necessary to abate storm water runoff, loss of sediment, loss of nutrients and runoff of other pollutants from the animal concentration area, or the implementation of such best management practices shall be included in an application for a tax credit.

(4) An agricultural operation with an uncompleted best management practice of either an agricultural erosion and sediment control plan if engaged in plowing and tilling or a nutrient management plan if required, shall first include the remaining best management practices included in such plans in an application for a tax credit.

(5) A project shall meet the design and construction standards established by the commission or USDA-NRCS. If standards do not exist for a best management practice approved by the commission, the commission may establish or approve design, construction and certification standards for such a best management practice.

(b) Amount of tax credit.—

(1) A tax credit equal to 75% of the eligible costs under subsection (c) of a project authorized under section 1708-E shall be granted for any of the following:

(i) Development of a voluntary or mandatory nutrient management plan.

(ii) Development of an agricultural erosion and sediment control plan or a conservation plan.

(iii) For an animal concentration area, design and implementation of best management practices necessary to abate storm water runoff, loss of sediment, loss of nutrients and runoff of other pollutants.

(iv) Design and implementation of best management practices necessary to restrict livestock access to streams if there is established and maintained a riparian forest buffer with a minimum width of 35 feet.

(v) Establishment of a riparian forest buffer with a minimum width of 35 feet.

(2) A tax credit equal to 50% of the eligible costs under subsection (c) of a project authorized under section 1708-E shall be granted for any of the following:

(i) For an agricultural operation, design and implementation of agricultural best management practices or the installation and use of equipment, provided that the best management practice or equipment is necessary to reduce existing sediment and nutrient pollution to surface waters. Such best management practices and equipment shall be identified by the commission and may include manure storage systems, alternative uses for manure, filter strips, grassed waterways, management intensive grazing systems and no-till planting equipment.

(ii) Design and implementation of best management practices necessary to restrict livestock access to streams through fencing, stabilized crossings and improved watering systems, if there is established and maintained a riparian forest buffer with a minimum width of 20 feet.

(3) A tax credit equal to 25% of the eligible costs under subsection (c) of a project authorized under section 1708-E shall be granted for the remediation of legacy sediment if the legacy sediment is exposed and is discharging or threatens to discharge

into surface waters as a result of acute stream bank erosion. The project shall meet standards established by the commission as being effective in mitigating or eliminating the harmful effects of legacy sediment.

(c) Costs of project.—

(1) The following shall be considered eligible costs of a project to which a tax credit may be applied:

(i) Project design, engineering and associated planning, including that which may be provided by a conservation district.

(ii) Project management costs, including contracting, document preparation and applications.

(iii) Project construction or installation.

(iv) Equipment, materials and all other components of projects eligible under subsection (a).

(v) Postconstruction inspections.

(vi) Interest payments on loans for project implementation for up to one year prior to the award of the tax credit.

(2) A tax credit shall not be applied to that portion of a project cost under this subsection for which public funding was received.

Section 1706-E. Project certification.

A project shall be certified as meeting standards under section 1705-E(a)(5) by the following:

(1) a best management practice that currently requires review and certification by a registered professional engineer under current law or applicable regulation: registered professional engineer;

(2) riparian forest buffer: technical service provider or staff from a conservation district or USDA-NRCS;

(3) nutrient management plan: nutrient management specialist; and

(4) agricultural erosion and sediment control plan or conservation plan: any person trained and experienced in erosion and sediment control or conservation methods and techniques and whose qualifications are determined acceptable by the commission.

Section 1707-E. Project maintenance and life expectancy.

(a) Best management practice.—An agricultural operation shall maintain a best management practice for the life of the practice as established by the commission or USDA-NRCS. A riparian forest buffer shall be maintained for a minimum of 15 years.

(b) Failure.—If a best management practice is not maintained for the period required under subsection (a), the owner of the property upon which the project exists shall return to the department the amount of the tax credit originally granted. Additional penalties may be determined by the department.

(c) Exception.—If the recipient of a tax credit provides prior written notification to the department that the recipient will be unable to maintain a best management practice due to sale of the property, cessation of an agricultural operation or other factors, the department may prorate the amount of the tax credit that shall be returned based on the remaining lifespan of the best management practice in question.

Section 1708-E. Application, review and authorization by commission.

(a) Application process.—An eligible applicant shall apply to the commission for authorization that a project is eligible for a tax credit under this program. An application shall be developed by the commission and shall include:

(1) Type and location of project under section 1705-E(b).

(2) Total cost of project as outlined in section 1705-E(c).

(3) Verification of eligibility under section 1705-E(a).

(b) Review, notification and authorization.—The commission shall within 30 days of receipt review each application and notify an eligible applicant whether or not the eligible applicant meets the requirements and is authorized to receive a tax credit under this article.

(c) Authorization of tax credit.—The commission shall not authorize tax credits that exceed the limits under sections 1704-E(b) and 1710-E. The commission shall authorize tax credits on a first-come, first-served basis.

(d) Completion of project.—Upon completion of a project authorized under this section, an eligible applicant shall submit to the commission written notice of project completion. Such notice shall include:

(1) Proof of certification as required by section 1706-E that the project is complete.

(2) A maintenance plan as required by section 1707-E(a) for each best management practice, if applicable to the project.

(3) Any other documents as may be required by the commission.

(e) Notification to department.—Upon determination that a project authorized under this section is complete, the commission shall provide notification to the department:

(1) that the eligible applicant has completed a project which meets the criteria for a tax credit under this article; and

(2) the amount of tax credit for the eligible applicant.

(f) Inspection.—Projects authorized under this section may be subject to inspection by the commission or its designated agent.

Section 1709-E. Grant of tax credit.

The department shall grant a tax credit authorized under section 1708-E. The department shall within 60 days of receipt of notice under section 1708-E(e), issue a notice of grant of a tax credit to the eligible applicant.

Section 1710-E. Annual cap of tax credits.

Tax credits shall be granted to the extent that funds are appropriated by the General Assembly. The total amount of tax credits granted by the department shall not exceed \$10,000,000 in any fiscal year.

Section 1711-E. Report.

The commission, in consultation with the department, shall annually report to the General Assembly on the Resource Enhancement and Protection Tax Credit Program as follows:

(1) The number of tax credits granted under the program.

(2) The types and locations of projects.

(3) The estimated benefits of the projects.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

This amendment would establish in Pennsylvania one of the very important programs to benefit agriculture and water quality in Pennsylvania history. It would be the first of its kind—

The SPEAKER. Can the gentleman stand closer to the microphone. It is difficult to hear.

Mr. STERN. Thank you, Mr. Speaker.

This amendment would establish one of the most important programs to benefit agriculture and water quality in Pennsylvania's history. REAP, resource enhancement and protection act, is a bipartisan measure that would provide transferable tax credits to Pennsylvania farmers who plan and implement conservation practices on their farm. REAP will strengthen agriculture, REAP will benefit fishing and hunting resources in this Commonwealth, and REAP will save money.

The Environmental Protection Agency estimates that on an average every \$1 spent on watershed protection will save the Commonwealth \$27 in drinking water treatment costs. Agricultural water quality practices are among the most cost-effective solutions to water pollution. Other improvements

like sewage and storm water treatments are considerably more expensive.

We can reduce farm runoff of up to 75 percent of nitrogen pollution reduction, but this only accounts for 7.2 percent of the costs of the Pennsylvania Chesapeake Bay's cleanup strategy.

This amendment will help Pennsylvania's agriculture, our number one industry. It will help the environment. With over 65 different groups and organizations supporting it, I would ask for everyone's support on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Levdansky.

Mr. LEVDANSKY. Mr. Speaker, there is a lot of good contained in the Stern amendment. It will promote a lot of best practices to diminish runoff of nutrients, and it will lead to a better water quality and conservation of riparian buffer zones and things like that. All along, I think there has been a serious concern about the cost of this program. My understanding is, is that this credit will be essentially capped at \$10 million. And given that fact, I think that this is something that will encourage conservation, encourage practices that will lead to better and cleaner water quality, and I believe it is something that we can afford in the context of the overall State budget, and a tax credit cap of \$10 million I think will promote significant investment and best management practices in the agriculture industry, and at the same time, I think it is something that is affordable, and I would urge an affirmative vote.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to support Representative Stern's amendment. It is extremely important in cleaning up our land and our water. It is endorsed by over 100 organizations, including the major environmental, the major agricultural entities, and please give it your utmost consideration.

Thank you, Mr. Speaker.

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise also in support of the Stern amendment, A02695. REAP is the Resource Enhancement and Protection Tax Credit Program which would provide, as you have heard, tax credits to farmers who install on-farm conservation projects, which is considered as best management practices. This is, obviously, to protect the water quality in Pennsylvania and thus downstream. Projects in all watersheds are eligible, not just the Chesapeake Bay region. Let me repeat that: Projects in all watersheds in Pennsylvania are eligible, not just the Chesapeake Bay.

Those tax credits could be used directly by the farmers or sold to businesses with enough tax liability to fund the project for the farmer. REAP will clean up the water that serves all of us and all of Pennsylvania without burdening our farmers with unmanageable debt. It uses proven market mechanisms to connect farmers with a need with tax-paying businesses who can help out, and that is really the way we need to move forward in terms of this project.

It is an efficient, innovative solution and uses less bureaucracy to get the same job done in less time. The old way of doing government is grants with applications and reviews, invoices, and more paper. The new way, which we are proposing here today, which fits here, is to establish a market that helps those with needs and those with means find each other to accomplish a public objective.

Clean up our waterways. It is necessary to protect and restore, which is critical to the life of Pennsylvania and its economic future. Improving the environment now for future generations is absolutely a critical need. Tax credits are available to preapproved operations that are looking to improve the environment and include improvements to barnyards, pastures, development/implement of nutrient management plans, and remediation of legacy sediments. Even some farm equipment may be eligible for reimbursement if the purpose is specific to conservation.

I ask that we all rise in support of the Stern amendment. It is \$10 million. It is far less than the original concept of approximately \$25 million. I think it is a good amendment, and it is here at the right time, and I ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Stern, for the second time.

Mr. STERN. Thank you, Mr. Speaker.

I would just like to thank the previous cosponsors, speakers, for supporting this legislation. As the previous speaker, who was the chair of the Ag Committee last session when we had hearings on this proposal, understands, this does a lot to help the environment, it does an awful lot to help our family farms in Pennsylvania, and it is supported from groups from Philadelphia to Erie. All across the Commonwealth there is a wide array of groups and organizations. We want to be good stewards of the environment – clean up the environment, keep our waterways clear, help our groundwater supplies and our farming community – and this will go a long way to enhance that, Mr. Speaker.

I would just appreciate everyone's positive 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—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti

Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. **ELLIS** offered the following amendment No. **A02698**:

Amend Sec. 7 (Sec. 1905-A), page 20, line 14, by striking out "A SINGLE PROJECT" and inserting fewer than four projects

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the amendment, the Chair recognizes Representative Ellis.

Mr. **ELLIS**. Thank you, Mr. Speaker.

This amendment basically is technical in nature, and it is an agreed-to amendment. It clarifies the applicability of the individual tax credit to individuals that have two or three projects. Right now the way it is written, it is already covered for one or for four or more. This just adds those that have two or three projects.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siproth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. LEVDANSKY offered the following amendment No. **A02775**:

Amend Sec. 4 (Sec. 1703-D), page 13, lines 17 through 21, by striking out all of said lines

Amend Sec. 4 (Sec. 1703-D), page 13, line 22, by striking out "(3)" and inserting

(2)

Amend Sec. 4 (Sec. 1703-D), page 13, line 25, by striking out "(4)" and inserting

(3)

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

The SPEAKER. On the amendment, the Chair recognizes Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow those films that cost less than \$2 million to produce, it would make them eligible for the same tax credit available to films that cost more than \$2 million to produce. We passed HB 1529 which establishes a grant program for those films less than \$2 million in production costs, but in the event that that grant program legislation, HB 1529, is not moved in the Senate, I think we at least ought to make those small film producers eligible for the same tax credit that the larger films will be entitled to.

So this amendment essentially extends the tax credit program available to the larger films; it makes it also applicable to those films with budgets less than \$2 million, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—120

Adolph	Freeman	McCall	Samuelson
Argall	Galloway	McGeehan	Santoni
Belfanti	George	Melio	Seip
Bennington	Gerber	Micozzie	Shapiro
Bianucci	Gergely	Moyer	Shimkus
Bishop	Gibbons	Mundy	Siptroth
Blackwell	Goodman	Murt	Smith, S.
Brennan	Grucela	Myers	Solobay
Brooks	Hanna	O'Brien, M.	Staback
Buxton	Harhai	Oliver	Stairs
Caltagirone	Harkins	Pallone	Steil
Cappelli	Harper	Parker	Sturla
Carroll	Helm	Pashinski	Surra
Casorio	Hennessey	Payton	Tangretti
Civera	Hershey	Perzel	Taylor, J.
Cohen	James	Petrarca	Thomas
Costa	Josephs	Petri	Vitali
Cruz	Keller, W.	Petrone	Wagner
Curry	Kenney	Phillips	Walko
Daley	Killion	Preston	Waters
DeLuca	Kirkland	Quinn	Watson
DePasquale	Kortz	Ramaley	Wheatley
Dermody	Kotik	Raymond	White
DeWeese	Kula	Reed	Williams
DiGirolamo	Leach	Reichley	Wojnarowski
Donatucci	Levdansky	Roebuck	Yewcic
Eachus	Longietti	Ross	Yudichak
Evans, D.	Mahoney	Rubley	

Fabrizio	Manderino	Sabatina	O'Brien, D.,
Fairchild	Mann	Sainato	Speaker
Frankel	Markosek		

NAYS—77

Baker	Gillespie	Marshall	Rapp
Bear	Gingrich	Marsico	Roae
Benninghoff	Godshall	McI. Smith	Rock
Beyer	Grell	McIlhattan	Rohrer
Boback	Harhart	Mensch	Saylor
Boyd	Harris	Metcalfe	Scavello
Causar	Hess	Millard	Schroder
Clymer	Hickernell	Miller	Smith, K.
Conklin	Hornaman	Milne	Smith, M.
Cox	Hutchinson	Moul	Sonney
Creighton	Kauffman	Mustio	Stern
Cutler	Keller, M.	Nailor	Stevenson
Dally	Kessler	O'Neill	Swanger
Denlinger	King	Payne	Taylor, R.
Ellis	Lentz	Peifer	True
Evans, J.	Mackereth	Perry	Turzai
Everett	Maher	Pickett	Vereb
Fleck	Major	Pyle	Vulakovich
Gabig	Mantz	Quigley	Youngblood
Geist			

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. SURRA offered the following amendment No. **A02816**:

Amend Title, page 1, line 22, by striking out "ENTITY." and inserting entities and powdered metallurgy parts.

Amend Sec. 8, page 21, line 3, by striking out "A SECTION" and inserting sections

Amend Sec. 8, page 21, by inserting between lines 23 and 24

Section 3003.19. Powdered Metallurgy Parts.—For purposes of defining the phrases "doing business in this Commonwealth," "carrying on activities in this Commonwealth," "having capital or property employed or used in this Commonwealth" or "owning property in this Commonwealth" in sections 401 and 402 of Article IV and substantially similar phrases in section 601 of Article VI, and for determining activities which are not protected under the act of September 14, 1959 (Public Law 86-272, 15 U.S.C. § 381 et seq.), the following activities shall be excluded:

(1) Owning or leasing of intangible and tangible property, including dies, molds, tooling and related equipment, by a person who has contracted with an unaffiliated manufacturer of powder metallurgy products for manufacturing, provided that:

(i) the property is for use by the powder metallurgy product manufacturer;

(ii) the property is located at the Pennsylvania premises of the powder metallurgy product manufacturer; and

(iii) the products manufactured using such property are incorporated into products produced outside this Commonwealth by the owner or lessor of the property.

(2) Visits by a person's employes or agents to the premises in this Commonwealth of an unaffiliated powder metallurgy product manufacturer with whom the person has contracted for manufacturing in connection with the contract.

(3) Owning of manufactured powder metallurgy products and other items packaged therewith, by a person who has contracted with an unaffiliated powder metallurgy products manufacturer for manufacturing of products, on the premises of the unaffiliated powdered metallurgy products manufacturer prior to delivery of the property.

Amend Sec. 10, page 22, by inserting between lines 6 and 7

(3) The addition of section 3003.19 of the act shall apply

to:

- (i) taxable years beginning after December 31, 2004; and
(ii) other taxable years which are not closed on the effective date of the addition of section 3003.19 of the act.

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

The SPEAKER. The Chair recognizes Representative Surra on the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 02816 deals with the situation that has arisen up in north-central Pennsylvania dealing with the powdered metal industry. Pennsylvania has the distinction of being the powdered metal capital of the world. This situation is where a company is using their mold to make powdered metal products in Pennsylvania, and just the fact that that mold resides in the Pennsylvania company where these parts are made, the Department of Revenue has found that they deem that as that Indiana company having a presence here in Pennsylvania so they are trying to tax them. This is something that we need to change or we are going to lose a number of jobs, and I would appreciate the members' support.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-186

Table listing names of representatives who voted 'YEAS-186', including Adolph, Argall, Baker, Bear, Belfanti, Benninghoff, Bennington, Beyer, Bianucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Frankel, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grucela, Hanna, Harhai, Harhart, Harkins, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Moyer, Mundy, Murt, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback.

Table listing names of representatives who voted 'NAYS-11', including Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Maher, Mahoney, Major, Manderino, Mustio, Myers, Nailor, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Reed, Reichley, Roae, Rock, Roebuck, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS-11

Table listing names of representatives who voted 'NOT VOTING-0', including Creighton, Grell, Keller, M., Mackereth, Milne, Moul, Perry, Petri, Rohrer, Ross, Swanger.

NOT VOTING-0

EXCUSED-6

Table listing names of representatives who were 'EXCUSED-6', including Barrar, Bastian, Haluska, Nickol, Readshaw, Wansacz.

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 second consideration as amended?

Ms. YOUNGBLOOD offered the following amendment No. A02711:

Amend Sec. 4 (Sec. 1704-D), page 14, line 1, by removing the period after "TAXPAYER" and inserting
if the taxpayer makes a contribution in the amount of at least 10% of the amount of the credit claimed to an organization which is located in this Commonwealth and is registered under section 5 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

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

The SPEAKER. On the amendment, the Chair recognizes Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, this amendment offers nonprofits in the Commonwealth of Pennsylvania the

opportunity to receive 10 percent in tax credits from any film company that comes to Pennsylvania to work. The nonprofit community could really use this money – for instance, the American Cancer Society of Pennsylvania, United Way, Red Cross, breast cancer, and autism.

In checking, over 653,000 people are employed in the nonprofit community. These are the same individuals that pay taxes, live here, buy homes, and their children attend our schools. I think it is imperative that we continue the nonprofit tradition by helping these charities that are registered not only with the IRS (Internal Revenue Service) but with also the Department of State, and I do not think giving 10 percent, be it in kind or other services, is too much to ask to support these various charities.

The charitable organizations in the Commonwealth make up from 10 to 15 percent of our work force. My statistical data shows me that every county in this Commonwealth has a large nonprofit, nonprofit work force. I can give you an example. In Lancaster County 18 percent of the people employed in the work force are working in nonprofit; in Altoona 12 percent of the work force works in nonprofit; Pittsburgh, 14 percent of their employees are employed by nonprofits. This is our opportunity – as well as in Philadelphia County, with 15.4 percent – this is our opportunity to ensure that not only can they continue to provide us with the goods and services on a daily basis to many of our communities, they are in the business of helping out our communities, and I think this is a great avenue to ensure that they stay.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The fundamental reason that we offer tax credits to the film industry is we want that industry to come to Pennsylvania and invest, invest in employment, invest in jobs, invest in infrastructure, and that is all good. But another sort of investment that is typical of these sorts of activities is the outreach to the charitable organizations. This amendment would formalize a recognition of the charitable endeavors, and I certainly support the amendment and salute my colleague for having the forethought to introduce it.

Thank you, Mr. Speaker.

The SPEAKER. Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentlelady indicates that she will. The gentleman is in order and may proceed.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I just want to make sure I understand this. You are going to take 10 percent of the tax credit they get and give that to a nonprofit corporation. Is that correct, Mr. Speaker?

Ms. YOUNGBLOOD. Yes; 10 percent.

Mr. McILHATTAN. So I am going to give you something, but I am going to take part of it away, correct?

Ms. YOUNGBLOOD. I cannot hear you; I cannot hear you.

Mr. McILHATTAN. I am going to give you something, but then I am going to also on the other hand take part of that away. Is that correct, Mr. Speaker?

Ms. YOUNGBLOOD. I cannot hear it.

The SPEAKER. Will the gentleman pause for a moment.

The Chair will ask the members of the House to please reduce the volume of their conversation. If the conversation is that important, the Chair will ask you to take it to the anteroom.

Mr. McILHATTAN. Thank you, Mr. Speaker.

The SPEAKER. The members debating cannot hear. And the Chair will also remind members to ask a question and then allow the member the opportunity to respond before speaking.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Let me ask the question again. If I understand this correctly, I come here in the film business and you are going to give me a 10-percent tax credit, but your amendment is saying, I want to take a portion of that 10-percent tax credit that I have given you to come here and I want you to give it to a nonprofit corporation. Is that correct, Mr. Speaker?

Ms. YOUNGBLOOD. I do not look at it as taking it away. I look at it as reinvesting into Pennsylvania and into the economy of Pennsylvania, also stimulating the growth. We are keeping people employed that are citizens of this great Commonwealth.

Mr. McILHATTAN. Okay. And how much of that tax credit again, Mr. Speaker, do you want me to give to the nonprofits? What was that percentage?

Ms. YOUNGBLOOD. It is 10 percent.

Mr. McILHATTAN. 10 percent?

Ms. YOUNGBLOOD. The 10 percent can, as I had stated previously, can be in-kind contributions, it can be fund raisers. There are a lot of methods that we can achieve this goal.

Mr. McILHATTAN. Okay. You are saying it does not just have to be, the tax credit does not have to be cash?

Ms. YOUNGBLOOD. No.

Mr. McILHATTAN. It could be another way of making up that 10-percent value of the tax credit. Is that correct?

Ms. YOUNGBLOOD. Correct.

Mr. McILHATTAN. Okay. Thank you, Mr. Speaker.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I rise unfortunately to oppose this amendment, not because I do not like credits for not-for-profits, but we already have a program in Pennsylvania called the Neighborhood Assistance Tax Credit Program where businesses can get tax credits for donations to not-for-profit businesses. That program is established; it is well-funded. We have added to it almost every year. We have made it more liberal in terms of how we can allow companies to take advantage of those tax credits. And so I would think that if we were going to try and get the film industry to do that, we could get them to participate in the Neighborhood Assistance Tax Credit Program, rather than trying to in one hand offer them a tax credit and the other hand take it back in the same form of that tax credit.

So I would encourage a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I have a related concern with this amendment. It seems like there is a cost to taxpayers here, and basically we are giving to filmmakers, if this is adopted, the right to use tax dollars for the charities they choose instead of we as policymakers deciding where those tax dollars should go if we choose to support nonprofits. In other words, there is nothing in this amendment that sets up any criteria as to how this money not going to the Treasury is going to go to these nonprofits. It is the filmmaker who is deciding. I say it should be we as policymakers choosing, if we are going to make the decision to go to nonprofits, deciding where that money best goes. Simply to say to, you know, filmmakers, we are going to give you an enormous break and you can decide whom to give it to,

I think is the wrong way to go. The better way is for us to not give that portion to filmmakers and we as policymakers decide what charities we want to incent through grants. So I just think that, I have some real concerns with the way this thing is structured.

And the other point is, we are giving this tax break to filmmakers because we want to incent business. We want to incent industry. That is why we are doing it, and to water this down like this, it is just reducing the effectiveness of the legislation. So I have some real concerns here.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

If we were to embrace the immediately preceding speaker's philosophy, no one would ever be able to deduct a charitable contribution on a Federal tax return because the theory would be, give all that money to Uncle Sam and let Uncle Sam figure out where your charitable donations should go. I do not think too many in this room would agree with that.

What this amendment does is to say that in cash or in kind, one penny out of a dollar from the film production agencies would need to be reflected in community outreach, and that seems to me to be a very modest requirement for qualifying for a 10-percent tax credit, and I would ask for your support.

The SPEAKER. Are there any other members seeking recognition?

The Chair recognizes Representative Youngblood for the second time on the amendment.

Ms. YOUNGBLOOD. Mr. Speaker, we cannot turn our backs on the nonprofits in this great Commonwealth. So we are saying that the American Cancer Society, who works tirelessly without a profit, we are also saying the Autism Society that works tirelessly without a profit, the Breast Cancer Society that works tirelessly without making a profit, nonprofit is exactly what it says, not making a profit, but working in our communities for the betterment of the citizen trade of this great Commonwealth.

And I think the American Red Cross, whenever there is a disaster, we call on the Pennsylvania Red Cross to come help our citizens. And since I have proven 11 to 15 percent of the work force in this Commonwealth is employed in nonprofit and when they state we do not have enough money or personnel to help out in the communities, this is a mechanism, this is a mechanism that we can have more people employed in the nonprofit field and help the citizenry of this great Commonwealth.

The SPEAKER. The Chair recognizes Representative Vitali for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to get up and comment, but I just need to sort of make something clear: I fully support giving money to nonprofits like the Red Cross and the American Cancer Society. My point is, if we let the filmmakers make those choices, they might make contributions to some experimental art project that we might not agree with – in fact, might find offensive. What I am saying is, if we want as a body to give to things like the Red Cross and the American Cancer Society, we need to keep that in our control, and what I am saying is, the flaw in this amendment is, we are letting money, taxpayer money, go out of our control here, and I do not think that is the right way to be dealing with our tax dollars.

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

The following roll call was recorded:

YEAS—122

Belfanti	Gabig	McCall	Sabatina
Bennington	Galloway	McGeehan	Samuelson
Beyer	Geist	Melio	Santoni
Bishop	George	Mensch	Scavello
Blackwell	Gerber	Micozzie	Schroder
Boback	Gibbons	Millard	Shimkus
Brennan	Godshall	Moyer	Shiptroth
Brooks	Grucela	Murt	Smith, M.
Buxton	Hanna	Mustio	Solobay
Caltagirone	Harhai	Myers	Staback
Cappelli	Harhart	O'Brien, M.	Stairs
Carroll	Harper	O'Neill	Stevenson
Civera	Hennessey	Oliver	Surra
Clymer	Hershey	Pallone	Tangretti
Cohen	Hutchinson	Parker	Taylor, J.
Conklin	James	Pashinski	Thomas
Cruz	Josephs	Payne	Turzai
Curry	Keller, W.	Payton	Vereb
Dally	Kenney	Peifer	Vulakovich
DePasquale	Kessler	Perzel	Wagner
Dermody	Killion	Petrarca	Waters
DeWeese	Kirkland	Petri	Watson
DiGirolamo	Kula	Phillips	Wheatley
Donatucci	Leach	Preston	White
Eachus	Levdansky	Quigley	Williams
Ellis	Maher	Quinn	Yewcic
Evans, D.	Mahoney	Rapp	Youngblood
Evans, J.	Manderino	Raymond	Yudichak
Fleck	Mann	Reed	
Frankel	Mantz	Reichley	O'Brien, D., Speaker
Freeman	Marshall	Roebuck	

NAYS—75

Adolph	Gergely	Major	Ross
Argall	Gillespie	Markosek	Rubley
Baker	Gingrich	Marsico	Sainato
Bear	Goodman	McI. Smith	Saylor
Benninghoff	Grell	McIlhattan	Seip
Bianucci	Harkins	Metcalfe	Shapiro
Boyd	Harris	Miller	Smith, K.
Casorio	Helm	Milne	Smith, S.
Causser	Hess	Moul	Sonney
Costa	Hickernell	Mundy	Steil
Cox	Hornaman	Nailor	Stern
Creighton	Kauffman	Perry	Sturla
Cutler	Keller, M.	Petrone	Swanger
Daley	King	Pickett	Taylor, R.
DeLuca	Kortz	Pyle	True
Denlinger	Kotik	Ramaley	Vitali
Everett	Lentz	Roae	Walko
Fabrizio	Longietti	Rock	Wojnaroski
Fairchild	Mackereth	Rohrer	

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. J. EVANS offered the following amendment No. A02742:

Amend Title, page 1, line 13, by inserting after "MANUFACTURE" "

and further providing for refund of sales tax attributed to bad debt

Amend Bill, page 7, by inserting between lines 12 and 13

Section 1.1. Section 247.1 of the act, amended June 22, 2001 (P.L.353, No.23) and October 18, 2006 (P.L.1149, No.119), is amended to read:

Section 247.1. Refund of Sales Tax Attributed to Bad Debt.—(a) A vendor may file a petition for refund of sales tax paid to the department that is attributed to a bad debt if all of the following apply:

(1) The purchaser fails to pay [the vendor] the total purchase price.

(2) The purchase price is written off, either in whole or in part, as a bad debt on the [vendor's] books and records of the vendor or an affiliate of the vendor.

(3) The [bad] debt has been deducted for Federal income tax purposes under section 166 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 166).

[The petition shall be filed with the department under Article XXVII within the time limitations prescribed by section 3003.1 of this act.]

(a.1) A petition for refund which is authorized by this section must be filed with the department within the time limitations prescribed by section 3003.1(a).

(a.2) In the case of private label credit card accounts not qualifying under subsection (a), a vendor or lender that makes an election pursuant to subsection (a.3) shall be entitled to file a petition for refund of sales tax that the vendor has previously reported and paid to the department if all of the following conditions are met:

(1) No refund was previously allowed with respect to the portion of the account written off as a bad debt.

(2) The account has been found worthless and written off, either in whole or in part, as bad debt on the books and records of the lender or an affiliate of the lender.

(3) The account has been deducted for Federal income tax purposes under section 166 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 166) by the lender or an affiliate of the lender.

(a.3) In order to be eligible for a refund under subsection (a.2), the lender and the vendor must execute and file with the department a joint election, signed by both parties, designating which party is entitled to claim the refund. This election may not be revoked unless a written notice is signed by the party that signed the election being revoked and is filed with the department.

(b) The refund authorized by this section shall be limited to the sales tax paid to the department that is attributed to the bad debt, less any discount under section 227 of this act. Partial payments by the purchaser [to the vendor] shall be prorated between the original purchase price and the sales tax due on the sale. Payments made [to a vendor] on any transaction which includes both taxable and nontaxable components shall be allocated proportionally between the taxable and nontaxable components.

(c) A vendor or a lender may assign its right to petition and receive a refund of sales tax attributed to a bad debt to an [affiliated entity. A vendor may not assign its right to petition and receive a refund of sales tax attributed to a bad debt to any other person] affiliate.

(d) No refund shall be granted under this section for any of the following:

- (i) Interest.
- (ii) Finance charges.

(iii) Expenses incurred in attempting to collect any amount receivable.

(e) [The documentation, procedures and methods for claiming and calculating the refund allowed under this section shall be in such form as the department may prescribe.] Documentation requirements are as follows:

(1) Any person claiming a refund under this section must, on request, make available adequate books, records or other documentation supporting the claimed refund, including:

(i) Date of original sale and name and Pennsylvania sales tax license number of the retailer.

(ii) Name and address of purchaser.

(iii) Amount that the purchaser paid or agreed to pay.

(iv) Taxable and nontaxable charges.

(v) Amount on which the retailer reported and paid sales tax.

(vi) All payments or other credits applied to the account of the purchaser.

(vii) Evidence that the uncollected amount has been designated as a bad debt in the books and records of the vendor or lender, as appropriate, and that the amount has been claimed as a bad debt deduction for Federal income tax purposes.

(viii) The county in which any local sales tax was incurred.

(ix) The unpaid portion of the sales price.

(x) A certification, under penalty or perjury, that no person has collected money on the bad debt for which the refund is claimed.

(xi) Any other information required by the department.

(2) A person claiming a refund under this section may provide alternative forms of documentation acceptable to the department if appropriate in light of the volume and character of uncollectible accounts. This includes the following:

(i) If a vendor remits sales or use tax to the Commonwealth and to another state, the entity claiming a refund under this section may use an apportionment method to substantiate the amount of Pennsylvania tax included in the bad debts to which the refund applies.

(ii) The apportionment method must use the vendor's Pennsylvania and non-Pennsylvania sales, the vendor's taxable and nontaxable sales and the amount of tax the vendor remitted to Pennsylvania.

(f) The following apply:

(1) If the purchase price that is attributed to a prior bad debt refund is thereafter collected, in whole or in part[,] by the vendor or [affiliated] lender, or an affiliate of the vendor or lender, the entity claiming the refund shall remit the proportional tax to the department with the first return filed after the collection. If the entity is not required to file periodic returns, the entity shall remit the proportional tax to the department with another return pursuant to section 217(c).

(2) Any consideration received for the assignment, sale or other transfer of a bad debt with respect to which a refund has been granted shall be deemed to be a collection of a prior bad debt. This paragraph shall not apply to a transfer to an entity that is part of the same affiliated group, as defined by section 1504 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1504).

(3) A person that collects, in whole or in part, the purchase price attributed to a prior bad debt refund is required to maintain adequate books, records or other documentation to allow the department to determine whether the purchase price attributed to a prior bad debt refund has been collected. Information under this paragraph includes the pertinent facts required by subsection (e).

(4) If it is determined by the department that a prior bad debt has been collected, in whole or in part, and the proportional tax has not been properly reported and paid to the department, the person that claimed the refund on the transaction shall report and pay the proportional tax to the department plus applicable interest and penalty under this article.

(g) Notwithstanding the provisions of section 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," no interest shall be paid by the Commonwealth on refunds of sales tax attributed to bad debt under this section.

(h) No refund or credit of sales tax shall be made for any uncollected purchase price or bad debt except as authorized by this section. No deduction or credit for bad debt may be taken on any return filed with the department. This section shall provide the exclusive procedure for claiming a refund or credit of sales tax attributed to uncollected purchase price or bad debt.

(i) [For purposes of this section, the term "affiliated entity" shall mean any corporation that is part of the same affiliated group as the vendor as defined by] As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

(1) "Affiliate." A person that is:

(i) an affiliated entity, under section 1504[(a)(1)] of the Internal Revenue Code of 1986[.], of a vendor; or

(ii) a person described in paragraph (2)(i) or (ii) that would be an affiliated entity, under section section 1504 of the Internal Revenue Code of 1986, of a vendor but for the fact the person is not a corporation, an assignee or another transferee of a person described in paragraph (2) (i) or (ii).

(2) "Lender." Any of the following:

(i) A person that owns or has owned a private label credit card account purchased directly from a vendor that reported the tax under this article.

(ii) A person that owns or has owned a private label credit card account pursuant to a contract directly with the vendor that reported the tax under this article.

(iii) A person that is:

(A) an affiliate of a person described in subparagraph (i) or (ii);

or
(B) an assignee or other transferee of a person described in subparagraph (i) or (ii).

(3) "Private label credit card." Any charge card, credit card or other instrument serving similar purpose which carries, refers to or is branded with the name or logo of a vendor and which can be used for purchases from the vendor. The term does not include a card or instrument which may also be used to make purchases from persons other than the vendor whose name or logo appears on the card or instrument or that vendor's affiliates. Nothing in this paragraph authorizes a refund with respect to bad debts attributable to sales by unrelated persons referred to in this paragraph.

Amend Sec. 10, page 21, by inserting between lines 28 and 29

(1) The amendment of section 247.1 of the act shall apply to amounts deducted as bad debts on Federal income tax returns required to be filed after January 1, 2008.

Amend Sec. 10, page 21, line 29, by striking out "(1)" and inserting

(1.1)

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

The SPEAKER. On the amendment, the Chair recognizes Representative Evans.

Mr. J. EVANS. Thank you very much, Mr. Speaker.

Briefly, this amendment will update the Tax Code to take account of changing practices within the retail industry as it applies to collecting bad debts for companies that do offer credit cards for their particular store purchases.

So I would ask for the members' support on this amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siproth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D., Speaker
Frankel	Mann	Roebuck	
Freeman	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

The SPEAKER. The Chair is not aware of any other amendments.

The Chair recognizes Representative Bear.

Mr. BEAR. Thank you, Mr. Speaker.

Mr. Speaker, I just want to thank the majority chairman of the Finance Committee for considering my bill, HB 873, in the future, and with that, I would like to withdraw my amendment, 2696. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 874, PN 1029**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **KENNEY** offered the following amendment No. **A02744**:

Amend Sec. 1, page 1, line 10, by inserting after "Banking" Education and Donation

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Kenney.

Mr. **KENNEY**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is agreed to, and it simply amends the title to add the terms "Education and Donation." So the act would be called the Umbilical Cord Blood Banking Education and Donation Act. I believe it is agreed to by the sponsor.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello

Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siproth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causar	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D., Speaker
Frankel	Mann	Roebuck	
Freeman	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1329, PN 1672**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for jurisdiction of the zoning hearing board and the court of

common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment.

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

* * *

The House proceeded to second consideration of **HB 1330, PN 2148**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals generally and for appeals from ordinances, resolutions, maps, etc.

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

Mr. **KESSLER** offered the following amendment No. **A02613**:

Amend Sec. 2 (Sec. 5571.1), page 7, line 4, by striking out "(B)" and inserting

(c)

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On the amendment, the Chair recognizes Representative Kessler.

Mr. **KESSLER**. Thank you, Mr. Speaker.

I would like to withdraw amendments 2613 and 2728.

In reference to amendment 2759, it addresses three things: one, a clerical change; secondly, changing the word "law" to "ordinance"; and deleting a sentence—

The **SPEAKER**. The gentleman will pause for one moment.

The gentleman indicates that he wishes to offer amendment A02759?

Mr. **KESSLER**. Yes; that is correct.

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

Mr. **KESSLER** offered the following amendment No. **A02759**:

Amend Sec. 2 (Sec. 5571.1), page 7, line 4, by striking out "(B)" and inserting

(c)

Amend Sec. 2 (Sec. 5571.1), page 7, line 27, by striking out "LAW" and inserting

ordinance

Amend Sec. 2 (Sec. 5571.1), page 8, lines 1 through 3, by striking out all of said lines

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

The **SPEAKER**. On the amendment, the Chair recognizes Representative Kessler.

Mr. **KESSLER**. Thank you.

It addresses three issues: one, a clerical change; two, changing the word "law" to "ordinance"; and also deleting a sentence that is addressed in the prior text of the bill.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Sipthroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longiotti	Rapp	Wojnarowski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

Mr. **VEREB** offered the following amendment No. **A02779**:

Amend Title, page 1, line 2, by inserting after "for" no limitation applicable, for

Amend Sec. 1, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Sections 5551 and 5571 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 5551. No limitation applicable.

A prosecution for the following offenses may be commenced at any time:

(1) Murder.

(2) Voluntary manslaughter.

(3) Conspiracy to commit murder or solicitation to commit murder if a murder results from the conspiracy or solicitation.

(4) Any felony alleged to have been perpetrated in connection with a murder of the first or second degree, as set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to murder).

(5) A violation of 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury) or 3732 (relating to homicide by vehicle) if the accused was the driver of a vehicle involved in an accident resulting in the death of any person.

(6) A violation of 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault) if the accused knew the victim was a law enforcement officer and the law enforcement officer was acting within the scope of the officer's duties.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman withdraws the amendment?
The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1388**, **PN 1735**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **McGEEHAN** offered the following amendment No. **A02800**:

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

and for sale or transfer of firearms.

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

Section 1. Sections 3903(a) and 6111(a) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 7 and 8 § 6111. Sale or transfer of firearms.

(a) Time and manner of delivery.—

(1) Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof;

(i) unless the purchaser or transferee demonstrates accreditation in a firearm safety education program approved by the commissioner; and

(ii) until 48 hours shall have elapsed from the time of the application for the purchase thereof[, and, when delivered, the firearm shall be securely wrapped and shall be unloaded].

(2) Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, 18 U.S.C. § 921 et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied[, and, when],

(3) When delivered, the firearm shall be securely wrapped and shall be unloaded.

* * *

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative McGeehan on the amendment.

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

Mr. Speaker, I withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 289**, **PN 2053**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary.

On the question,

Will the House agree to the bill on second consideration?

Mr. FABRIZIO offered the following amendment No. A02061:

Amend Title, page 1, line 11, by inserting after "for" expenses of county boards and of primaries and elections to be paid by counties and for

Amend Bill, page 1, lines 15 through 18, by striking out all of said lines and inserting

Section 1. Section 305(a) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a paragraph to read:

Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.—

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually, and from time to time, to the county board of elections of such county, the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county, including the payment of the compensation of the employes of the board, custodians, election officers, and other assistants and employes herein provided for, and the fees of witnesses as herein provided; for the purchase or printing, under contracts made by the board, of all ballots and other primary and election supplies required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the purchase, under contracts made by the board, and maintenance, of voting machines, when adopted as herein provided, and of all other primary and election equipment required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the publication of notices authorized by this act, under contracts made by the board, and for all other necessary expenses hereunder: Provided, however, That bonds or other evidences of indebtedness, payable not later than thirty years from their dates of issuance, may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county, to meet all or any part of the cost of voting machines.

* * *

5. The Department of State shall reimburse county boards of election for the costs incurred by the county for administering a general primary pursuant to section 603(c). The Governor may, from time to time, allocate to the Department of State as much money from the General Fund as he deems necessary to permit the department to reimburse the counties for costs incurred in the general primary.

* * *

Section 2. Section 603(a) of the act, amended November 24, 1999 (P.L.543, No.51), is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting
3

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

The SPEAKER. The Chair recognizes Representative Fabrizio on the amendment.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker, I offer amendment A02061 because this would amend Mr. Readshaw's bill to provide that the Commonwealth will reimburse counties for all costs incurred when holding an Act 1 election on behalf of the school district in a Presidential election year. The counties anticipate there will be typically a relatively few number, as there have been in the past, and the types of expenses that they incur, though, throughout the

election process are the same. Having myself been the chief clerk of elections and the county clerk in my previous life, I can assure you that the expenses do remain the same.

The counties will not know until mid-March whether the Act 1 election is needed and whether it will be triggered exclusively by their need in the budget. They will not have budgeted for these particular types of elections, so the costs will not be in the budget.

This reimbursement is similar philosophically to section 305(a)4 of the Election Code, which currently requires the Commonwealth to reimburse counties for costs of special elections to fill both House and Senate vacancies.

Also, Mr. Speaker, I would like to thank Representative Ron Miller from the 93d District in York County for having withdrawn his amendment which was similar to mine.

I encourage the House to support amendment A02061. Thank you.

The SPEAKER. Does Representative McIlhattan seek recognition?

Mr. McILHATTAN. Yes, Mr. Speaker.

Would the maker stand for brief interrogation?

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

Mr. McILHATTAN. Do we have a cost on this amendment, Mr. Speaker?

Mr. FABRIZIO. Yes. The Department of State had estimated that a cost would be probably \$30,000 per county per election.

Mr. McILHATTAN. \$30,000 per county per election, and that amounts to how much, Mr. Speaker?

Mr. FABRIZIO. Well, that would be difficult to say. Sixty-seven counties, if they all had to file under Act 1, multiply \$30,000—

Mr. McILHATTAN. That would be in the millions of dollars. Am I correct?

Mr. FABRIZIO. \$30,000 times 67—

Mr. McILHATTAN. So if we do go through with this and we do change the date of the primary, it is going to cost the taxpayers of Pennsylvania millions of dollars. That is all I wanted to make sure.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Representative Buxton. Representative Buxton is in order and may proceed.

Mr. BUXTON. Mr. Speaker, I rise to support this amendment.

I think what the members should know is that the only counties that would be involved under Act 1 would be those counties where a school district has to place a referendum on the ballot for approval by the voters. Just in this past primary election, only 3 school districts out of 501 school districts in Pennsylvania had to place a referendum on the ballot pursuant to Act 1. So this is not necessarily a situation where all 67 counties will be confronted with the costs of the election insofar as the administration of Act 1.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
Bianucci	Godshall	Metcalfe	Schroder
Bishop	Goodman	Micozzie	Seip
Blackwell	Grell	Millard	Shapiro
Boback	Grucela	Miller	Shimkus
Boyd	Hanna	Milne	Siptroth
Brennan	Harhai	Moul	Smith, K.
Brooks	Harhart	Moyer	Smith, M.
Buxton	Harkins	Mundy	Smith, S.
Caltagirone	Harper	Murt	Solobay
Cappelli	Harris	Mustio	Sonney
Carroll	Helm	Myers	Staback
Casorio	Hennessey	Nailor	Stairs
Causar	Hershey	O'Brien, M.	Steil
Civera	Hess	O'Neill	Stern
Clymer	Hickernell	Oliver	Stevenson
Cohen	Hornaman	Pallone	Sturla
Conklin	Hutchinson	Parker	Surra
Costa	James	Pashinski	Swanger
Cox	Josephs	Payne	Tangretti
Cruz	Kauffman	Payton	Taylor, J.
Curry	Keller, M.	Peifer	Taylor, R.
Cutler	Keller, W.	Perry	Thomas
Daley	Kenney	Perzel	True
Dally	Kessler	Petrarca	Turzai
DeLuca	Killion	Petri	Vereb
Denlinger	King	Petrone	Vitali
DePasquale	Kirkland	Phillips	Vulakovich
Dermody	Kortz	Pickett	Wagner
DeWeese	Kotik	Preston	Walko
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longiotti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D., Speaker
Freeman	Mantz	Rohrer	
Gabig	Markosek		

NAYS—1

Creighton

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

The SPEAKER. The Chair is informed that all other amendments to this bill have been withdrawn.

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

On the bill for second consideration, I was hoping there would be someone who could answer a couple of questions.

The SPEAKER. Representative Rapp indicates that she is willing to stand for interrogation. No? I guess she wanted to stand.

Representative Josephs indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

I am just trying to ensure that I understand the bill as amended in the State Government Committee.

The SPEAKER. Will the gentleman pause for one moment.

The gentleman is entitled to be heard. The members will take their seats. Conferences in the rear of the House will break up.

If the gentleman, Representative Maher, will postpone his interrogation for a moment on second consideration, the Chair has been informed that Representative Rapp has an amendment that the Chair was not aware of. The Chair would like to entertain that amendment and then invite the gentleman for comments on second consideration.

Ms. RAPP. Thank you, Mr. Speaker.

Unbeknownst to me, I did not withdraw my amendment, so I think there was some misunderstanding there, and I would like my amendment to be considered.

The SPEAKER. Will the gentlelady pause for one second. I am looking for the amendment.

Ms. RAPP. 2084.

The Chair apologizes for its announcement.

On the question recurring,

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

Ms. RAPP offered the following amendment No. **A02084**:

Amend Title, page 1, page 1, line 12, by removing the period after "primary" and inserting

and for absentee electors files and lists.

Amend Bill, page 2, by inserting between lines 14 and 15

Section 2. Section 1302.3 of the act, amended December 11, 1968 (P.L.1183, No.375), is amended to read:

Section 1302.3. Absentee Electors Files and Lists.—(a) The county board of elections shall maintain at its office a file containing the duplicate absentee voter's temporary registration cards of every registered elector to whom an absentee ballot has been sent. Such duplicate absentee voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards so filed shall constitute the Registered Absentee Voters File for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations[.], including requiring any individual who asks to inspect the file to identify himself, and present identification that includes a photograph and signature, by signing his name and printing his name and address on a form prepared by the county board. The county board of elections shall post in a conspicuous public place at its office a sign stating that the file is open to public inspection upon completion of the form.

(b) The county board of elections shall [post in a conspicuous public place] maintain at its office a master list arranged in alphabetical order by election districts setting forth the name and residence, and at primaries, the party enrollment, of (1) every military elector to whom an absentee ballot is being sent, each such name to be prefixed with an "M"; (2) every bedridden or hospitalized veteran outside the county of his residence who is not registered and to whom an absentee ballot is being sent, each such name to be prefixed with a "V"; and (3) every registered elector who has filed his application for an absentee ballot too late for the extraction of his original registration card and to whom a ballot is being sent and every qualified elector who has filed his application for an absentee ballot and is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting, each such name to be prefixed with a "C." This list shall be known as the Military, Veterans and Emergency Civilians Absentee Voters File for the Primary or Election of (date of primary or election) [and shall be posted for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day on which the county board of elections certifies the returns of the primary or election, whichever date is later]. Such [file] list shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations[.], including requiring any individual who asks to inspect the list to identify himself, and present identification that includes a photograph and signature, by signing his name and printing his name and address on a form prepared by the county board. The county board of elections shall post in a conspicuous public place at its office a sign stating that the list is open to public inspection upon completion of the form. This [posted] list shall not contain any military address or references to any military organization. Upon written request, the county board shall furnish a copy of such list to any candidate or party county chairman.

(c) Not less than five days preceding the election, the chief clerk shall prepare a list for each election district showing the names and post office addresses of all voting residents thereof to whom official absentee ballots shall have been issued. Each such list shall be prepared in duplicate, shall be headed "Persons in (give identity of election district) to whom absentee ballots have been issued for the election of (date of election)," and shall be signed by him not less than four days preceding the election. He shall [post the original of each such list in a conspicuous place] maintain the original of each list in the office of the county election board [and see that it is kept so posted until the close of the polls on election day]. Each list shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations, including requiring any individual who asks to inspect a list to identify himself, and present identification that includes a photograph and signature, by signing his name and printing his name and address on a form prepared by the county board. The chief clerk shall post in a conspicuous public place in the office of the county election board a sign stating that the list is open to public inspection upon completion of the form. Upon written request, the chief clerk shall furnish a copy of such list to any candidate or party county chairman. He shall cause the duplicate of each such list to be delivered to the judge of election in the election district in the same manner and at the same time as are provided in this act for the delivery of other election supplies, and it shall be the duty of such judge of election to [post] maintain such duplicate list [in a conspicuous place] within the polling place of his district [and see that it is kept so posted] throughout the time that the polls are open. [Upon written request, he shall furnish a copy of such list to any candidate or party county chairman.] The judge of election shall make the duplicate list available for inspection on the day of the election or primary subject to reasonable safeguards, rules and regulations including requiring any individual who asks to inspect a list to identify himself, and present identification that includes a photograph and signature, by signing his name and printing his name and address on a form prepared by the county board. The judge of election shall post in a conspicuous public place within the polling

place of his district a sign stating that the duplicate list is open to public inspection upon completion of the form.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting
3

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

The SPEAKER. The Chair recognizes Representative Rapp on the amendment.

Ms. RAPP. Thank you, Mr. Speaker.

This amendment is pretty straightforward. It eliminates the public posting of the absentee voter list at the office of the county board and in each polling place, but it continues to require that the list be made available for public inspection at the county board and each polling place upon request. Any person desiring to review the list must show identification and provide his or her name and address.

The purpose of this amendment is to make it harder for would-be criminals to utilize the names and addresses and information on absentee voter lists to perpetrate property and other crimes against homes and families of absentee voters.

I offered this amendment last year in the form of a bill, which passed 196 to 1, and on this bill as an amendment, and I am hoping that you would consider that many of our absentee voters are senior citizens who travel south and to warmer weather during the election and also for the privacy of our military families, especially wives whose husbands are overseas and they vote by the absentee ballot. I believe that for their protection and privacy, that this is an amendment to protect them, and I hope that you will consider voting in the affirmative for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes Representative Josephs. The lady waives off.

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

The following roll call was recorded:

YEAS—195

Adolph	Galloway	Markosek	Ross
Argal	Geist	Marshall	Rubley
Baker	George	Marsico	Sabatina
Bear	Gerber	McCall	Sainato
Belfanti	Gergely	McGeehan	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
Bianucci	Godshall	Metcalfe	Schroder
Bishop	Goodman	Micozzie	Seip
Blackwell	Grell	Millard	Shapiro
Boback	Grucela	Miller	Shimkus
Boyd	Hanna	Milne	Siproth
Brennan	Harhai	Moul	Smith, K.
Brooks	Harhart	Moyer	Smith, M.
Buxton	Harkins	Mundy	Smith, S.
Caltagirone	Harper	Murt	Solobay
Cappelli	Harris	Mustio	Sonney
Carroll	Helm	Myers	Staback
Casorio	Hennessey	Nailor	Stairs
Causer	Hershey	O'Brien, M.	Steil
Civera	Hess	O'Neill	Stern
Clymer	Hickernell	Oliver	Stevenson
Cohen	Hornaman	Pallone	Sturla

Conklin	Hutchinson	Parker	Surra
Costa	James	Pashinski	Swanger
Cox	Josephs	Payne	Tangretti
Creighton	Kauffman	Payton	Taylor, J.
Cruz	Keller, M.	Peifer	Taylor, R.
Cutler	Keller, W.	Perry	Thomas
Daley	Kenney	Perzel	True
Dally	Kessler	Petrarca	Turzai
DeLuca	Killion	Petri	Vereb
Denlinger	King	Petrone	Vitali
DePasquale	Kirkland	Phillips	Vulakovich
Dermody	Kortz	Pickett	Wagner
DeWeese	Kotik	Preston	Walko
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longietti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D., Speaker
Freeman	Mantz	Rohrer	
Gabig			

NAYS—2

Curry McI. Smith

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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 second consideration as amended?

The SPEAKER. The Chair again will ask the members, are there any other amendments pending before the bill? Does any member wish to offer a further amendment to this bill?

Representative Maher waives off? The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, seated in the gallery as the guest of the majority leader, Representative DeWeese, the goddaughter of Representative DeWeese's chief of staff, Mike Manzo. Daniele Kockler is seated in the gallery. Would she please rise and be recognized.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Yesterday there was some disinterest on the other side of the aisle of allowing members to speak under unanimous consent, and I have a parliamentary inquiry. Under rule 17—

The SPEAKER. Will the gentleman pause for one moment.

Is the gentleman asking for unanimous consent?

Mr. MAHER. No, sir. I am phrasing a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MAHER. Rule 17 provides that "in lieu of offering House Resolutions on topics of importance to members, any member, without unanimous consent, may address the House on such issue and have his or her remarks entered into the record during a special period of time established each week by the Speaker at the conclusion of House business on a specific day."

As this is the last day of the week, Mr. Speaker, I presume today will be the day that you make provisions for members to speak without unanimous consent, and I am just asking that we ensure that such interval is provided before a recess.

The SPEAKER. The House will be at ease.

The Chair, upon reading rule 17, will take the gentleman's request under consideration, consult with the majority and minority leaders, and provide an appropriate response and hopefully a time for that to occur.

The Chair thanks the gentleman.

Mr. MAHER. Thank you, Mr. Speaker.

RESOLUTION

Mr. COHEN called up **HR 362, PN 2166**, entitled:

A Resolution urging the Commonwealth and all of its departments, agencies, boards and commissions to procure and utilize, where possible, Pennsylvania remanufactured automobile parts and equipment to perform their designated functions.

On the question,

Will the House adopt the resolution?

Mr. COHEN offered the following amendment No. **A02735**:

Amend Title, page 1, line 3, by inserting after "possible,"
Pennsylvania

Amend First Resolve Clause, page 3, line 29, by inserting after "possible,"

Pennsylvania

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Cohen on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment which twice adds the word "Pennsylvania" to the resolution, making it clear this resolution is in support of Pennsylvania products.

The SPEAKER. Representative Maher.

Mr. MAHER. Mr. Speaker, I have some questions for the maker of the resolution.

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

Mr. MAHER. Thank you, Mr. Speaker.

If this resolution were to be adopted and if the encouragement it provides to the executive branch were to be followed, it would be my understanding that the executive branch would be buying used tires, used other sorts of auto parts. Is that correct?

Mr. COHEN. Mr. Speaker, I think I should be answering that question after we pass this amendment.

Mr. MAHER. I will defer. 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—197

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Hanna	Milne	Smith, K.
Brooks	Harhai	Moul	Smith, M.
Buxton	Harhart	Moyer	Smith, S.
Caltagirone	Harkins	Mundy	Solobay
Cappelli	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causser	Hennessey	Nailor	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Josephs	Payne	Taylor, J.
Cruz	Kauffman	Payton	Taylor, R.
Curry	Keller, M.	Peifer	Thomas
Cutler	Keller, W.	Perry	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longiatti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Barrar Haluska Readshaw Wansacz
Bastian Nickol

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

On the question,
Will the House adopt the resolution as amended?

The SPEAKER. The Chair returns to the question by Representative Maher. The gentleman is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

I suspect my colleague recalls that I was asking that if this resolution were to be adopted and if the executive branch were to follow its encouragement, would he expect that the State would be buying used automobile tires, recaps, that sort of thing?

Mr. COHEN. It would be buying reconditioned things to the extent that it was in the judgment of the people making the decisions that it was worthwhile to do so.

Mr. MAHER. And is the gentleman familiar with safety studies and the differences in experience between recapped tires and newly manufactured tires?

Mr. COHEN. Not in great detail, Mr. Speaker.

Mr. MAHER. And is there anything that would prevent vehicles that were sitting in floodwaters for some weeks or months being chopped up in the Southern States and brought up, polished up, and then sold to Pennsylvania taxpayers?

Mr. COHEN. This resolution makes clear, as a result of the amendment that just passed, that we are interested in Pennsylvania manufactured products.

Mr. MAHER. The source of those, could these be cars that were flooded out in Katrina, for instance, or elsewhere?

Mr. COHEN. There are standards in the reconditioned parts industry, Mr. Speaker.

Mr. MAHER. And I maybe missed, what standards are invoked by this resolution, Mr. Speaker?

Mr. COHEN. General standards, Mr. Speaker.

Mr. MAHER. The general standards of the chop shop or the junkyard business? I am not familiar. Where would I look for those?

Mr. COHEN. Mr. Speaker, the reconditioned parts industry is a major contributing factor to the economy of Pennsylvania. There are many reconditioned parts sold in Pennsylvania and all over the world. All this does is call to the attention of the Governor's Office the important contribution that the reconditioned parts industry makes to the economy of Pennsylvania and to the United States and urges them to use their best judgment in the use of reconditioned parts in Pennsylvania because of the economic benefits and the environmental benefits of such reconditioned parts.

Mr. MAHER. Thank you, Mr. Speaker.

May I speak on the resolution?

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

Mr. MAHER. The underlying idea behind this resolution is laudable, the notion of recycling, the notion of cost efficiencies. Unfortunately, the resolution has proceeded without any safeguards, any safeguards to the public who would encounter vehicles running on retread tires that are purchased by the State, any protection for State employees who, checking a car out of a carpool, would leave without the knowledge of recognizing that they might be riding on wheels that are partly constructed from cars that were junked after some natural disaster somewhere else.

And while there may well be some standards in this industry, these standards are not part of the proposal, and I would ask the gentleman to think about withdrawing the resolution and coming forward with one that provides for the safety of Pennsylvanians, for the safety of Pennsylvania State employees, and pursues this goal but in a way that recognizes the impact and the risk to the people of Pennsylvania.

So I will be voting "no" on this resolution in its current form.

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a resolution. It is not a bill. It is a statement of general policy. I have great confidence that the people in the State government, both the appointees of Governor Rendell and the longtime civil servants there, will act with all due knowledge and all due consideration of the various issues involved and will work to ensure the safety of all Pennsylvania employees as well as the interests of the taxpayers and the interests of Pennsylvanians interested in a clean environment if this resolution is passed.

I urge a "yes" vote.

The SPEAKER. Representative Preston.

Mr. PRESTON. Mr. Speaker, I also ask for a "yes" vote.

I understand that I have heard the previous gentleman from Allegheny County mention a very small part of an industry of which is not of concern as far as the highway tires are concerned. But when we look at the market today, whether it is toner cartridges, whether it is refixing air conditioners, whether the State decides to retrofit and redo an awful lot more office furniture instead of going out for bids to buy new and different things, this is millions, hundreds of millions of dollars' worth of business within Pennsylvania.

It is unfortunate I think that the gentleman is probably limited in scope as far as what he is looking at in dealing with remanufacturing. It is more than just remanufacturing. Even today when you walk down here in Harrisburg, there are stores that offer, you know, to bring your toner cartridge down for your photocopier, for your computer. There are extra boards that you can buy that deal with your computer, extra refurbished parts for your phone systems, telecommunication systems, and video systems. Those are an awful lot of different things in aftermarket, and all we are doing is encouraging the State to frugally look at using remanufactured parts.

I do not know anything, what the gentleman was talking about, whether it was Katrina and some of those other different things that may seem cute that maybe we are applying or trying to patronize the public, but the reality is, it is something that all of us should be doing. We are talking about conserving energy. We should be talking about conserving the State tax dollars, unless the gentleman wants to continue to say that the State should go out and tax and spend. I really do not think that way. I think it is time for the State to be a little bit more up to date.

This is the year 2000; we are in the year 2000. We are not back in the 1950s. I do not know people who use retreads unless perhaps maybe the State on some of its tractors, under maybe some of the lessons that they give on motorcycles in some of the different areas on limited off-the-road practices. There are an awful lot of different things where retreads are more applicable instead of buying something that is new, and maybe the gentleman needs to sit down and look at those types of things.

I think this is a very good resolution and we should vote for it.

The SPEAKER. Representative Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HR 362 by the gentleman from Philadelphia.

Mr. Speaker, this is the gentleman that has championed for years and years the increase in the minimum wage here in Pennsylvania. His number one priority is concern for the residents of the Commonwealth.

This resolution, by the full backing of the House of Representatives, Mr. Speaker, is twofold. It asks that those in DGS (Department of General Services) and through the purchasing power of the Commonwealth try to implement cost-saving programs that would bring in remanufactured auto parts, which are widely disseminated through the auto industry as we know of today, Mr. Speaker, and two, more importantly, ask that those remanufactured automotive parts be made here in Pennsylvania by Pennsylvania workers.

Now, nobody, Mr. Speaker, is going to think that we are going to put a tire with 3/32 on a car or a DGS car and send a State employee down the highway, down the turnpike. That is nonsense, Mr. Speaker. That is just absolute hogwash. We are talking about remanufactured starters and remanufactured parts for interior cars and radiators and those types of things, Mr. Speaker.

Mr. Speaker, we are asking that the Commonwealth save money. We are asking that the Commonwealth save money by employing Pennsylvania people, and we stand in support of the gentleman's resolution to use Pennsylvania workers, to use remanufactured auto parts, and to say, yes, we have a stake in Pennsylvania. We do not want to bring in Chinese auto parts, Mr. Speaker. Lord knows we have enough problems with that, and this gentleman, the gentleman from Philadelphia, is a leader in wanting to test for products coming in from China. We do not want to use Mexican remanufactured or new Mexican auto parts, Mr. Speaker. We want to, I want to, my district wants to use remanufactured auto parts made by Pennsylvanians right here in the Commonwealth on our cars through the fleet service and through DGS, Mr. Speaker.

So I would say that this is not only pro-Pennsylvania, proworker, but it is absolutely 100 percent pro-American, and I would ask for an affirmative vote on HR 362.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Will the sponsor of the resolution stand for brief interrogation, and I do mean brief.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, as the prime sponsor of the resolution, are you able to describe for the House what the motivation was or what the origin was of this particular resolution?

Mr. COHEN. Yes. Mr. Speaker, it turns out that the leading industrial employer in the city of Philadelphia is the Cardone corporation, which is a manufacturer of automotive parts, of reconditioned automotive parts. The Cardone corporation has over 5,000 employees, largely in the city of Philadelphia. It has a variety of plants scattered around different parts of the city of Philadelphia, and one of its facilities is in my legislative district.

Mr. REICHLEY. Mr. Speaker, are there other distributors of remanufactured automobile parts throughout Pennsylvania other than Cardone?

Mr. COHEN. Yes, Mr. Speaker. This is a major industry. I am only aware it is a major industry because I have a piece of it in my district, but it is a major industry in Pennsylvania.

Mr. REICHLEY. Are there other remanufactured automobile dealers in the Pittsburgh area?

Mr. COHEN. I cannot speak with detail as to where the facilities are.

Mr. REICHLEY. In the Lehigh Valley?

Mr. COHEN. I do not know, Mr. Speaker.

Mr. REICHLEY. Is there any other relationship between Cardone and the prime sponsor of the amendment, Mr. Speaker?

Mr. COHEN. Is there any other relationship between the Cardone— No, Mr. Speaker, there is not, other than the fact that they have a facility in my legislative district.

Mr. REICHLEY. Is there any kind of relationship between Cardone and the Governor?

Mr. COHEN. I have no knowledge of that, Mr. Speaker. I know that Mr. Cardone is a very conservative Republican and has been very active. For instance, you will find his name listed as a major contributor to Rick Santorum. Now, I really do not approve of that, but although he is a supporter of Senator Santorum—

The SPEAKER. Will the gentleman cease.

Mr. COHEN. —I believe that it is a major industry, and I am supporting him.

The SPEAKER. The gentleman will cease; the gentleman will cease.

The gentleman's line of questioning is out of order.

Mr. REICHLEY. Mr. Speaker, I beg to differ because — well, despite all the applause on the other side — this resolution specifically gives the Governor the authority through Executive order to direct DGS to purchase remanufactured automobile parts from what would be selected dealers in Pennsylvania. So I think it is—

The SPEAKER. The gentleman will cease for one moment.

The Chair's indication to the gentleman that his remarks were out of order relate to the line of questioning. Members of the House are not permitted to impugn the integrity of other members or the motives, or the motives of offering a specific piece of legislation. So the Chair will caution Representative Reichley along those lines.

Mr. REICHLEY. Mr. Speaker, I did not impugn anyone's motives. I asked a question to try to understand what the background was behind this resolution.

Well, I think the reaction of the Chair and of the other side speaks for itself regarding this resolution. I think that whether the opportunity for automobile parts dealers outside of Philadelphia would be as available as to this one particular person located in the gentleman's district is something that members may want to consider in voting for the resolution.

Thank you, Mr. Speaker.

The SPEAKER. Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker, and I am going to try to be very brief.

There are other remanufacturing facilities in Pennsylvania. One happens to reside in Representative Hanna's district up in Clinton County. It is a major employer. But I cannot believe what I am hearing here. We are talking about something that is going to save money for the taxpayers, it is good for the environment, and it is good for Pennsylvania jobs. All right? I mean, it is late. We have been here a long time, but let us be serious. It is a resolution, Mr. Speaker. It encourages us to do that.

And as far as the gentleman talks about retreaded tires and flood cars, well, they do not take a transmission out of a car that was in a flood in Katrina and then sell it. Most transmissions are taken, totally disassembled, and they use the housing, and they put basically all new parts in them, and the same thing with alternators and starters and on and on, and axle joints.

You know, this is a little ridiculous. So retreaded tires, every tire has a tread on the outside. When you take that off and you vulcanize a new one on, it is a retreaded tire, yes. And I raced stock cars with retread tires on, and I never had any problems and neither did anybody else. So if they will put up with that, I think we can use them in Pennsylvania.

So, you know, let us be honest, let us be factual. This is not anything that is bad or drastic. This is good for Pennsylvania, good for our environment, and it saves us money, and it helps our jobs.

Thank you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to take up a lot of time.

Mr. Speaker, this is about a resolution, not dissolution. It is a resolution. It is not mandatorily prescriptive. I mean, there is nothing being mandated. The resolution is only encouraging a particular policy that may or may not be honored by the necessary agencies. I mean, why are we all up in arms about the intention of something that is more ceremonial than anything else? It is a wish, it is a desire, and it is a desire that arises out of some passion about not wasting taxpayer dollars and doing some cost containment and about some jobs, creating some jobs for people.

We do not have to go to war on this. I would like to see you go to war on putting that \$75 million back in the Accountability Block Grant Program or go to war on housing and redevelopment assistance or go to war on jobs. Let us debate. Let us get passionate about those things, especially the 26,000 workers that could be furloughed. Let us not get bogged down in HR 362. There is nothing drastic that is going to happen.

The SPEAKER. The gentleman will cease.

POINT OF ORDER

The SPEAKER. Representative Gabig.

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

The gentleman is making comments on a budget debate that the Democratic leadership objected to us having yesterday, so if he could stick to the resolution, we would be more than willing to debate that issue. We tried to do it yesterday and we were

shut down, to make sure that the people were not furloughed and that they had a budget on time that the gentleman opposed last Saturday—

The SPEAKER. The Chair understands the gentleman.

Mr. GABIG. These people would not have to be furloughed.

The SPEAKER. The gentleman will cease.

The Chair will remind all members the only issue before the House is the resolution, HR 362. Members will confine their remarks to the resolution.

Mr. THOMAS. My remarks are confined to HR 362, and again I will say there are some issues that we can get bogged down in, that we can debate, that we can jump up and down, that we can call names and do whatever we want to do. This is not it. HR 362 is a desire to create jobs, save the taxpayers some money, and adopt a progressive view about some things in Pennsylvania.

So both sides – and this is not a D/R (Democrat/Republican) issue; this is a people's issue – let us put up a "yes" vote for HR 362.

I thank Representative Mark Cohen.

The SPEAKER. Representative Turzai.

Mr. TURZAI. Mr. Speaker, I just wanted to make clear earlier that when my colleague from Lehigh County, who is very diligent about knowing the issues, was raising questions and making points with respect to it, with all due respect, I would like to state for the record I do not think he was off base or in any way questioning intentions or motives.

The fact there is a difference of opinion on an issue or that an issue is raised is what we are here for, and HR 362 or any other bill that the Democratic Caucus has decided to put on the table for our consideration – we did not make that choice; the other side did – then they should be willing to entertain thoughtfully raised issues and questions and they should not try to dismiss those questions or the issues based on, I think, a frivolous respect.

The SPEAKER. If the gentleman will cease; if the gentleman will cease.

The Chair was – and if the members will pay attention – the Chair was informing members of the custom of this House, and from Mason's Manual I will read: "It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms."

It is the strong suggestion of the Chair that if you have questions on a resolution, that you make them to the resolution or to the House bill. It is not proper to question the motives of the maker of a bill or resolution.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Representative Daley.

Mr. DALEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. DALEY. Mr. Speaker, regarding that issue, the Chair made a ruling, rightfully so, that no one on the floor of this House should impugn the character of any other member regarding an issue, but also, Mr. Speaker, I would ask you after you admonished whoever made those disparaging remarks—

The SPEAKER. The Chair will interrupt the gentleman.

The Chair did not make a ruling. The Chair was simply, before any disparaging remarks were made, the Chair was offering guidelines to the members of the House.

Mr. DALEY. Mr. Speaker, I believe and I ask you to review the record to see if the record would indicate if there were disparaging remarks concerning the previous maker of the resolution, and if there were, I would ask that those be stricken from the record.

The SPEAKER. The Chair appreciates the comments of the gentleman, and the Chair will review the comments. But the Chair is of the preliminary opinion that the gentleman made no disparaging remarks, but the Chair was merely cautioning the members of the House as to the proper decorum for the House to function. But the Chair will review, the Chair will review the record.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Brooks.

Mrs. BROOKS. Mr. Speaker, I have a question for the sponsor of the resolution.

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

Mrs. BROOKS. I applaud your initiative for recycling and remanufacturing. I do have one question, though, however. Would this affect any warranties given under the manufacturer if any remanufactured parts are used?

Mr. COHEN. No. This does not have anything to do with warranties.

Mrs. BROOKS. So it would not affect warranties if remanufactured parts are used?

Mr. COHEN. It has no legal force whatever. It is a statement of general policy to be interpreted by the leadership of State government and to be used as they see fit. It does not mandate anybody to do anything.

Mrs. BROOKS. But if it were to be implemented, would it affect warranties?

Mr. COHEN. No. It makes no recommendations at all on warranties. Whatever warranties they wish to require, they can require.

Mrs. BROOKS. I guess I do still have a question. Would the warranty still be valid from the manufacturer if we used remanufactured parts?

Mr. COHEN. I am told that there are contracts that are available that are offered warranties, and the administration certainly can sign up for these contracts if it chooses to do that.

Mrs. BROOKS. I most certainly applaud your initiative, and I think this is one way to move forward. However, before we do move forward in implementing anything like this, I would ask that we be sure that no warranties are voided.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—161

Adolph
Argall

Fairchild
Fleck

Mantz
Markosek

Sainato
Samuelson

Baker	Frankel	Marshall	Santoni
Belfanti	Freeman	McCall	Saylor
Bennington	Galloway	McGeehan	Schroder
Bianucci	Geist	McI. Smith	Seip
Bishop	George	McIlhattan	Shapiro
Blackwell	Gerber	Melio	Shimkus
Boback	Gergely	Metcalfe	Siptroth
Boyd	Gibbons	Micozzie	Smith, K.
Brennan	Gillespie	Millard	Smith, M.
Buxton	Gingrich	Milne	Smith, S.
Caltagirone	Goodman	Moyer	Solobay
Cappelli	Grucela	Mundy	Staback
Carroll	Hanna	Murt	Steil
Casorio	Harhai	Myers	Stern
Causer	Harkins	O'Brien, M.	Sturla
Civera	Hennessey	O'Neill	Surra
Clymer	Hershey	Oliver	Swanger
Cohen	Hess	Pallone	Tangretti
Conklin	Hickernell	Parker	Taylor, J.
Costa	Hornaman	Pashinski	Taylor, R.
Creighton	James	Payne	Thomas
Cruz	Josephs	Payton	True
Curry	Keller, W.	Perzel	Vereb
Cutler	Kenney	Petrarca	Vitali
Daley	Kessler	Petri	Wagner
Dally	Killion	Petrone	Walko
DeLuca	King	Phillips	Waters
Denlinger	Kirkland	Pickett	Watson
DePasquale	Kortz	Preston	Wheatley
Dermody	Kotik	Pyle	White
DeWeese	Kula	Quigley	Williams
DiGirolo	Leach	Quinn	Wojnaroski
Donatucci	Lentz	Ramaley	Yewcic
Eachus	Levdansky	Raymond	Youngblood
Ellis	Longietti	Reed	Yudichak
Evans, D.	Mahoney	Roebuck	
Evans, J.	Major	Rohrer	O'Brien, D.,
Everett	Manderino	Ross	Speaker
Fabrizio	Mann	Sabatina	

NAYS—36

Bear	Harper	Mensch	Roae
Benninghoff	Harris	Miller	Rock
Beyer	Helm	Moul	Rubley
Brooks	Hutchinson	Mustio	Scavello
Cox	Kauffman	Nailor	Sonney
Gabig	Keller, M.	Peifer	Stairs
Godshall	Mackereth	Perry	Stevenson
Grell	Maher	Rapp	Turzai
Harhart	Marsico	Reichley	Vulakovich

NOT VOTING—0

EXCUSED—6

Barrar	Haluska	Readshaw	Wansacz
Bastian	Nickol		

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be recommitted to the Committee on Appropriations:

HB 289;
HB 874;

HB 1329;
HB 1330;
HB 1388; and
SB 97.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1588, PN 1969**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for an oil company gross profits tax; and making an appropriation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1588 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1588 be removed from the table.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 556, PN 1974**, entitled:

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 556 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 556 be removed from the table.

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

RESOLUTION

Mr. DeWEESE called up **HR 332, PN 1922**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to examine the feasibility of limiting polling places to schools and government buildings that are accessible to persons with disabilities.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 332 be placed on the table.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 332 be removed from the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 648 be removed from the table.

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

HOUSE SCHEDULE**APPROPRIATIONS COMMITTEE MEETING****DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

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

A matter of scheduling is at hand, and I would like to share with the membership that the Appropriations Committee will meet at 4 o'clock and we shall caucus at 4:10. Tomorrow, Sunday, after church we shall be back here at 3 for caucus and

4 o'clock for session. Budget negotiations are ongoing, and we anticipate being with our counterparts both in the House and Senate and in the Governor's echelon in the immediate future.

Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce the Republicans will caucus tomorrow at 3 p.m.; that is, Republicans will caucus on Sunday at 3 p.m.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Some time ago I made an inquiry about, would the Speaker be providing time for comments pursuant to rule 17, and I was advised that you would be getting back to us before the end of today's business. It would seem that today is the end of the week, and if this is the end of the day's business for the last day of the week, then this would be the only possible time to proceed with that time during the week.

The SPEAKER. The Chair said that he would consult with the majority and minority leaders. The Chair did not indicate that it would make an announcement by the end of today. The Chair intends to consult with the majority leader and respond to the gentleman's inquiry.

POINT OF ORDER

Mr. MAHER. Well, Mr. Speaker, then I will make it a formal point of order literally.

Under rule 17, "Order of Business," it provides that the Speaker will designate a period each week. Today is the last day of the week. There has not been such period designated. I would ask that you designate this period, Mr. Speaker, to avoid violating rule 17.

The SPEAKER. The Chair will indicate to the gentleman that the Chair is not doing this arbitrarily. The Chair has researched the issue, and that in 1998 the same issue was raised, and the Speaker consulted with the majority and minority leaders. It is the intention of the Chair to follow that precedent and to consult with the majority and minority leaders on the gentleman's point of parliamentary inquiry.

Mr. MAHER. Well, Mr. Speaker, with all due respect, 1998 was before this new era of reform, before these new rules that are supposed to provide for transparency and openness of government. There are many members on this side of the aisle who wish to be heard on the budget. The Democrats have refused to allow members on this side to speak under unanimous consent. The rules provide for members to speak. I am asking for you to abide by the rules. Today is the last day of the week.

The SPEAKER. The Chair has answered the gentleman's point of parliamentary inquiry. The Chair is referring back to the ruling that Speaker Ryan made as a point of inquiry from the gentleman, Mr. DeWeese, and the Chair intends to follow that procedure.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Oliver for an announcement.

Mr. OLIVER. Mr. Speaker, there will be an immediate meeting of the Health and Human Services Committee in the Republican Appropriations conference room in room 245.

Thank you.

The SPEAKER. The Health and Human Services Committee will meet in room 245.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, there will be a full meeting of the Intergovernmental Affairs Committee tomorrow at 2 o'clock in room 302 of the Irvis Office Building. We will be considering HB 1351; that is, tomorrow at 2 o'clock in room 302, Irvis Office Building, HB 1351.

Thank you, Mr. Speaker.

The SPEAKER. The Intergovernmental Affairs Committee will meet tomorrow in room 302, Irvis Office Building.

Representative Samuelson. The gentleman waives off.

STATEMENT BY MR. BENNINGHOFF

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Mr. Speaker, on unanimous consent on a personal matter to do with an Iraqi—

The SPEAKER. The Chair recognizes Representative Benninghoff.

Mr. BENNINGHOFF. Thank you.

The SPEAKER. Without objection, he may proceed under the provision of unanimous consent.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If the members will give me just one quick moment to share an update, we have had many members have to stand here and give the painful honor of recognizing fallen soldiers that we have lost through the Iraqi conflict. I had a more positive experience this morning with a young gentleman named "David J. Emery" from Bellefonte. The 21-year-old, doing his second tour in Iraq, was wounded by a bomber 5 months ago this very day.

David and his wife, Leslie, who happens to be one of my old Little League ballplayers about 12 years ago, and their new baby of 5 months came back to Bellefonte for a quick visit. The town has been raising money to try to help this family. This young man in that bombing attack unfortunately lost both of his lower limbs, had his left arm almost completely destroyed. It was surgically reattached and has been rewired and had some other significant surgeries. Unfortunately, he was plagued 2 months afterwards with a blood poison, which we thought we were going to lose him. And through the grace of God and a lot of people's prayers, David is doing a tremendous job in his recovery.

We hear a lot of negative things, and I just want to highlight two quick comments, and that is the power of people's impact in their prayer and the fine flow of help from this community that has reached out to this family; and second of all, in light of everything we do and the struggles we go through, and sometimes we think our days are tough, I watched this young man of 21, who has served our country and each of us, not once but in a second tour and has suffered those types of injuries, really made me proud to be American and made me a little bit embarrassed sometimes by my own complaints of life and things that continue to be trials and tribulations.

So in honor to his family, David J. Emery, sergeant, his wife, Leslie, and their lovely little child, I just ask the members to keep them in their prayers and thank them for their previous prayers and honor. Thank you.

ANNOUNCEMENT BY MR. SCAVELLO

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, first, I would like to rise on unanimous consent, but I first would like to announce that today happens to be the 14th birthday of Representative Rosita Youngblood's son, Stephen. I want to wish him a happy birthday.

STATEMENT BY MR. SCAVELLO

Mr. SCAVELLO. I would also, if possible—

The SPEAKER. The gentleman rises under unanimous consent. The Chair sees no objection. The gentleman is in order and may proceed.

Mr. SCAVELLO. If possible, I would like to interrogate the majority leader in regard to HB 1717 that was introduced—

The SPEAKER. If the gentleman will pause for one moment.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair gives permission for the House Appropriations Committee to meet.

The gentleman is in order and may proceed.

Mr. SCAVELLO. I would like to, if possible, interrogate the majority leader on HB 1717 that was introduced yesterday, which would be a piece of legislation that would keep the State workers working, that we would not have a furlough, and keep our parks open and keep our casinos open. In total, we are talking about 30,000 jobs.

Yesterday I believe there were over 70 cosponsors within a few minutes. It was Representative Buxton from Dauphin that introduced the legislation, and I was wondering what the position of the majority leader might be with that particular piece of legislation?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Readshaw. His name will be added to the master roll.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Representative DeWeese.

Mr. DeWEESE. Thank you very much.

My question to the Chair, prior to responding to my honorable colleague from Monroe, would be, and then I shall respond, but I am curious as to the propriety of responding in interrogation when an honorable member is talking or speaking on unanimous consent. Just a technical question on my own part; I do not know the answer.

The SPEAKER. The Chair is not aware of any precedent for a gentleman to stand under the provision of unanimous consent and ask for another member to stand for interrogation.

Mr. DeWEESE. Well, notwithstanding the scarcity of precedent, the amplitude of friendship that exists between me and my honorable colleague and the urgency of his question I think merit a response.

Certainly no one can conjecture as to exactly what will be forthcoming relative to Mr. Buxton's proposal. It is an honorable effort, and it is buttressed by many, many cosponsors. I think that Saturday before dinner is premature relative to giving up on a budget compromise. I still, in the Ronald Reagan tradition, evince great optimism that something favorable will happen. I am sure that Speaker pro tem Petrarca shares my enthusiasms in that regard.

We will make certain that Mr. Buxton's proposal is lodged immediately within its appropriate committee structure, and I am confident that it will have its day in court. But again, I think that Representative McCall, Representative Evans, and our colleagues on the Republican leadership team and our friends in the Senate will be meeting later in the evening with the Governor, and I think we are very, very close to a handshake.

So we do not want a furlough. We have the same concerns as my honorable gentlemen have. We want Pennsylvania workers to be working on Monday and Tuesday and forward, and if that were not to happen, Mr. Buxton's legislation would be a crucial element within those deliberations next week.

So I thank the gentleman. I apologize for the somewhat tentative and limited response, but at this juncture, that is the best I have.

Mr. SCAVELLO. Mr. Speaker, is there any way that we can continue to move that legislation forward at the same time as continuing the negotiations, just in case the negotiations do not turn out the way we want them to, because remember, Monday is the day, and if it does not happen, is there any way that we can take that legislation and amend the bill that is ready to move quickly to get this to happen so our State workers can be working on Monday, that our parks can stay open on Monday, that our casinos can stay open on Monday?

Mr. DeWEESE. The good news is, my honorable friend, that it is in the Appropriations Committee. It has moved and can continue to move, and we are not taking your interrogatories lightly. We are in many, many cases, specifically Democratic members, agreeing with you. So the procedures are in place, and if it is the will of the House, of course in the incipient days of the ensuing week, we could respond.

Mr. SCAVELLO. Mr. Speaker, however, that process can take about 6 days before that piece of legislation comes before us. If we can look at another piece of legislation that can be

amended with this language that is ready to go, if that is a possibility, I would appreciate if the majority leader can look at that as a possibility so that we can have that available as well, so that Monday our State workers, our casinos, our State parks, can stay and remain open.

Mr. DeWEESE. There are myriad options and yours are preeminent among them, and we will be as responsive as possible because we do agree, the urgent nature of keeping 25,000 to 30,000 Pennsylvania workers in place at their job settings is of preeminent importance.

Mr. Speaker, I would ask that our recess commence so that our Appropriations Committee and our caucuses can meet at this time.

The SPEAKER. The Chair thanks the gentleman.

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

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.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Representative Rock from Franklin County, who moves that this House do now adjourn until Sunday, July 8, 2007, at 4 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:03 p.m., e.d.t., the House adjourned.