

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JULY 10, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 70

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. FRANK SHIMKUS, member of the House of Representatives, offered the following prayer:

Let us bow our heads in prayer:

Heavenly Father, Your Word tells us it is good and pleasant for brothers and sisters to dwell together in peace. You also tell us to be thankful in all things. So today, Father, we come together asking You to unite us as a General Assembly and to help us to see clearly the many blessings that You have given us.

We thank You for our leaders who crafted the budget, ever mindful of the needs of Your people here in Pennsylvania. We thank You that so many are back at work but ask that You help us to ever be mindful of the poor, the hungry, and the homeless.

We thank You for the freedoms we enjoy and ask that You help us not to abuse those freedoms or those rights by harsh or demeaning words or by hurtful or vengeful actions. Most of all, we are thankful for Your spirit and ask that You help us to honor You by seeing You in our brothers and sisters here in this place. In Your name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes Representative DeWeese.

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

May I please have some order.

The SPEAKER. The gentleman is correct. Members will take their seats; aisles will be cleared.

Mr. DeWEESE. Just a preliminary comment and then a rough draft on our schedule that can be adhered to and then not be a rough draft.

I would like to thank the members of the chamber, Republicans and Democrats, for their patience, amiability, goodwill, maturity, and one more time, patience. And it was my

request to the Speaker that we recess to the call of the Chair in order to gain time for crucial and sensitive negotiations. We felt that we were very close to a handshake with our Senate Republican contemporaries and that all four caucuses could come to an agreement last night and finalize it in the Governor's Office.

In my view, our time for shuttle diplomacy, if you will, for moving back and forth from each side of the building, was just what the doctor ordered. Our tactics allowed for a successful strategy. I would hope that this reasonable and mature and fraternal group would contemplate, at least for the short time, stepping back from aggressive partisanship. We had a good night last night, and we should probably embrace the admonition of Frank Andrews Shimkus when he beseeched the celestial powers just a few moments ago that we should all dwell in peace, that vengeful and demeaning behavior on any of our parts is certainly not necessary, not productive, not helpful at this crucial juncture.

We have been able to bring the leaders of all four caucuses together with Mr. Rendell and his staff team and forge what we hope to be a solid compromise for our fiscal year upcoming. So with that as a precursor to my scheduling comment, I would also share with the House on a more practical level the fact that we have very few Senate vehicles to work with. We will have a short day today ostensibly. We will have a nonvoting day tomorrow, because we have very few Senate vehicles, and then on Thursday and Friday and Saturday and possibly Sunday, we shall do our very best to conclude the State's business and ask for a Governor's signature on our State budget.

So again, stepping back from the precipice of partisanship and asking that this body work diligently during the remainder of the week, I am going to relinquish the microphone to my honorable colleague from Upper St. Clair.

The SPEAKER. Members will report to the floor.

#### 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—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Preston

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Sunday, July 8, 2007, will be postponed until printed. The Chair hears no objection.

### JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print: Wednesday, April 25, and Monday, April 30, 2007. Without objection, these Journals will be approved.

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

### FILMING PERMISSION

The SPEAKER. The Chair wishes to advise members that he has given permission to Gary Dwight Miller of the Patriot-News to take still photographs while we are in session.

### PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. Thank you, Mr. Speaker.

I believe the majority leader actually yielded to me.

The SPEAKER. Well, the gentleman will have to state his reason for rising.

Mr. MAHER. I would dispute that, but I will state it in any case, which I have a series of parliamentary inquiries, which I expect will be brief.

The SPEAKER. The gentleman is in order.

Mr. MAHER. Thank you.

Mr. Speaker, I hold in my hand the House calendar for Monday, July the 9th, a properly sunshined, scheduled convening of the House of Representatives. Many of us were present throughout the afternoon from the time that the meeting was to convene at 1 but not aware that the Chair, that the Speaker, ever commenced the session. I heard a reference to the session being recessed, but I do not believe anyone here witnessed anyone take the rostrum. My first question is, can the Speaker, absent an emergency, be convening the House in private somewhere, or does that need to happen in the hall of the House?

The SPEAKER. The House was not convened on Monday.

Mr. MAHER. So the House Journal for Monday, July 9, will be nonexistent or a blank sheet of paper?

The SPEAKER. The gentleman is correct.

Mr. MAHER. Which, sir?

The SPEAKER. Nonexistent.

Mr. MAHER. Nonexistent. And, Mr. Speaker, are you aware of any occasion, not involving the Capitol being in flames or a national weather emergency, where the House was scheduled to convene and had a full calendar and the Speaker never arrived or a pro tem never gaveled the session day in?

The SPEAKER. On numerous occasions this House has been scheduled, for instance, on a Wednesday, the calendars have been printed, and we have not come into session.

Mr. MAHER. And preceding that Wednesday, on Tuesday there was an announcement that the House would not be in session on a Wednesday. Was there a similar announcement on Sunday about Monday?

The SPEAKER. There was no announcement on Sunday.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Notwithstanding my respect and affection for the gentleman from Allegheny, he has, in my view, sullied the Chair, and the Chair does not have to take that implication.

The SPEAKER. The gentleman was out of order. His remarks will be stricken from the record.

### PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. Mr. Speaker, to continue the parliamentary inquiries.

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

Mr. MAHER. The other question I have, Mr. Speaker, is, tomorrow is a nonvoting day, as I understand from the majority leader. If the Speaker concurs that tomorrow is a nonvoting day, the question I have is, now that rule 17 opportunities for members to speak without interruption have been put on Wednesdays, will the members, does the Chair expect to attend and permit those members who wish to address the pressing business of the State the opportunity to speak, as you explained to us would be your process on Sunday?

Mr. DeWEESE. Mr. Speaker? Mr. Speaker, I have a polite suggestion to the Chair. If the gentleman will countenance a brief interruption?

The SPEAKER. The gentleman is in order.

Mr. MAHER. I certainly am getting used to them, Mr. Speaker.

Mr. DeWEESE. I am told by Speaker pro tem Bud George that he will come in late this afternoon, and we can have this exercise at that time. Of course, if that is the setting, the audience might be somewhat capacious.

Mr. MAHER. Well, with all due respect to my friend, the majority leader, I suppose that this is a question to the Chair, and while the Bush Telegraph seems to be functioning very well, I would hope to have the Chair's—

The SPEAKER. If the gentleman will cease for a moment.

The rule that the gentleman sought definition of was expansively explained to this chamber. It was the intention of the Chair to accommodate the gentleman's wishes to speak on the floor of the House and all members to speak on the floor of the House without the provision of unanimous consent. The Chair is very willing to be flexible in that regard and have it today, Thursday, any other day, but as the Chair explained, that day will be in consultation with the majority and minority leaders.

The Chair is further instructing the members that under the provision of unanimous consent, and the members should know, remember, that unanimous consent is only given if no one objects, and the individual seeking unanimous consent can speak for no more than 10 minutes. Since we have a strict interpretation of the rules, unanimous consent must be requested through the majority and minority leaders, and upon their agreement, they will set the time to grant that unanimous consent.

As the Chair said the other day, it is the hope that requests for unanimous consent can be delayed till the end of business day so that we can conduct business in an orderly fashion. If there is an emergent issue, that issue can be addressed through the majority and minority leaders, and with exception, that unanimous consent will be given on immediate basis.

Mr. MAHER. And, Mr. Speaker, I do not believe you answered my question, which is—

The SPEAKER. The gentleman will state his—

Mr. MAHER. —the rule 17 opportunity for members to speak without interruption will be provided tomorrow afternoon or will it be provided this afternoon?

The SPEAKER. The Chair, also in its explanation to the members, in creating that forum for speaking without unanimous consent, also it was explained to the members that the Chair should be notified of that request. The Chair has no requests at this time. If it receives a request, it will appropriately schedule that.

Mr. MAHER. Mr. Speaker?

The SPEAKER. Given the special circumstances—

Mr. MAHER. Is my request not obvious to you, Mr. Speaker?

The SPEAKER. The gentleman will suspend. This Chair will not tolerate anyone speaking over the presiding officer. If that happens, the Chair will instruct that individual to take his seat and further action will be contemplated by the Chair if that has not taken place.

The gentleman will state his point of parliamentary inquiry.

Mr. MAHER. Mr. Speaker, is my request not obvious to you to speak pursuant to rule 17? I have asked a simple question a number of times now. Will that be tomorrow afternoon? Will it be this afternoon? It is up to the Chair, but I would appreciate a response.

The SPEAKER. If the gentleman would like to approach the rostrum, the Chair will be willing to accommodate the gentleman's schedule and determine where it fits into the schedule of the House.

Mr. MAHER. Mr. Speaker, I am perfectly content to conduct the business of this House in the light of day, and I would ask you—

The SPEAKER. The Chair thanks the gentleman. The question has been answered.

Is there a further point of parliamentary inquiry?

Mr. MAHER. Yes, Mr. Speaker.

Today or tomorrow; a simple question.

The SPEAKER. If the gentleman approaches the rostrum, that time will be appropriately scheduled.

Mr. MAHER. A parliamentary inquiry: Is it the usual practice of the Chair to shield the public from scheduling information?

The SPEAKER. The gentleman is out of order. He will take his seat.

Will Representative Baker approach the rostrum, please.

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

HB 1662, PN 2197

By Rep. STURLA

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, redesignating registration as licensure.

PROFESSIONAL LICENSURE.

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

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to leaves of absence and is in receipt of a request for a leave of absence for the gentleman from Allegheny County, Mr. PRESTON. Without objection, the leave of absence will be granted for the day.

**CALENDAR**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 10, PN 2168**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of judges, for exclusive jurisdiction of Supreme Court and for the Criminal Justice Enhancement Account; and making related repeals.

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

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Moul.

Mr. MOUL. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to speak in favor of HB 10. It was a short time ago the citizens of Pennsylvania cried foul over a vote of this chamber that increased the salaries of State officials. Since that time, this body acted in a responsible manner and acted on behalf of the voice of the people to repeal that vote and restore the salaries of State officials back to their original level. Unfortunately, under the guise of the State Constitution, the State Supreme Court ignored the voice of the people and voted to restore part of this increase. Specifically, the Supreme Court ruled that judges and judges alone were entitled to this raise. As a result, I stand before you today in favor of HB 10, a proposal that would restore the decision of the chamber to repeal the pay raise and once again demonstrate the will of the people.

Mr. Speaker, it is at this time that we put this ordeal behind us and move on as a Commonwealth. It is a long road to reform, and it is an even longer road to restoring the integrity and public confidence in our State government. And, Mr. Speaker, I feel, as I hope you do, that this proposal is a long stride along that road.

The judicial compensation part of HB 10 does one simple thing. It cuts the link between salary increases for Federal judges and salary increases for Pennsylvania judges. That is it, pure and simple. If we do nothing, our Pennsylvania judges could wind up with another 16-percent salary increase on top of a huge salary increase they already received when the Supreme Court found a way to uphold judicial salaries while striking down legislative and executive branch salaries. There is talk in Washington about a new salary increase for Federal judges, and if that happens before we act, the Pennsylvania Constitution will

prevent us from taking any steps to stop that salary increase. If we do not act now, later this year might be too late.

In September of 2005 this House of Representatives, with a single dissenting vote, passed a law to repeal the judicial salary increase as well as repealing salary increases for legislators and executive branch officials. When the Pennsylvania Supreme Court invalidated our attempt to repeal the judicial pay raise, it specifically refused to decide the constitutionality of Act 44's elimination of the link between future salary increases for Federal judges and future salary increases for Pennsylvania judges. In other words, the high court ducked the issue for the time being.

Mr. Speaker, if we do not enact HB 10 and they get the 16-percent increase which is predicted, it will cost the taxpayers another \$11,359,186 to pay for our judicial system, which will catapult our judges from being the fourth highest paid in the country to the topped paid judges in the country. And the fiscal note on this bill is \$1,040. To me, that is the cheapest insurance policy going.

I fully support HB 10 and strongly recommend that we do as a body. Thank you, Mr. Speaker.

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

Mr. METCALFE. Thank you, Mr. Speaker.

If I could just ask a brief question of the sponsor?

The SPEAKER pro tempore. The gentleman is requesting a brief period of interrogation. The gentleman has agreed, and you may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, from looking at the language in this bill and what I assume was an amendment to it, your understanding of and the full intent of this is to ensure that the judiciary salaries will once again fall strictly under the statutes of Pennsylvania and not have any tie to the Federal pay of our Federal judges?

Mr. D. O'BRIEN. Let me make it clear, it was not my intention. The Senate put that language in, but the language is clear and the gentleman is correct.

Mr. METCALFE. Thank you, Mr. Speaker.

If I could make brief remarks? Just a brief remark, Mr. Speaker?

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

Mr. METCALFE. Thank you, Mr. Speaker.

I thank the sponsor of the bill for answering my question.

Mr. Speaker, this is the one outlying issue that still remains from the pay raise issue that had occurred last session. I stood here on this floor during the repeal process and was joined by the majority leader at that time and at that time the minority leader and joined by many of my colleagues here, I believe the overwhelming majority of us at the time, to pass legislation, that we had made statements on this floor, had the full intent to repeal the pay raise for all three branches of government that it was originally enacted for, Mr. Speaker.

Now, Mr. Speaker, in an act of some of the most extreme judicial activism that I think that we have seen in recent history by the Pennsylvania Supreme Court, they restored their own pay raises, Mr. Speaker. Mr. Speaker, they went into a repealed law, into a repealed law that did not exist any longer, cherry-picked out a piece of that law that benefited themselves directly, Mr. Speaker; over 1,000 judges in the State of Pennsylvania, Mr. Speaker; almost four times the number of people given

raises as is the number in both chambers of the legislature, Mr. Speaker. They went back in, cherry-picked out their own pay raises and reenacted their own pay raises, Mr. Speaker. Mr. Speaker, for their pay raises to be tied to the Federal judges' salaries for the future gives this State no control over what their judges are being paid, who are supposed to be serving the residents and the citizens of Pennsylvania, Mr. Speaker.

Mr. Speaker, I stand to fully support HB 10, to ask for an affirmative vote. Mr. Speaker, I think that this one remaining issue, if passed here, concurred with by the Senate, put it on the Governor's desk, the Governor needs to sign this legislation to enact the will of the people and make sure that the pay raises that were repealed were repealed for all three branches, Mr. Speaker, and that the judicial activism that did take place is repealed also.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair does not see anyone else seeking recognition.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—202

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

Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longiatti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Preston

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

Ordered, That the clerk inform the Senate accordingly.

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

**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:

**HB 10, PN 2168**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of judges, for exclusive jurisdiction of Supreme Court and for the Criminal Justice Enhancement Account; and making related repeals.

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

**RESOLUTION PURSUANT TO RULE 35**

Mr. KING called up **HR 320, PN 1766**, entitled:

A Resolution designating the month of October 2007 as "Agent Orange Recognition Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair will strike the vote.

The Chair recognizes Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to confirm that this is recognizing our veterans that had suffered the effects of Agent Orange while

fighting in the defense of our country. Is that what this resolution is?

The SPEAKER. Is the gentleman asking Mr. King to stand for interrogation?

Mr. GABIG. Yes; thank you, Mr. Speaker.

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

The Chair recognizes Representative King.

Mr. KING. Thank you, Mr. Speaker.

Yes, Mr. Speaker, that is exactly what this resolution is intended to do. It was actually a constituent in my district who brought the issue to my attention and asked me if I would be kind enough to introduce a resolution to honor himself and his family members as well as other veterans that served this country and were exposed to Agent Orange, and that is my intention of this resolution.

Mr. GABIG. Thank you.

Mr. Speaker, if I could just make a comment on the gentleman's resolution?

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

Mr. GABIG. I want to congratulate the gentleman for this resolution. I think all of us in the General Assembly and in this House today owe a debt of gratitude to those that fought, and I think that we have members here that were, I know that we have members here that are veterans of the Vietnam war, that served their country honorably, and my father is one of those veterans. He was a field grade officer at the time with five children at home serving his country in Vietnam during the height of that conflict in 1968. He did and has suffered the effects of Agent Orange for his adult life.

So I want to congratulate the maker of this amendment for recognizing our servicemen that have served us so courageously through the years to defend our freedom so that we could be here today to serve the people of this great Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. Representative King.

Mr. KING. Thank you, Mr. Speaker.

And I would just like to respond in kind and thank my good friend from the other side of the aisle. I know he is a veteran as well. And in dedication to all our veterans, those who served in our many wars and are serving right now and our veterans certainly that have given their lives in defense of this country, I extend my gratitude and my thanks, and again, I give great thanks to my good friend from the other side of the aisle.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rublely
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhaffan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Preston

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

RESOLUTION

Mr. HANNA called up HR 360, PN 2230, entitled:

A Resolution expressing support for national dairy policy reform and urging policies advanced in HR 2462 and S 1721 in the 2007 Federal Farm Bill reauthorization.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross

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

NAYS-0

NOT VOTING-0

EXCUSED-1

Preston

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 97, PN 1285**, 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 sales and use tax, for refund of sales tax attributed to bad debt; in personal income tax, for operational provisions; 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 and for a resource enhancement and protection tax credit; further providing, in neighborhood assistance tax credit, for definitions, for tax credit and for grant of tax credit; and providing for pass-through entities and powdered metallurgy parts.

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?

Representative Vitali.  
Mr. VITALI. I rise for brief interrogation.  
The SPEAKER. The House will come to order. The noise level is somewhat loud. The gentleman is entitled to be heard. Members will keep their conversations to a minimum.

Representative Vitali.  
Mr. VITALI. I rise I guess technically for interrogation. I am looking initially for a, perhaps a more fuller explanation of this bill. I am not sure who the appropriate person is for that.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. This bill will go over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1530, PN 2182**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

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

Mr. **DERMODY** offered the following amendment No. **A02683**:

Amend Sec. 1 (Sec. 2807), page 3, line 9, by inserting before "D"  
(3)

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

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

Mr. **DERMODY**. Thank you, Mr. Speaker.  
Mr. Speaker, this is a technical amendment. What it does is, there was a drafting error where instead of a paragraph being numbered (3), it was marked with a slash. It just inserts the (3) to indicate there is a third paragraph.

The SPEAKER. Representative Kortz.  
 Mr. KORTZ. Thank you, Mr. Speaker.  
 I rise in support of HB 1530, and I want to commend my colleagues from Allegheny County.

The SPEAKER. If the gentleman will cease. We are on the amendment at this point. The gentleman will be recognized on final passage.

Is there anyone else seeking recognition on the amendment?  
 Representative Pyle. No?

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

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Preston

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

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

Mr. **DERMODY** offered the following amendment No. **A02729**:

Amend Sec. 1 (Sec. 2807), page 4, line 24, by striking out "AND" and inserting

or

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

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

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, this also is a technical amendment. At the recommendation of the Legislative Reference Bureau, we are striking out "AND" in section 1 and inserting the word "or."

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

The following roll call was recorded:

YEAS—202

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Preston

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

On the question recurring,

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

Mr. **THOMAS** offered the following amendment No. **A02787**:

Amend Title, page 1, line 2, by inserting after "Statutes," in responsible utility customer protection, further defining "significant change in circumstance"; and further providing for cash deposits and household income requirements, termination of utility service, reconnection of service and liens by city natural gas distribution operations; and,

Amend Bill, page 2, lines 18 and 19, by striking out all of said lines and inserting

Section 1. The definition of "significant change in circumstance" in section 1403 of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1403. Definitions.

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

\* \* \*

"Significant change in circumstance." Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

- (1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.
- (2) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household.
- (3) Loss of the customer's residence.
- (4) Increase in the customer's number of dependents in the household.

(5) Loss of employment due to relocation of job.

(6) Death of primary income provider in household.

\* \* \*

Section 2. Sections 1404(a) and (c), 1406(b) and (f), 1407(a), 1414(b) and 2807(e) of Title 66 are amended to read:

§ 1404. Cash deposits and household information requirements.

(a) General rule.—In addition to the right to collect a deposit under any commission regulation or order, the commission shall not prohibit a public utility, prior to or as a condition of providing utility service, from requiring a cash deposit in an amount that is equal to [one-sixth] one-tenth of the applicant's estimated annual bill, at the time the public utility determines a deposit is required, from the following:

(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

(i) Nonpayment of an undisputed delinquent account.

(ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.

(iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(iv) Unauthorized use of the utility service delivered on or about the affected dwelling.

(v) Failure to comply with the material terms of a settlement or payment agreement.

(vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.

(vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.

(viii) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

[(2) Any applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.]

(3) A customer who fails to comply with a material term or condition of a settlement or payment agreement.

\* \* \*

(c) Deposit hold period.—

(1) A public utility may hold a deposit until a timely payment history is established or for a maximum period of 24 months.

(2) A timely payment history is established when a customer has paid in full and on time for [twelve] six consecutive months.

(3) At the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer.

(4) If service is terminated before the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return any positive difference to the customer within 60 days of the termination.

(5) If a customer becomes delinquent before the end of the deposit holding period as established in paragraph (1), the public utility may deduct the outstanding balance from the deposit.

(6) The public utility shall accrue on the deposit until it is returned or credited the legal rate of interest pursuant to section 202 of the act of January 30, 1974 (P.L.13, No.6),

referred to as the Loan Interest and Protection Law, and return such interest with the deposit.

\* \* \*

§ 1406. Termination of utility service.

\* \* \*

(b) Notice of termination of service.—

(1) Prior to terminating service under subsection (a), a public utility:

(i) Shall provide written notice of the termination to the customer at least [ten] 30 days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days.

(ii) Shall attempt to contact the customer or occupant, either in person or by telephone, to provide notice of the proposed termination at least three days prior to the scheduled termination. Phone contact shall be deemed complete upon attempted calls on two separate days to the residence between the hours of 7 a.m. and 9 p.m. if the calls were made at various times each day.

(iii) During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, the public utility shall, within 48 hours of the scheduled date of termination, post a notice of the proposed termination at the service location.

(iv) After complying with paragraphs (ii) and (iii), the public utility shall attempt to make personal contact with the customer or responsible adult at the time service is terminated. Termination of service shall not be delayed for failure to make personal contact.

(2) The public utility shall not be required by the commission to take any additional actions prior to termination.

\* \* \*

(f) Medical certification.—A public utility shall not terminate service to a premises when a licensed physician or nurse practitioner has certified that the customer or a member of the customer's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician or health care practitioner licensed by the Commonwealth verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with commission regulations.

\* \* \*

§ 1407. Reconnection of service.

(a) Fee.—A public utility may require a reconnection fee based upon the public utility's cost as approved by the commission prior to reconnection of service and at no time shall the connection fee exceed 5% of the currently delinquent balance of the account following lawful termination of the service.

\* \* \*

§ 1414. Liens by city natural gas distribution operations.

\* \* \*

[(b) Residential field visit charge.—A city natural gas distribution operation is authorized to charge a minimum fee of \$10 for each instance in which its representative is required to visit the residence of a customer in the process of attempting to complete required service termination steps.]

\* \* \*

Amend Sec. 2, page 7, line 24, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I have the attention of the House?

The SPEAKER. The gentleman is in order.

Members will please take their seats. Conferences in the middle aisles, side aisles will break up. This will be a very short day if the members cooperate. Members will take their seats.

Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am introducing this amendment to correct a tragedy which occurred in December of 2004. Mr. Speaker, many of us remember SB 677, which became chapter 14—

The SPEAKER. Is the gentleman intending to offer this amendment? If he does, it requires a suspension of the rules.

Mr. THOMAS. Well, Mr. Speaker—

The SPEAKER. If the gentleman would like to indicate whether he is going to offer the amendment, he can be recognized for a statement on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker. Yes.

The SPEAKER. The gentleman is going to offer the amendment?

Mr. THOMAS. Make a statement on the amendment, yes.

The SPEAKER. Is he going to withdraw the amendment?

Mr. THOMAS. Pardon me?

The SPEAKER. Is it the gentleman's intention to withdraw the amendment?

Mr. THOMAS. That will—

The SPEAKER. The gentleman is in order. He may proceed. Go ahead.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, in December of 2004 this body passed SB 677, which is commonly referred to as chapter 14, or some refer to it as the Responsible Utility Consumer Protection Act. As people know, at the time PGW said that they needed help – PGW is the Philadelphia Gas Works – which said that they needed help in dealing with delinquent ratepayers in Philadelphia County, and so SB 677 was probably the most far-reaching, far-reaching legislative prescription provided to utility companies not just in the Commonwealth of Pennsylvania but throughout the country, because this started with PGW but it eventually was extended to the electricity utility companies.

Mr. Speaker?

The SPEAKER. The House will come to order. Conferences in the middle aisles will break up. Conversations in the well of the House will cease. Members will take their seats.

Mr. THOMAS. Mr. Speaker, this started with PGW, but it was extended to the electric utility companies and subsequently to water utility companies. And as I mentioned, it is probably the most far-reaching legislative prescription that has been provided to utility companies not just in the Commonwealth of Pennsylvania but throughout this country.

Now, Mr. Speaker, the jury is now in. My amendment is designed to respond to the jury. The jury results are in. Number one, 4 months after implementation of chapter 14, four people were killed in Cambria County as a result of a fire. The fire started because the family was forced to use candles because their electricity was terminated. Pennsylvania electric companies increased its terminations in western Pennsylvania by 164 percent following chapter 14. Equitable Gas Co. – and for those members from western Pennsylvania, you are familiar with Equitable – Equitable Gas Co. terminated two, two households prior to chapter 14. Following chapter 14, during the first 4 months of 2005, 3,287 households were terminated from gas. Two households before the law; 3,287 households following the law.

Prior to the law, PUC (Public Utility Commission) was authorized to negotiate agreements on behalf of people who were facing termination. Chapter 14 tied the hands of PUC so that they are no longer able to negotiate agreements on behalf of households, whether the household person is young, elderly, or out of work because their job was displaced.

Mr. Speaker, in Philadelphia County – to the Philadelphia members, especially those who supported this law – 96,000 people are without utility service in Philadelphia County. Four people have died as a result of this new law. The new law allows PGW to hold all individuals with the same last surname; in other words, if you are a Ramos, every Ramos will be held responsible for one delinquent ratepayer by the name of Ramos. If your last name is Thomas, every Thomas will be held responsible for a delinquent bill if the ratepayer's last name is Thomas.

Mr. Speaker, this amendment is imperative, it is imperative that we revisit chapter 14 and make sure that another Pennsylvanian does not die as a result of drastic actions on the part of this legislature. Mr. Speaker, it was Jefferson who said that government must be used for the good of people and not the destruction of human life.

And, Mr. Speaker, I am thankful that the author of this bill, my leadership, and Representatives from both sides of the aisle have stepped up and said, yes, we need to do something about chapter 14, and they have committed themselves to join me in doing something about chapter 14 before the winter sets in and another elderly person or another family or another child dies as a result of their utility being terminated.

#### AMENDMENT WITHDRAWN

Mr. THOMAS. And I thank my leadership, I thank the bipartisan members who have stepped up to the plate and said, yes, we have to do something. I thank Representative Preston of the Consumer Affairs Committee, who has taken steps to revisit chapter 14, and because of those commitments, because of those commitments, Mr. Speaker, I am going to withdraw my amendment and watch the actions of my colleagues. I believe that they are honorable men and women and that they will honor their commitment and will make sure that as we go into the winter of 2007, that another family does not have to suffer because of the egregious actions of these utility companies.

Mr. Speaker, thank you.

#### FILMING PERMISSION

The SPEAKER. The Chair gives permission to Carolyn Kaster of the Associated Press to take still photographs on the floor of the House.

#### CONSIDERATION OF HB 1530 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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?

Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill is crucial to the future of manufacturing in western Pennsylvania and really to the whole Commonwealth. In western Pennsylvania the rate caps for electricity have come off, and we have seen that large industrial users have seen their electric bills go up by almost 50 percent. Those rate caps are going to come off across this State and will have a detrimental effect, a tremendous detrimental effect, on all our large industrial users of electricity. This bill allows industrial users, large industrial users of electricity, to engage in long-term contracts. It will also help our distributors and our suppliers to engage in generation to help supply those industrial users.

We have many businesses in the western part of the State that are looking to expand and increase their employment. They will not be able to do that, however, if this bill does not pass to give them the opportunity to be competitive not only in the United States but in the world.

So I thank the members for all their help. I want to thank all the people who have had an important role in making this happen. The utilities, the distributors, the business folks, everybody has joined together to make this happen. I particularly want to thank Keith McCall for the work he has done in making this become a reality.

Thank you, Mr. Speaker.

The SPEAKER. Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I also rise in support of HB 1530, and again, I would like to commend my colleagues who acted in a bipartisan way to collaborate and bring this good piece of legislation to the floor today.

This legislation, Mr. Speaker, is vital to the jobs in Pennsylvania. It is essential that we pass this legislation to help out the industrial sector of Pennsylvania to realize stability in their costs. This legislation will permit them to enter into long-term contracts that will provide stable and predictable costs, and that is necessary to make a good business plan and to realize the same. HB 1530 also has the safeguards built in it so that the residential customer is not going to subsidize the industrial sector, and that is a very important safeguard, and I commend both these gentlemen for doing that.

Mr. Speaker, this legislation is critical to the creation of jobs, and specifically, Allegheny Technologies has already indicated they intend to build a \$750 million hot mill in Beaver County. That is a massive operation that will employ many, many people with very good high-paying, family-sustaining jobs, and we cannot afford to let that go. And something to keep in mind, Mr. Speaker, for every one direct steelworker job that is on that hot mill, it is estimated there are five additional jobs from support groups and companies that will provide products and services to that hot mill operation; in addition, all the stainless steel that will come out of there, the customers that that goes to, all the jobs that are created there. So there is an exponential ripple effect of jobs that are going to expand out from this hot mill, and it is important we not let this get away.

Mr. Speaker, the ATI (Allegheny Technologies, Inc.) chairman has already publicly stated that the building of this

\$750 million hot mill is contingent upon this body acting and passing and putting 1530 into law. Mr. Speaker, I want to see Pennsylvania become the recipient of those jobs. I do not want to see the State of Kentucky get them, as has been indicated by our friends in the corporate world. There is also another steel company in Latrobe that is looking to put in an electric arc furnace, and again, it is contingent upon our passing this legislation today.

So, Mr. Speaker, an affirmative vote on 1530 is a vote for jobs in Pennsylvania, and I would ask all my colleagues to join with me in this job-creating affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, saving steel mills is a very personal matter for the gentleman in the 33d District, and I salute and support his efforts. As strong as steel is, it seems that it is a good way to describe that gentleman and all the others that have supported this legislation. I support the idea of bilateral contracts between large industrial users and utilities that are provided for by this bill. For the rest of us is this power auction start.

I want to pass on a word of advice relative to the competitive procurement policy. I believe this bill will permit the PUC and traditional law enforcement and the court system to go after and do whatever is necessary to stop illegal activities that break State or Federal laws for this process.

Believing the safeguards are in this bill, I am pleased to ask all of you to support it unanimously. Thank you very much.

The SPEAKER. Representative Pyle.

Can the gentleman try another microphone. We are having a technical difficulty.

The Chair recognizes Representative Pyle.

Mr. PYLE. No, I do not want a point of order, Mr. Speaker. On the bill, please?

The SPEAKER. If the House will come to order. The Chair is having difficulty hearing Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

I rise in support of HB 1530. There are very few amongst us that can say they have seen the sun come up over a bell furnace or at the end of an annealing line. I know Representative Kortz and I have discussed this many times. HB 1530 is an essential bill for southwestern Pennsylvania in that it is going to help bolster an industrial base that sustains over 3500 families just in the Armstrong, Westmoreland, Butler, and Allegheny region.

I would urge all the members of my side of the aisle to come to this, please, and I commend the gentlemen from Allegheny County, both of them, for their support of this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative Turzai.

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

I think it is important to note that HB 1530 as it currently reads is the product of negotiations between manufacturers, electric utilities, and electric suppliers, all of which are unified in support of the amendment. In addition, in southwestern Pennsylvania business organizations, labor organizations, and political groups have all risen strongly in support of HB 1530, because it is an important piece of legislation for Pennsylvania manufacturers by creating an opportunity for them to mitigate huge electricity cost spikes and it will allow them to continue to expand in our area.

I would like to thank our leadership for helping to get all the parties together, and I would ask that we would have a unified unanimous vote. Thank you very, very much.

The SPEAKER. Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I, too, rise asking for an affirmative vote on HB 1530 for a lot of the obvious reasons and explanations that have already occurred on the floor.

I just want to also commend not only the makers and the folks that work very diligently to get this bill put together but also industry in general, Mr. Speaker. There was a lot of compromise that had to be given for both the electric generation and transmission folks to come up with the language that this bill provides for.

And it has been said not only is this just a Beaver County, southwestern Pennsylvania bill, Allegheny County, but it is also very important to Representative White and myself in Washington County. Two of the auxiliary factories that this company deals with are located within our area. There are hundreds, literally hundreds of steelworkers and other ancillary employees that will benefit by this legislation.

As it works and moves in southwestern Pennsylvania, I can only see where the benefit that it spreads across the entire Commonwealth, and as it is 3,000 jobs today, it can mean 10,000, 15,000, 20,000 jobs across the entire Commonwealth as this legislation gets enacted.

So again I would ask for an affirmative vote.

The SPEAKER. Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I also rise to support HB 1530.

When you look at the industrialization of our country and particularly southwestern Pennsylvania with the Rust Belt and the former steel factories and glass manufacturers and so forth scattered throughout the Alle-Kiski Valley and all of southwestern Pennsylvania, we now look today at smaller employers in the southwest. We have remaining factories that will depend highly on the success or failure of this legislation. We look at companies like U.S. Steel, Allegheny Technologies, Allegheny Ludlum, PPG (Pittsburgh Plate Glass) Industries, Alcoa. These are world leaders in their particular demographic market, and this legislation will keep those manufacturers, will keep those research facilities, the Kennametals and the Alcoas of the world, it will keep them in Pennsylvania so we will have the opportunity to continue to employ Pennsylvania people in life-sustaining jobs. These are not minimum-wage jobs. These are highly paid jobs with benefits that we are going to preserve by supporting HB 1530, and I would ask all of the members to absolutely support HB 1530 and pass it unanimously.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

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

Just 15 seconds. I am always glad to vote with Mr. Turzai.

Thank you.

### POINT OF ORDER

Mr. S. SMITH. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. S. SMITH. Should the gentleman be using a member's name in that fashion?

The SPEAKER. I think in that fashion that is okay.

Mr. DeWEESE. Technically, Mr. Speaker – I apologize – the gentleman from Jefferson is right, but I forgot what district number Mr. Turzai represents. So I will have to memorize that.

The SPEAKER. Does the gentleman appeal the ruling of the Chair?

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—2

Hutchinson	Ross
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NOT VOTING—0

EXCUSED—1

Preston

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

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

\* \* \*

The House proceeded to third consideration of **HB 289, PN 2263**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for expenses of county boards and of primaries and elections to be paid by counties, for the date of the general primary and for absentee electors files and lists.

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

(Bill analysis was read.)

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

Representative Vitali.  
Mr. VITALI. Thank you, Mr. Speaker.

What this bill does, as I understand it, it moves the primary date in Presidential elections to February 12, and frankly, I am kind of indifferent to that. I see pros and cons to moving the date back. It does give us a little more say.

My concern here is this, as I am looking at the list of various States and where they are voting, because this moves it back to February 12, and then 1 week before that, the immediate Tuesday before that, I see States like Alabama, Arizona, Colorado, Connecticut, Illinois, Michigan, New Mexico, North Carolina, Oregon, Rhode Island with their dates already a week before us and then other States considering it like Alaska, Arkansas, California, Delaware, Georgia, Missouri, New Jersey, New York, North Dakota, Oklahoma, Tennessee.

I mean, my point is this: If we are going to do this, if we are actually going to change it, why do we not just do it a week beforehand? It just seems like, if the statistics someone gave me are correct, 52 percent of the States or the population or 52 percent of something is voting the week before us, so if we are going to go through the whole trouble, why not just take it back 1 more week? Now, I know one reason is, if you move back all the deadlines, the first day to file nominating petitions is election day in November. I get that, but my response to that might be big deal. So what? I can be more compelling than that.

It just seems like—

### PARLIAMENTARY INQUIRY

Mr. VITALI. So if I may make a parliamentary inquiry. May I make a parliamentary inquiry at this point?

The SPEAKER. The gentleman is in order, and he may state his point of parliamentary inquiry.

Mr. VITALI. What would the steps be right now if we wanted to take this to a point where we could make an amendment to February 5 right now? Could you just lay that out for us? What would we have to do at this point?

The SPEAKER. The gentleman would have to get an amendment drafted, we would have to hold the bill over, and you would have to have a suspension of the rules.

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

My dilemma here is, I think voting for it in its current form is a mistake, and I am not going to make any motions here, but I am going to just make a suggestion to the maker of the bill that he take the next necessary steps so we can do that, because I think in its current form, I cannot support it, but in an amended form, I most likely would.

Thank you, Mr. Speaker.

The SPEAKER. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Will the gentleman, Mr. Readshaw, kindly stand for a very brief period of interrogation?

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

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee had a very dynamic hearing, a 3-hour hearing, on this issue, lots of good questions on both sides of the aisle, and one that is rather perplexing to me. One of the revelations that came out of that hearing was in testimony of the Deputy Secretary of State when questioned by both sides reaffirmed that June 30 was the drop-dead date, if you will, to have a law in place to make this really happen, to give them the proper time to make all the changes to move up the Presidential primary, and I am just wondering if the gentleman is aware of any change to that opinion, and if not, why in fact are we moving this bill?

Mr. READSHAW. Well, Mr. Speaker, I am aware of the events that you described about the June 30—

Mr. BAKER. Mr. Speaker? Mr. Speaker, I cannot hear the gentleman. I am sorry.

The SPEAKER. The gentleman is correct.

The Chair will ask members to take their conferences to the anterooms. We are almost done with the business of today. If the members would be respectful of those conducting the debate, it would be appreciated.

Mr. READSHAW. Mr. Speaker, I am completely aware of the circumstances that the gentleman described, but also there seems to be some controversy over that date. As they described it, it had to be accomplished by June 30. Even the current administration publicly in the newspaper said that that was not true. It could be done by the fall of this year. So, in fact, I proceeded to attempt to get this legislation through the House.

Mr. BAKER. Thank you, Mr. Speaker.

I appreciate your opinion on that. There does seem to be some continued ongoing confusion and lack of definitive answer with respect to whether we really in fact have time to do everything that needs to be done to move up the primary, and it certainly would have been nice if we could have gotten

something in writing from the Department of State as to whether in fact passing this today and then maybe whenever the Senate might take it up, whether we are really going to have the proper amount of time to do this, and because of that and many, many other reasons, I remain very, very ambivalent about supporting such legislation.

And, Mr. Speaker, that does end my interrogation. I thank the gentleman, Mr. Readshaw, very much for his answer.

On the bill.

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

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this legislation. I appreciate what my good friend, Mr. Readshaw, is trying to do here, but I respectfully think there are a lot of unanswered questions. There is a lot of ambiguity about the deadlines, the timing, and the various machinations that need to transpire in order to be able to clearly conduct an early Presidential election in the Commonwealth of Pennsylvania.

And if I may, I would like to enunciate some of my concerns with respect to moving up the Presidential primary election. Many of the concerns that were articulated at the hearing were as follows: The turnout in the primary elections has been very, very low for many years; an early February primary may actually further reduce the turnout predominantly because of the bad-weather issues. If the intent of the legislation is to encourage greater turnout, the converse may actually happen in the event that there is a snowstorm or an ice storm, particularly in the northern tier of Pennsylvania from my area, where I have been hearing unequivocally that people are opposed to moving this primary up in February.

I can tell you that the bad weather may negatively impact poll workers. Many are older and may be unable to get to the polling place on the election day, and I was told by the bureau of elections director in my county, my home county, that many of the poll workers are not even in the Commonwealth, that they are actually wintering in either Florida or Arizona or North Carolina. So many of them will not even be back in time to work the polls.

A February 12 primary will result in a petition circulation filing and challenge period that interferes with the Thanksgiving and December holidays, which will impact, again, the number of volunteers which circulate petitions and county election personnel.

And I may want to remind the members at this point that if this passes and we do move to an early Presidential primary, we will be circulating our nomination petitions 1 week after the general election, 1 week after the general election, and there are a whole host of other issues that are involved in moving that primary up. Campaigning during the holiday season may be very offensive to many voters in Pennsylvania, and what happens if there is a snow emergency or another Valentine's Day massacre and people cannot vote? Is the Governor going to reschedule another primary for the Presidential election, a new date?

Some other issues that I have been hearing from very vociferously are from the County Commissioners Association of Pennsylvania. Our county commissioners are opposed to this. Our bureaus of election are opposed to this. Many of our county chairmen of campaign committees, especially on the Republican side, are very much opposed to this for many of the reasons that I mentioned.

The SPEAKER. Members will please lower the volume of their conversations. It is impossible for the gentleman to be heard.

Mr. BAKER. Thank you, Mr. Speaker.

This legislation will make the fall Presidential campaign season even longer for Pennsylvanians as they will have to endure an additional 2 months of general election campaigning.

And then there is the whole issue of the bifurcation of the primary. An Act 1 election has to transpire in May, and depending on whether we have more Act 1 referendum questions that must be submitted by the school districts, it is just going to complicate things even further. And I am very, very concerned about challenges and judicial challenges and just the overall confusion that this may create to our voters.

So for all of these reasons and others, for the purpose of letting other members comment, I rise to oppose this legislation.

Thank you, Mr. Speaker.

The SPEAKER. A question for the gentleman. The gentleman in his remarks, was he referring to the Valentine's Day snowstorm or the Valentine's Day massacre?

Mr. BAKER. The same thing, Mr. Speaker.

The SPEAKER. Thank you. The Chair thanks the gentleman. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill raises all sorts of questions, and there are endless possible permutations of possible solutions to the fact that under the current Pennsylvania primary, we will be voting for President after the decision has already been made.

In 1976 Pennsylvania cast a decisive vote in the nomination of Jimmy Carter as the Democratic nominee for President, and at that time our primary at the end of April was the ninth Presidential primary, the ninth primary. Today if none of the States that are behind us change their primaries, which is unlikely, we will be the 43d State, the 43d State, to make a decision for President. Now, what that means is our constituents in both the Democratic and Republican Parties will have no meaningful choice for President. A winner will be picked. Candidates who have been eliminated before the filing date from the Pennsylvania primary will not even be on the ballot. Other candidates who may not have been eliminated before the Presidential primary filing date will be on the ballot but they will not be campaigning because there will be no purpose for campaigning. So whoever the front-runner is for the Democratic nomination will, in all likelihood, be the only one actively campaigning. Whoever the front-runner is for the Republican nomination would, in all likelihood, be the only one campaigning. And I think that creates an awful lot of frustration among an awful lot of voters when you see that large chunks of the rest of the country have been able to cast a meaningful vote for President and Pennsylvania citizens have not been able to cast a meaningful vote for President.

There are activists in Pennsylvania for all the campaigns, for both the Democratic and Republican nomination, and these people who care strongly about the direction of our country will not have any meaningful voice in Pennsylvania. This is an election without meaningful choices.

Now, some people say, well, we do not need meaningful choices in the primary; we will have a meaningful choice in the general election, and Federal courts have ruled strongly against that. Some States in the South used to ban African-Americans from participating in primaries but allowed them to vote in general elections. The court said, no, that is not good enough;

you cannot just vote in general elections. In California they had a situation where any registered voter could vote in any primary, and the court threw that out, too, and said that is not meaningful choice when Republicans can vote in the Democratic primary and Democrats could vote in the Republican primary. The primary ought to be limited to party members, the court said.

It used to be in Pennsylvania that some parties sometimes would not recognize the winners of party elections such as committee person or higher up in the hierarchy, and the courts in Pennsylvania said, no, you have to recognize the winners of the primary elections, that primary elections are important.

This legislation gives us a shot at reinforcing the importance of our citizens' right to vote. The gentleman from Erie, Mr. Fabrizio, had an amendment to move the primary up to February 5, but in talking to others in both parties, he determined that that amendment did not have enough support to pass, so he withdrew that amendment. There are other plans that would just move the primary up for Presidential elections and have a dual primary, but that apparently cost about \$18 million to do, and given tight budgets, people felt that was not worth advocating either.

After the Deputy Secretary mentioned the June 30 deadline, I asked him privately, was that a firm deadline, and he said no. He told us it was June 30 because he assumed that we were going to pass the budget by June 30 and be out of here by June 30. That obviously is not what happened. He said further that if we went later than June 30, then we could pass the budget later. What he meant when he said June 30 to the members of the State Government Committee was that we had to pass it before we left town for the summer.

But we are still here. The Senate is still here. If we pass this legislation now, we are moving the process along and we are giving the Senate the power to pass the bill as it is or amend it and send it back to us, but in any case, we are still passing it in a timely manner, which gives the voters of Pennsylvania at least some chance to cast a meaningful vote for President and vote in the Presidential primary.

The office of President of the United States is by far the most important office. There are numerically many, many more people who care about who the President of the United States is than who care about who the members of the State House of Representatives are, and we ought to allow the very large chunk of people who care passionately about who the President of the United States is to have a meaningful choice in Pennsylvania.

I agree with Mr. Vitali that this legislation is not written in exactly the best possible way, but this legislation is a tremendous improvement over the status quo. It gives people a meaningful right to vote, and I strongly urge its passage.

The SPEAKER. Representative Reichley. The gentleman waives off.

Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

In this day of reform we should not be hiding information, we should be making it more available. When we are talking about changing election processes, there should not be a shred of doubt that we are continuing to ensure the process remains open and transparent as well as protecting the rights of voters. I am concerned that HB 289 as amended would chip away at both. The bill as amended removes absentee ballot lists from public view at polling places to protect the identities of those who may be out of the district on election day and cannot cast

a ballot in person. Currently military addresses are not posted. The idea is to protect those names and addresses from unscrupulous people who might use them to break into a home. I question how many times this has actually happened.

The bill now also requires that if a citizen wants to see the absentee ballot list, that citizen must show a photo ID with a signature and sign a form. That comes much too close to infringing on voters' rights and making the process less transparent.

Voters' rights do not end with casting a ballot. Voters' rights also mean the citizens of this Commonwealth have the ability to make sure that everyone who is eligible to vote does vote but only those who are eligible, and that includes double-checking absentee ballots.

Proper counting of absentee ballots can sometimes make or break an election. I am proof of that, and I have to tell you, even without the safeguards in place that this amendment called for in this bill, it was difficult for me to access those absentee ballots.

When you put up a barrier to the election process, you automatically shut people out. I agree that we need to do all that we can to ensure the safety of our absentee voters, but I believe there are better ways to do that other than infringing on the rights of law-abiding citizens by double-checking their identity. It smacks of having to present a voter picture ID in order to vote, which some want to impose.

When we begin to tinker with election law, I caution my colleagues to be mindful that we may not know the unintended consequences that will unfold. Asking people to present a photo ID with a signature and then sign a form when they want to view an absentee ballot list I believe goes too far and chips away at voters' rights.

I will oppose the passage of this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Would the maker stand for brief interrogation?

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

Mr. McILHATTAN. Mr. Speaker, I just want to get clarified again the Act 1 situation where school districts may have to go to the ballot in that year because they are increasing their property taxes beyond a certain rate required by law. That primary would still be held in May in that year. Am I correct, Mr. Speaker?

Mr. READSHAW. Yes, Mr. Speaker; you are correct. That was an amendment inserted in the committee.

Mr. McILHATTAN. Okay. And if I recall, that amendment said that the Commonwealth of Pennsylvania would pick up the cost of that extra election. Am I right in that, Mr. Speaker?

Mr. READSHAW. Yes, you are. That is correct.

Mr. McILHATTAN. If I remember, the maker of that amendment told me that was going to be an average of \$33,000 a county. Is that correct, Mr. Speaker?

Mr. READSHAW. No. I believe the number was \$30,000, Mr. Speaker.

Mr. McILHATTAN. Okay. \$30,000. Okay.

No matter how we look at that, I mean, I want everybody to realize it is going to cost us possibly, if we pass this bill, it could cost the Commonwealth of Pennsylvania a substantial amount of money. It could be anywhere between \$1 million and \$2 million. Now, I will concede, I am certainly sure all the

counties would not be in that situation, but some surely could. So to move this primary is going to cost money.

On the bill, Mr. Speaker.

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

Mr. McILHATTAN. Thank you, Mr. Speaker.

I think it has been pointed out here this afternoon that this bill would cause a lot of inconvenience. It would be very inconvenient. I think I pointed out this bill could be quite costly, and for the inconvenience caused, for the cost it could create, and there is not much to be gained, Mr. Speaker, in my opinion, I would ask for a "no" vote.

Thank you very much.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Since this bill came out of my committee and it was my committee that held the hearings that had been referred to, I have been following the debate with great interest, and I understand that there are some problems – the date might be a week off; it might be cold; we might have snow. We might have snow, it is true, but I have to say that New York, the State of New York, the State of New Hampshire, where the weather, trust me, is really much, much worse than it is here, have moved their date to the beginning of February. I think Pennsylvanians are at least as tough as the people in New Hampshire and in upstate New York.

As the gentleman from Philadelphia mentioned, it has been since 1976 that we have had meaningful participation in the election, the primary elections for President. I think what the voters said to us in their elections last year right in this House was, we want more participation; we want to cast meaningful ballots; the more of us who come to the polls, the better the government is going to be. And do you know what? I agree with that. The more people who vote, the better people we are who serve the public.

I think some of these problems with school boards and with how much it might cost and whether we should fiddle with the date and make it a week before or a week later are minuscule. Whether we are handling absentee ballots the way we should or we should not is really not as important when you balance participation, voters coming to the polls, voters knowing that the vote that they cast will be meaningful.

And I urge in that name that we all put aside our concerns, which can be fixed – we have another house to go through; the Senate has not looked at this bill yet – and that we vote to report this bill out of the House and to the Senate so our voters have something meaningful to vote for when they vote for the President of the United States.

Thank you, Mr. Speaker.

The SPEAKER. Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of HB 289, and I want to commend my colleague from Allegheny County for bringing this to the floor.

This bill, Mr. Speaker, is very straightforward. It is a bill that will bring relevance to the State of Pennsylvania in the Presidential primaries.

I heard my colleague from Clarion County state that it is going to cost us \$2 million to do this. Well, Mr. Speaker, let me put forth this: The Presidential candidates currently do not come to Pennsylvania because we are a nonentity. If they come here and vie for our votes, they are going to spend many more millions of dollars than the \$2 million that we are going to put out. So I think we can compensate for the money aspect.

But, Mr. Speaker, it really comes down to being part of the process and being relevant when it comes to the election of President of the United States, and I think we are too great a State to let that go by the wayside.

I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Ramaley.

Mr. RAMALEY. Thank you, Mr. Speaker.

I will not be long because a lot of what I wanted to say has already been said, but let us be clear about this debate. This is not about meteorology, because it does not matter if it is February or April or May or November. Some days are good weather; some days are bad weather. This is not about the disappointing trend in States front-loading their primaries. This is not about some administrative conveniences to our county governments and our school boards. After hearing some of those difficulties, we tried to address the problems that our school boards and our counties raised that they would face regarding moving the primary forward.

What this issue is about is giving Pennsylvanians a voice in our primary for the first time in 30 years, making the 12 1/2 million Pennsylvanians we represent meaningful in our Presidential primary and selecting our two nominees for the highest office in this country.

And I really want to commend the gentleman from Allegheny, Mr. Readshaw, for this bill. I know the gentleman from Dauphin, Mr. Buxton, had a similar bill, and I want to thank them for their courage to stand up and give Pennsylvanians a voice.

I encourage a "yes" vote on HB 289. Thank you.

The SPEAKER. The Chair recognizes Representative Readshaw.

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

I am not going to reiterate many of the things that were said – the weather – when we have evidence that other States have worse weather than us at that time of the year and they are holding their primaries then.

I guess the premise for the whole thing is with the understanding that change always brings problems and some of them are peripheral, but change sometimes we must, and the question is, do you want the sixth largest State in the United States not to be a player in national elections? I believe that we must empower our people, those of Pennsylvania, the right to select the Presidential candidate.

I ask for an affirmative vote. I would appreciate that very much if we can send this over to the Senate and possibly, just possibly, we can empower the people of Pennsylvania to have participation in the Presidential elections as far as candidates as they are chosen.

Thank you very much.

The SPEAKER. Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise to support my colleague from Allegheny County in this piece of legislation.

Representative Readshaw and I came in together in 1994, and this has been an important issue of his as well as mine, but in this Presidential election coming up in 2008, we are getting what you call the perfect storm. Both the Democratic and the Republican primaries are going to be contested and the voter's vote is going to mean something.

As my colleague from Philadelphia says, Pennsylvania has not been relevant since 1976. That is over 30 years ago,

Mr. Speaker. We need to do something to make the fifth most populous State mean something in the Presidential election.

I have heard arguments against this today to say it may cost \$2 million extra, as my friend from Allegheny brought about the economic impact of this. Mr. Speaker, think about two competitive Presidential elections, the Democrats and the Republicans, trying to get the Pennsylvania voters to listen to their candidacies to make people vote for them. Political campaigns cost money. If we become a relevant State, people will be on the ground in Pennsylvania. They will be staying at hotels; they will be buying advertising. We will get more money from the 6-percent sales tax than the money that it is going to cost to have those special elections in May. Mr. Speaker, the voters of Pennsylvania need to have a say-so in the Presidential election.

The weather, the weather. It rains in May. It rains in April. As the chairman of the committee from Philadelphia says, Pennsylvania voters are tough. If New York voters can handle a February primary, if New Hampshire voters can handle a February primary, I am sure that Pennsylvania voters can get to the polls. Senior citizens will go through 10 feet of snow to make their vote count, and I do not think weather should have a factor because my voters show up as well as many of your voters show up, and if we give them a reason to pick the next President of the United States on both sides of the aisle, they will be there. The problem is, when there is no Presidential election to solve, it is already decided, we come to Pennsylvania, and they feel helpless.

This is an important piece of legislation. This is something I really believe if members would look at this and look at the ramifications of this, and to use the June 30 date as compared to July 10 or July 12 or July 15, I have great confidence in the Pennsylvania Department of State being able to get the job done by November. They work hard, and that date is flexible, as the gentleman from Philadelphia said.

So I would encourage my colleagues to really look at this and support my friend from Allegheny County. This is something that its time has come. Let Pennsylvanians finally have a voice in who becomes the President.

The SPEAKER. Will the gentleman speak closer to the microphone. It is difficult for members to hear.

Mr. SAINATO. Oh; okay. Thank you, Mr. Speaker.

But let Pennsylvania finally have a voice. We need to do that. Let us send the message. Let us make the Senate look at this, and hopefully the Senate will do the right thing as well, because the worst thing about an election is when it does not mean a whole lot. Pennsylvania can be relevant again, and we are going to do it.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—117

Adolph	Fabrizio	Longiotti	Sabatina
Barrar	Frankel	Mahoney	Sainato
Belfanti	Freeman	Manderino	Samuelson

Bennington	Galloway	Mann	Santoni
Beyer	Geist	Mantz	Saylor
Bianucci	George	Markosek	Scavello
Bishop	Gerber	Marshall	Shapiro
Blackwell	Gergely	McCall	Shimkus
Boback	Gibbons	McGeehan	Siptroth
Brennan	Godshall	Melio	Smith, K.
Buxton	Goodman	Moyer	Smith, M.
Caltagirone	Grucela	Mundy	Solobay
Cappelli	Haluska	Mustio	Staback
Carroll	Hanna	Myers	Sturla
Cohen	Harhai	O'Brien, M.	Surra
Conklin	Harkins	Oliver	Tangretti
Costa	Hornaman	Pallone	Thomas
Creighton	James	Parker	Turzai
Cruz	Josephs	Pashinski	Wagner
Daley	Keller, W.	Payton	Walko
Dally	Killion	Peifer	Wansacz
DeLuca	King	Perzel	Waters
Denlinger	Kirkland	Petrarca	Wheatley
DePasquale	Kortz	Petrone	White
Dermody	Kotik	Phillips	Williams
DeWeese	Kula	Ramaley	Wojnaroski
Donatucci	Leach	Readshaw	Yewcic
Eachus	Lentz	Reed	Youngblood
Ellis	Levdansky	Roebuck	Yudichak
Evans, D.			

NAYS—85

Argall	Grell	Micozzie	Ross
Baker	Harhart	Millard	Rubley
Bastian	Harper	Miller	Schroder
Bear	Harris	Milne	Seip
Benninghoff	Helm	Moul	Smith, S.
Boyd	Hennessey	Murt	Sonney
Brooks	Hershey	Nailor	Stairs
Casorio	Hess	Nickol	Steil
Causar	Hickernell	O'Neill	Stern
Civera	Hutchinson	Payne	Stevenson
Clymer	Kauffman	Perry	Swanger
Cox	Keller, M.	Petri	Taylor, J.
Curry	Kenney	Pickett	Taylor, R.
Cutler	Kessler	Pyle	True
DiGirolamo	Mackereth	Quigley	Vereb
Evans, J.	Maher	Quinn	Vitali
Everett	Major	Rapp	Vulakovich
Fairchild	Marsico	Raymond	Watson
Fleck	McI. Smith	Reichley	
Gabig	McIlhattan	Roae	O'Brien, D., Speaker
Gillespie	Mensch	Rock	
Gingrich	Metcalfe	Rohrer	

NOT VOTING—0

EXCUSED—1

Preston

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.

**CONSIDERATION OF SB 97 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Representative Kauffman?  
The clerk will strike the vote.

Mr. KAUFFMAN. Is there someone that could rise for brief interrogation?

The SPEAKER. Representative Levdansky indicates that he will answer your question. The gentleman is in order and may proceed.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to get some clarity on this bill, because I believe it was amended a couple of days ago on second consideration and there were several things put in the bill additionally to what was previously there.

Could you just briefly, and I do not need a lot, but just briefly kind of tick off the changes that were made in the bill, the things that were added to this legislation?

Mr. LEVDANSKY. Yes, Mr. Speaker.

There are about eight different components to this bill, and I will just run through them real quickly. The first thing is the adjustment of the calculation of goodwill for the application of the bank shares tax. The second thing is a sales tax exemption for material used in the remanufacture of locomotive engines. The third thing is I think Representative True's amendment to eliminate the sunset on the breast cancer and cervical research tax credit. Another component is an increase in the exemption on the application of the capital stock and franchise tax from \$150,000 to \$175,000. Another amendment would exempt unaffiliated out-of-State manufacturers of powdered metals technology from the CNI (corporate net income) and capital stock and franchise taxes. There were significant improvements to the Neighborhood Assistance Tax Credit Program, essentially the language from HB 518. There are also the resource enhancement and protection tax credits to incentivize the best management practices for establishing riparian areas in buffer zones and soil and nutrient management practices, and finally, an amendment to establish the film tax credit, capped at \$50 million.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

In addition, Mr. Speaker, the film credit. Now, what was the total of that in the end? Was that the \$50 million tax credit? Is that what it was?

Mr. LEVDANSKY. Yes; yes. The film tax credit is established with a maximum cap, a total cap of tax credits established at \$50 million a year.

Mr. KAUFFMAN. And also the REAP (resource enhancement and protection) credit, that was a \$10 million credit. Is that correct?

Mr. LEVDANSKY. That was \$10 million; correct.

Mr. KAUFFMAN. Okay. In addition, do I recall, was this the bill that the Youngblood amendment was included into as well?

Mr. LEVDANSKY. Correct. The Youngblood amendment would essentially require that a film production company that receives the 25-percent film tax credit would have to contribute 10 percent of the tax credit to a charitable nonprofit organization of the Commonwealth.

Mr. KAUFFMAN. All right. And then on the film tax credit, now, are there any parameters by which the Commonwealth

must follow in giving out this film tax credit; for instance, G-rated movies, R-rated movies, X-rated movies? I mean, is there any decency standard for this tax credit?

Mr. LEVDANSKY. No. It essentially establishes a film tax credit for the film industry to produce films in the Commonwealth.

Mr. KAUFFMAN. Okay. So ideally – I know none of us would want this to happen – but ideally, there could be a movie that many of us would find objectionable receiving a tax credit from the taxpayers of Pennsylvania?

Mr. LEVDANSKY. With one exception, I am advised. No pornographic films are eligible for this tax credit.

Mr. KAUFFMAN. Is that the verbiage, "pornographic"? Is that what it states in the bill?

Mr. LEVDANSKY. If you just yield for a second, I will find out the exact language.

Mr. KAUFFMAN. Sure thing.

Mr. LEVDANSKY. Mr. Speaker, the specific language contained on page 17 of the bill that says what is not eligible would be "...A PRODUCTION CONTAINING OBSCENE MATERIAL OR PERFORMANCES AS DEFINED IN 18 PA.C.S. § 5903(B) (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES)...."

Mr. KAUFFMAN. Do we have a definition of what "obscene" may be, because I am not sure of that statute and what that statute states. What would be the definition of "obscene"? Do you know?

Mr. LEVDANSKY. That is the definition of "obscene" in present law, and I am not on the Judiciary Committee and not an attorney, so I do not know exactly what our State statute, how it defines "obscene or sexually explicit materials," but whatever that definition is under existing law, that definition is carried over into this section of this bill exempting such films from the film tax credit.

Mr. KAUFFMAN. All right.

Mr. Speaker, on the bill.

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

Mr. KAUFFMAN. I thank the gentleman for responding to the questions that I had this afternoon. I guess as I look at this bill, I have some serious concerns. I guess, first of all, being my last order of questioning, is this tax credit being offered with the exception of obscene materials? I know the definition of "obscene" is quite open in our society. I do not know that it is very clearly defined. I do not think— Probably most of us in this chamber would not be able to agree on a definition of "obscenity," and I have great concern that we will be giving out taxpayer money for things that I think many of us may consider objectionable.

First of all, I want to compliment the maker of the REAP amendment, the gentleman from Blair. He has done a commendable job in trying to put that program together for our agriculture community, and it is a great program. I actually, I believe, am a cosponsor of the freestanding bill with the REAP tax credit, and I commend him for attempting to bring Pennsylvanians into getting a part of the tax credit so that all the tax credits do not go to our friends in Hollywood.

I personally will be, despite the one component which I can stand and say is a very great part of that bill, I personally am going to be opposing SB 97, because I frankly think farmers and

Pennsylvanians deserve a greater piece of the pie when it comes to tax credits. I would rather see my tax credits going to farmers who are farming in Franklin and Cumberland Counties than my tax credit going to Michael Moore and Barbra Streisand and the wonderful folks we have over in Hollywood.

In addition to that, the obscenity issue is a great concern, and I think many of you who are considering voting in the affirmative for this bill really should think twice, because I do not know that you all want to go home to your constituents and try to explain to them why Hollywood deserves a tax credit of \$50 million while our farmers in Pennsylvania only deserve \$10 million out of this bill. A 5-to-1 California tax credit for Hollywood with Pennsylvania tax dollars just seems a little bit out of line with me.

So for that reason, again, I want to compliment the maker of the amendment on the REAP tax credit. Great program. I hope it comes before this House in a freestanding bill so the Pennsylvania agricultural community can get the full \$25 million tax credit that was originally in the program. But I encourage folks from both sides of this aisle to look very closely before you vote for the Michael Moore tax credit.

The SPEAKER. Representative Ellis.

Mr. ELLIS. Thank you, Mr. Speaker.

Notwithstanding the comments of my honorable colleague, Mr. Kauffman, I would like to point out—

The SPEAKER. If I could interrupt the gentleman for one moment.

The House will come to order. The members will take their seats or take their conversations to the anteroom. The gentleman is entitled to be heard. The gentleman is in order and may proceed.

Mr. ELLIS. Like I said, notwithstanding the last speaker's comments, this is a piece of legislation that a lot of the questions that we just heard were handled in the Finance Committee, and I would like to thank Representative Levdansky and Representative Nickol for the outstanding work they did of bringing us together, solving these problems that we had in the Finance Committee, but particularly, I want to point out one of the things that was amended in the Finance Committee. We have a \$650 million surplus in this State and we have been here longer than we should have been, but what we did do in this bill is we have taken the time. The only people that even really are going to see any kind of tax cut in Pennsylvania are going to be the small business men and women because we put in a provision to raise the threshold of the capital stock and franchise tax.

So, yes, we do have to be mindful of different things when we make our decisions on how to vote, but this bill offers an opportunity to take care of a lot of different folks. The small business men and women of Pennsylvania need support for this legislation.

Although things are fluid this time of year and the ultimate product may not include this small \$6 million tax credit for the small businesses, we have got to hope that it is going to be there when it is all said and done.

So I encourage a "yes" vote on the bill. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali. The gentleman waives off.

Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, if I may interrogate the maker of the bill?

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

Mr. BENNINGHOFF. Thank you, and I thank the chairman for taking a couple questions.

Just out of clarification, was there any type of income level or requirement for those people to be able to participate in the film credit? It was described earlier in some other areas of the bill, but I am specifically concerned with those who could be applicable for the tax credit on filmmaking.

Mr. LEVDANSKY. Mr. Speaker, I do not know so much about income, but I think maybe you may be more specifically talking about what expenses qualify as an expense to be applicable for the tax credit, and if that is the question, then any expense up to \$1 million. Okay? So any wage or salary paid to anybody up to \$1 million would qualify as a qualified expenditure eligible for the film tax credit.

Mr. BENNINGHOFF. Could any one particular—I apologize. You are saying up to \$1 million per producer, so theoretically, we could have 50 producers at \$1 million apiece and then the whole program is now spent?

Mr. LEVDANSKY. Correct. If you had \$60 million— I am sorry. There is a \$1 million cap on each qualified expense. You know, if you had 60 actors and paid them \$1 million apiece, then that would be \$60 million that would qualify, but understand in the aggregate it is a 25-percent, a 25-percent tax credit, so that if it took, you know, if it costs \$10 million to produce a film, your tax credit maximum would be \$2 1/2 million.

Mr. BENNINGHOFF. So theoretically, not one particular producer could get all the money?

Mr. LEVDANSKY. I am sorry, Mr. Speaker. I did not hear.

Mr. BENNINGHOFF. My concern, obviously, is that I do not want to see one particular filmmaker and/or two be able to ascertain the entire credit.

And more importantly, I will ask the second question. To my first question, there is no basic income level or particular realm. Could somebody like Steven Spielberg be eligible to get this tax credit?

Mr. LEVDANSKY. Mr. Speaker, the company that produces the film is eligible for the film production tax credit.

Mr. BENNINGHOFF. Well, sometimes these producers and directors and everybody are all tied in. My concern again is, is somebody that is a millionaire going to be eligible for something like this?

Mr. LEVDANSKY. Mr. Speaker, my understanding is, there is no particular limitation on any company or partnership or limited liability company. Its profits are not determinative of whether or not it is eligible for the tax credit. It is the expenditures that make them eligible for the tax credit. And again, there is a maximum of each qualified expenditure of a \$1 million cap.

Mr. BENNINGHOFF. I thank the gentleman.

If I could make a quick comment on the bill itself.

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

Mr. BENNINGHOFF. It just seems kind of frustrating as rank and file to be voting on a bill that at one part wants to provide our agricultural community some assistance, wants to extend the breast cancer awareness credit, and then to tie in an industry that generally is a very, very profitable industry. We see films coming out, day in and day out, that are generally

in the millions, multimillion-dollar levels, and then to be providing tax credits to entities to that magnitude very much discourages me. And it brings me to mind of an article that was in the Patriot-News on the 27th of June which showed over 43 different films that were established here in the State of Pennsylvania, none of which were given tax credits, and all were or a good percentage of them were very, very successful.

I just think it is a slippery road to go down as we have in the last couple of years to start providing tax credits to an industry that is so wealthy already. Therefore, I would ask the members to consider whether or not we should be voting for something like this.

Thank you, Mr. Speaker.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to ask the members to join the Chair in wishing Mauree Gingrich a very happy birthday.

### CONSIDERATION OF SB 97 CONTINUED

The SPEAKER. Representative Sturla.

Mr. STURLA. Mr. Speaker, just to clarify some points on the film tax credits.

Unlike other tax credits that are in this bill and that we have done throughout the State and other places where we look at the total amount of dollars that there are coming into this State, and then we decide that there is a certain amount of dollars that can go out in the form of a tax credit. We do that with neighborhood assistance tax credits, for example. We know how much is coming into the State in terms of revenue, and we allocate a certain portion to then go to charities. With agricultural credits, sometimes we do this to farmers that are doing certain things in the State of Pennsylvania. But it does not require that they invest anything in the State of Pennsylvania; it simply requires that they qualify and be eligible for a certain tax credit.

What the film tax credit does – it is different than the others – is that it requires that those dollars be spent in Pennsylvania first before you can apply to get the rebated tax dollars. So if, for instance, it is \$50 or \$75 million of tax credits, if it was \$50 million, the film industry would have to spend \$200 million in the State of Pennsylvania before they would qualify for that \$50 million, and that \$200 million being spent generates about \$30 million in additional taxes in the State of Pennsylvania in the form of wage taxes and car rental taxes and sales taxes.

So when you look at the \$50 million line item, it really means that it is costing us about \$20 million to attract \$200 million worth of industry that will employ Pennsylvanians into the State of Pennsylvania. That is one of the reasons why I had wished we had actually not had a cap on it, because it actually does, right now we have over \$500 million in applications for people to come do films and get credits in the State of Pennsylvania. We are limiting ourselves with this, but I think it is a good way to promote jobs in Pennsylvania, and it is certainly different than the other tax credits that we are looking at, so I hope we do not compare apples to oranges here.

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

As the chairman of the Commerce Committee, I rise in support of SB 97. There are over 250 FDIC (Federal Deposit

Insurance Corporation) chartered banks in Pennsylvania, employing over 75,000 of our constituents. Banks are taxed on a capital stock basis similar to the CNI called the bank shares tax. That tax is on the total book value of the capital stock plus surplus and undivided profits, less the value of any U.S. government securities held, which cannot be taxable.

Prior to 2001, Mr. Speaker, this was the sum total of the bank shares tax basis to be considered. In 2001 an accounting change by the Financial Accounting Standards Board, not by the Pennsylvania legislature, added the value of goodwill – goodwill – into the basis for any bank that had undergone mergers or acquisitions, and that is what we are dealing with here today.

This is not an element of taxation that is attributable to the banks. They have not been involved in a transaction of this kind. So it is, first of all, a violation in the uniformity clause, at least the spirit of the uniformity clause, of our Constitution.

How significant is this? In the last 3 years, the FDIC estimates that Pennsylvania banks have generated over \$1.2 billion in artificially created equity attributed to, quote, "goodwill" placed on the books by this accounting method. While current estimates of the cost of the change place lost revenue about approximately \$12.6 million, the banking industry has pointed out that this does not account for increased additions to value as a result of improvements such as core deposits and customer relations that will be added to the book value to mitigate the estimated losses of revenue to those banks. Moreover, this extra tax that is triggered only by the business combination can be another deterrent to our smaller banks in Pennsylvania combining with each other to survive – and we see this going on all over the Commonwealth now – and offer better services to their communities.

I am, Mr. Speaker, all for all businesses paying their taxes, as all of us are, and paying their fair share of the cost of government and public services, as all of us are, but not by a backdoor accident created by a body that was never elected by anyone in Pennsylvania. That is why I ask for an affirmative vote on SB 97.

Thank you, Mr. Speaker.

The SPEAKER. Representative Biancucci.

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this particular bill. As our Chairman Levdansky stated, there are many components to this particular piece of legislation. Of particular interest to me is the part that deals with the remanufacture of locomotive engines. What we are seeking is, under the definition of "manufacture" under Article II of the Tax Reform Code, we want to qualify businesses for a sales tax exemption on the purchase of parts and machinery used in the remanufacturing process. The reason this is of particular interest to me is there is a facility in Beaver County that employs 130 people, Sardello, Inc. In order to accommodate an expansion in its business, Sardello plans to acquire an additional 72,000 square feet. They plan to build a new facility that will immediately create 50 new jobs and ultimately will involve the addition of approximately 120 new jobs. We wish Sardello to maintain all of its operations within the Commonwealth of Pennsylvania, so we are exploring the possibility of favorable tax treatment.

I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, one of the prior speakers raised the question about the definition of "obscene," and I mentioned that the film production tax credit, any film that is defined as "obscene" does not qualify for the benefits of the film production tax credit, and I mentioned that Title 18, this tax credit references a definition of Title 18 of the term "obscene." And just for members' information, "obscene" as defined in Title 18 is "Any material or performance, if: (1) the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest; (2) the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section; and (3) the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value." So I just want to bring that to the members' attention. That is the definition of "obscene" in Title 18 that would make any film ineligible if they contained obscene materials.

Just one other thing I just wanted to point out, Representative Ellis talked about the capital stock and franchise tax, the increase in the exclusion from \$150,000 to \$175,000. That will result in about a \$5 million loss in revenue to the Commonwealth to help the people that pay the capital stock and franchise tax. But also, just remember, it is not in this bill, but the existing law is that the capital stock and franchise tax will continue to be reduced by 1 mill this year, and that is a \$200 million revenue loss to the Commonwealth. So that is \$200 million-plus that the companies that pay capital stock and franchise tax would not have to pay.

One final thing, Mr. Speaker, is this: I think this is clearly, this legislation, SB 97, as we have amended both in the Finance Committee and on the floor, I think this is one of these cases where we could say that we took a Senate bill and we really did make it better. We have got a variety of tax provisions in here, from tax credits to spur investment in film production in the State, to tax credits for the agricultural economy in the State, to checkoffs for breast cancer, to assistance for our banking community in terms of what they have to pay in the bank shares tax. I think all in all, this package is good for Pennsylvania's businesses from our banks to our small, to our middle-sized companies, to the companies that we are trying to grow and get them to invest in Pennsylvania.

I want to thank the members for the bipartisan support that we had in committee for these amendments. I would urge favorable passage, not just in this House today but in the Senate when they take the bill up as well. Thank you.

The SPEAKER. Representative Costa.

Mr. COSTA. Thank you, Mr. Speaker.

I apologize for speaking after the chairman, but I was trying to get my notes together.

While the debate was going on, I called the Pittsburgh Film Office just to get some information about money and economic impact that they generate for our region. There is a new TV show now that is being filmed, and they are projecting that that is going to raise \$15 million of economic impact. They also told me that for every dollar that is invested in the Pittsburgh Film Office, it generates 50 more in economic impact. So if we are going to invest a little bit of money, it is going to have great returns for us.

I would hope that everyone would help us support this legislation and we can get more jobs for our region. Thank you.

The SPEAKER. Representative Reed.

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

I stand in support of SB 97, and I would just like to say how much I appreciate both chairmen of the House Finance Committee, Chairman Levdansky and Chairman Nickol, working together to find a solution and a compromise on a number of different issues within this bill that are important to the people of Pennsylvania, and particularly, the bank shares tax portion of this bill happened to also be modeled after a piece of legislation that I put forth last October that passed unanimously in this House, HB 2774, and I have appreciated the opportunity to work with the chairman of the Commerce Committee, Representative Daley, on making sure that that piece of legislation was included within SB 97.

SB 97 also includes a number of other important proposals, important to the fields of agriculture and related to the capital stock and franchise tax, and I think although some of us may disagree with the film tax credit premise as a totality, I think it is important to note that we did implement a cap in the film tax credit at the \$50 million level. And I know some folks out there would like to see an uncapped film tax credit or perhaps an increased cap in the film tax credit, but I do appreciate the chairmen of the Finance Committee working together on a reasonable compromise, capping that film tax credit at \$50 million, to show that the House is committed to not only the film industry but the banking industry, the agricultural industry, and our small business owners across the State.

So, Mr. Speaker, I urge a "yes" vote on SB 97. Thank you.

The SPEAKER. Representative Mustio.

There may be some technical difficulty again with that microphone; if the gentleman will take another one. The gentleman is in order and may proceed.

Mr. MUSTIO. That may be a sign, Mr. Speaker.

I wanted to – thank you, Mr. Speaker – I wanted to follow up on some of the comments that Representative Biancucci made regarding the Sardello company.

David and Denny Sardello and their family have invested in southwestern Pennsylvania for many, many years, but I think it is also important that we give recognition to one of our members that went out of his way to do some cold calling on a business in southwestern Pennsylvania. That would be Representative Jim Marshall, who proactively went out and sought the Sardellos and asked them if there is anything that could be done to help grow their business in southwestern Pennsylvania. Hence was the development of the efforts for the recycling of locomotive engines. So I wanted to make sure that it got on the record that we recognize Jim Marshall for his proactive efforts for economic development in southwestern Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I just wanted to thank my Democratic colleague, chairman of the Finance Committee, for the bipartisan effort that he showed in committee. This bill, as it was reported from the House Finance Committee, contained a number of different pieces. It was a bipartisan effort. The capital stock and franchise tax language actually comes from the gentleman from Butler County, who represents the 11th District. The bank shares tax has been an issue that has been advanced for several sessions by the Representative from the 62d District in Indiana County, as well as the gentleman from the 49th District

in Washington-Fayette. The sales tax on locomotive parts came from the 15th District, the gentleman from Beaver County. The chairman of the committee also worked with us in terms of putting a limit on that tax credit, the film tax credit, and we do appreciate that.

In addition to these items on the bill that came out of committee, there were a number of items added on the floor, but in total, what this really represents is, about 10 percent of the surplus that this State has accrued over this last fiscal year will be provided in tax cuts if this is approved. That is something that I heartily support, and I urge the other members to support this legislation.

Thank you, Mr. Speaker.

The SPEAKER. Representative Stern.

Mr. STERN. Mr. Speaker, I will be brief.

I just wanted to clarify a couple points that were made previously on some of the previous speakers. We had a lot of discussion on this legislation. I would like to compliment both Chairman Nickol and Chairman Levdansky on their work on this legislation.

One thing I wanted to comment about was that there has been emphasis placed upon the importance to the agricultural community with SB 97, and then specifically with the REAP legislation that was inserted as one of the amendments. I would like to remind this chamber and this body that I think it is more telling for what this will do for the environment more so than the agricultural community, because this will clean up the groundwater supplies in Pennsylvania. This will help the streams. This will clean up the nitrates, phosphates, with proven best management practices on our farms in Pennsylvania.

This does much more for the environment than it does for the agricultural community, and I would like to remind the members of that today and ask for a favorable vote on SB 97. Thank you.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Gabig	Marshall	Rubley
Argall	Galloway	Marsico	Sabatina
Baker	Geist	McCall	Sainato
Barrar	George	McGeehan	Samuelson
Bastian	Gerber	McI. Smith	Santoni
Bear	Gergely	McIlhattan	Saylor
Belfanti	Gibbons	Melio	Scavello
Benninghoff	Gillespie	Mensch	Schroder
Bennington	Gingrich	Metcalfe	Seip
Beyer	Godshall	Micozzie	Shapiro
Biancucci	Goodman	Millard	Shimkus
Bishop	Grell	Miller	Siptroth
Blackwell	Grucela	Milne	Smith, K.
Boback	Haluska	Moul	Smith, M.
Boyd	Hanna	Moyer	Smith, S.
Brennan	Harhai	Mundy	Solobay
Brooks	Harhart	Mustio	Sonney
Buxton	Harkins	Myers	Staback
Caltagirone	Harper	Nailor	Stairs
Cappelli	Harris	Nickol	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson

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

NAYS-5

Clymer	Kauffman	Lentz	Murt
Creighton			

NOT VOTING-0

EXCUSED-1

Preston

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

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1201, PN 1989**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public utility"; adding a definition of "micro-grid"; further providing for duties of electric distribution companies; and providing for micro-grids.

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 1201 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 1201 be removed from the table.

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

\* \* \*

The House proceeded to second consideration of **HB 1541, PN 1878**, entitled:

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

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 1541 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 1541 be removed from the table.

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

\* \* \*

The House proceeded to second consideration of **SB 550, PN 1211**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing, in health and accident insurance, for autism spectrum disorders coverage and for treatment of autism spectrum disorders; and further providing for procedures.

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 SB 550 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 SB 550 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 99, PN 577**, entitled:

A Resolution applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 99 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 99 be removed from the table.

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

### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, for an announcement.

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

Initially we were going to caucus, but after chatting with the whip, we decided that most of the things that we would share, we could share more effectively on Thursday.

As I said earlier, for those who may have been on their way to the floor, the Senate will be sending us legislation in the interim, and tomorrow we would have too few things to vote upon. Therefore, logistically and for a practical approach to our endeavors, we are going to ask that we caucus, if the Republicans are amenable, at 1 o'clock on Thursday, report to the floor at 3 o'clock on Thursday, and run the bills that were essentially agreed to to some heavy level on Thursday in the early and middle evening, most of the day on Friday and Saturday. Our goal would be to get finished on Saturday.

But with no irony tincturing my tone, I want to say that our new rules, which I fully embrace from the Shapiro-Steil Speaker's Commission, the 24 hours that we will have to wait appropriately – appropriately – is a rule that does make our process somewhat more methodical and deliberate.

So in ye olden days, we might have been able to come back on Thursday and go home at 1 minute after midnight on Friday. We have a new system which, for the third time in this moment at the microphone, I do embrace unambiguously. So it is our goal to work on Thursday afternoon and into the evening and as much as possible on Friday and Saturday. Hopefully we will not have to go into Sunday, but who knows, Sunday or Monday. Monday is the wildest speculation. But the good news is, there is a great deal of harmony, a few loose ends, but I think we will be out of here for our summer break in the next several days.

One o'clock caucuses on Thursday and a 3 o'clock session. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. Representative Smith.

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

I appreciate the optimistic view of our time schedule that the majority leader has put forth. I hope that we can get the work done. I think there is quite a bit to be done.

I just need to ask, Mr. Speaker, I know this was mentioned at the beginning of this session and I am certainly not looking to prolong things, but I do think we need to clarify the rule 17 issue. And I know we had talked about it, but I only came in and heard part of the discussion from the beginning of the session day, and I would like to ask the Chair, where do things stand as far as identifying the time for members to speak under the rule 17 order of business, the issue that we have been discussing the last couple of days?

The SPEAKER. The Chair had indicated that generally with the agreement of the majority and minority leaders, that the time would normally be assigned as Wednesday, but the Chair indicated, upon questioning by Representative Maher, that the Chair would be glad to do it today, Thursday, and ask the gentleman if he would have a preference, and I am waiting for any member who seeks recognition and we will schedule that appointed time.

If the minority leader has a suggestion, the Chair will accommodate that request.

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

I note that the majority leader was just going to have a sidebar on that, if I could just have a minute, please.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce that there will be a Republican caucus on Thursday at 1 p.m. That is, Republicans will caucus on Thursday at 1.

Thank you.

The SPEAKER. The Chair thanks the lady.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I would just like to submit some comments for the record on HR 360.

The SPEAKER. The Chair thanks the gentleman.

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

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

To: House Speaker, Hon. Dennis O'Brien  
From: State Rep. Mike Hanna  
Re: Passage of dairy policy resolution (H.R. 360)

Dear Mr. Speaker:

As chairman of the House Agriculture and Rural Affairs Committee, I would like to thank my colleagues for their unanimous vote in support of House Resolution 360, which supports the dairy industry in Pennsylvania.

House Resolution 360 is being sent to the United States Congress as part of a larger resolution in Congress, House Resolution 2462, also known as the 2007 Farm Bill.

The comprehensive proposal before the U.S. Congress was developed by Dennis Wolff, the Pennsylvania Secretary of Agriculture, in conjunction with leading dairy economists.

The federal resolution would strengthen the safety net for dairy farmers. It would encourage price transparency and timely audits, expand export opportunities by encouraging industry investment, establish a loan fund for new processing technologies and offer loan forgiveness for students who return to work on the farm after college.

The federal farm bill is very important to all farms across the country, but especially in Pennsylvania. Agriculture is the leading industry here, generating nearly \$50 billion in total economic impact, and dairy farming is one of the anchors of that industry. There are 8,600 dairy farms in Pennsylvania, and they produce more than 10.6 billion pounds of milk annually. These farms generate almost half of the agricultural revenue in the state.

This resolution lets the federal government know that we want this proposal renewed to help stabilize the Pennsylvania dairy industry. It's a very important measure, and we need to continue to keep pressure on the federal government to see it reauthorized.

Very Truly Yours,  
Mike Hanna  
State Representative  
76th Legislative District

The SPEAKER. Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, a point of personal privilege.

The SPEAKER. Is the lady asking for unanimous consent to address the body?

Ms. YOUNGBLOOD. Yes.

The SPEAKER. If the gentlelady will wait for one moment, the majority and minority leaders are conferring for the purpose

of an announcement, and the Chair will come back to the lady in one moment.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

**STATE GOVERNMENT  
COMMITTEE MEETING**

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker. For the purposes of a committee announcement.

The SPEAKER. The lady is in order and may make her announcement.

Ms. JOSEPHS. We are scheduled for, the House State Government Committee is scheduled for a 10 o'clock meeting Thursday. In view of the new later meeting of the House, I would like to make that a later meeting. I am not sure if we can make that work, so please watch your e-mail. Members of the House State Government Committee, we will have a meeting on Thursday. I hope it can be made later than 10.

Thank you, Mr. Speaker.

The SPEAKER. The Chair would ask, will the gentlelady consult with the majority leader?

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 371** By Representatives PETRI, REICHLEY, BELFANTI, CALTAGIRONE, CAPPELLI, CLYMER, COHEN, FRANKEL, GEORGE, GINGRICH, GOODMAN, HENNESSEY, MURT, PAYNE, PHILLIPS, RAPP, READSHAW, SEIP, SOLOBAY, SWANGER, J. TAYLOR, THOMAS, WALKO, WATSON, YOUNGBLOOD, SONNEY, MENSCH, BEAR, MOYER, KENNEY, VULAKOVICH and SIPTROTH

A Resolution memorializing the Congress of the United States to increase funding to the National Institutes of Health (NIH) by 6.7% in each of the next three years to accelerate the momentum of discovery to improve health and quality of life for millions of Americans.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, July 9, 2007.

**No. 372** By Representatives SOLOBAY, ARGALL, BELFANTI, BRENNAN, CALTAGIRONE, CAPPELLI, EVERETT, FAIRCHILD, GOODMAN, GRUCELA, KORTZ, KOTIK, KULA, MAHONEY, McILHATTAN, M. O'BRIEN, PALLONE, PETRONE, TANGRETTI, WALKO, YOUNGBLOOD, SURRA, GEIST, THOMAS, J. WHITE, K. SMITH, STURLA, HENNESSEY and SIPTROTH

A Resolution directing the Legislative Budget and Finance Committee to conduct a study on the fiscal impact of gateway tolling, including fees for motorists entering or exiting this Commonwealth on interstate highways, to perform a cost analysis on the implementation of tolling booths, including the cost of labor to operate the tolling booths on interstate highways, and to make a report.

Referred to Committee on TRANSPORTATION, July 9, 2007.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1490** By Representatives EACHUS, DALEY, HARKINS, M. O'BRIEN, PASHINSKI, BELFANTI, GEORGE, JOSEPHS, LEVDANSKY, HORNAMAN, KULA, McILVAINE SMITH, CURRY, MUNDY, K. SMITH, STABACK, SURRA, BRENNAN, HESS and MAHONEY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for duties of the Pennsylvania Public Utility Commission; and providing for Statewide cable franchises and for municipal regulation of franchise holders of Statewide franchises.

Referred to Committee on CONSUMER AFFAIRS, July 9, 2007.

**No. 1709** By Representatives PETRI, HARHART, BELFANTI, CLYMER, GEORGE, GINGRICH, GOODMAN, GRELL, JOSEPHS, MELIO, MUNDY, MURT, PHILLIPS, RAPP, SOLOBAY, J. TAYLOR, WATSON, YOUNGBLOOD, GEIST, VEREB and HENNESSEY

An Act establishing the Commonwealth Children's Ombudsman and the Commonwealth Children's Ombudsman Office; and providing for their powers and duties.

Referred to Committee on CHILDREN AND YOUTH, July 9, 2007.

**No. 1710** By Representatives PETRI, BELFANTI, CLYMER, GINGRICH, GRELL, JOSEPHS, KILLION, MURT, PHILLIPS, REICHLEY, J. TAYLOR, WATSON, YOUNGBLOOD, KORTZ, KENNEY, HENNESSEY, SCHRODER and SIPTROTH

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, providing for a First Class Cities Children's Ombudsman Office in the Department of Public Welfare, for powers and duties of ombudsman, for investigative and remedial powers, for response to complaints, for cooperation of agencies and providers, for confidentiality of investigators and records, for findings and recommendations, for protection from retaliation, for nonexclusivity of remedy and for release of information to ombudsman; and making inconsistent repeals.

Referred to Committee on CHILDREN AND YOUTH, July 9, 2007.

**No. 1711** By Representatives J. WHITE, BELFANTI, DeLUCA, JOSEPHS, KORTZ, MAHONEY, MELIO, PETRONE, SCHRODER, SOLOBAY, SURRA, SIPTROTH and WAGNER

An Act requiring pharmaceutical manufacturing companies to disclose certain information to the Attorney General; providing for the powers of the Office of Attorney General; and imposing penalties.

Referred to Committee on CONSUMER AFFAIRS, July 9, 2007.

**No. 1712** By Representatives O'NEILL, EVERETT, MURT, BENNINGHOFF, CALTAGIRONE, CLYMER, CURRY, FLECK, FRANKEL, HARRIS, LONGIETTI, MARKOSEK, McILHATTAN, R. MILLER, MILNE, MOYER, MUNDY, PASHINSKI, PEIFER, REICHLEY,

SAYLOR, McILVAINE SMITH, SURRA, THOMAS, WATSON, SIPTROTH, KORTZ and BOYD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for State standards for business, computer and information technology courses.

Referred to Committee on EDUCATION, July 9, 2007.

**No. 1713** By Representatives O'NEILL, BARRAR, BOYD, CALTAGIRONE, CAPPELLI, CARROLL, CLYMER, COHEN, FABRIZIO, FLECK, FREEMAN, GINGRICH, GRUCELA, HERSHEY, R. MILLER, PAYNE, PEIFER, RAPP, REICHLEY, RUBLEY, SAYLOR, SOLOBAY, STERN, THOMAS, TRUE, VULAKOVICH and YOUNGBLOOD

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for association records; and providing for meetings of unit owners' associations.

Referred to Committee on STATE GOVERNMENT, July 9, 2007.

**No. 1714** By Representatives MUSTIO, BRENNAN, CLYMER and MARSHALL

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for transfers from State Gaming Fund.

Referred to Committee on GAMING OVERSIGHT, July 9, 2007.

**No. 1715** By Representatives MUSTIO, BRENNAN, CLYMER and MARSHALL

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for transfers from State Gaming Fund.

Referred to Committee on GAMING OVERSIGHT, July 9, 2007.

**No. 1718** By Representatives GERBER, GODSHALL, R. TAYLOR, BRENNAN, CURRY, DePASQUALE, FRANKEL, HORNAMAN, JOSEPHS, KING, MANDERINO, MELIO, PASHINSKI, RUBLEY, THOMAS, VITALI and WALKO

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for campaign finance.

Referred to Committee on STATE GOVERNMENT, July 9, 2007.

**No. 1719** By Representatives GERBER, DALLY, BELFANTI, BEYER, BIANCUCCI, BRENNAN, CAPPELLI, CURRY, DeLUCA, EVERETT, FRANKEL, GEIST, GEORGE, GINGRICH, GRUCELA, KIRKLAND, KORTZ, KULA, LONGIETTI, MANN, McGEEHAN, MENSCH, MILLARD, MILNE, MOUL, MOYER, MUNDY, MURT, MYERS, PALLONE, SABATINA, SANTONI, SAYLOR, SIPTROTH, SOLOBAY, VULAKOVICH and YUDICHAK

An Act amending the act of March 28, 2000 (P.L.23, No.7), known as the Fair Credit Extension Uniformity Act, further providing for the definitions of "debt" and "debt collector"; providing for the definitions of "municipal claim," "municipal creditor," "municipality," "tax" and "tax claim"; and further providing for unfair or deceptive acts or practices.

Referred to Committee on CONSUMER AFFAIRS, July 9, 2007.

**No. 1720** By Representatives LEVDANSKY, RUBLEY, McCALL, STEIL, D. EVANS, BRENNAN, CARROLL, DePASQUALE, FRANKEL, FREEMAN, GERBER, GODSHALL, GOODMAN, GRUCELA, HARHAI, HORNAMAN, JOSEPHS, KORTZ, LEACH, MUNDY, PETRONE, SCAVELLO, SIPTROTH, SWANGER, TANGRETTI, R. TAYLOR, VITALI, WAGNER and WALKO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for contribution limitations and independent expenditures.

Referred to Committee on STATE GOVERNMENT, July 9, 2007.

**No. 1721** By Representatives LEVDANSKY, STEIL, JOSEPHS, RUBLEY, McCALL, D. EVANS, BRENNAN, CARROLL, DePASQUALE, FRANKEL, FREEMAN, GERBER, GODSHALL, GOODMAN, GRUCELA, HARHAI, HORNAMAN, KORTZ, LEACH, PETRONE, SCAVELLO, SIPTROTH, SWANGER, TANGRETTI, R. TAYLOR, VITALI, WAGNER and WALKO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for definitions; creating the Pennsylvania State Board of Elections and defining its powers and duties; providing for a fair campaign code, for regulations at polling places, for independent expenditures, for political action committees and affiliated committees, for in-kind contributions, for committee organizations, for reporting by candidates and political committees, for quarterly reports, for funding limitations and use and for transfers; making an appropriation; and making repeals.

Referred to Committee on STATE GOVERNMENT, July 9, 2007.

**No. 1722** By Representatives PAYTON, D. O'BRIEN, THOMAS, SHAPIRO, BLACKWELL, COHEN, CRUZ, DeWEESE, DONATUCCI, EACHUS, FREEMAN, GEIST, GERBER, GERGELY, GOODMAN, GRUCELA, HARPER, HERSHEY, HUTCHINSON, JOSEPHS, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, LEVDANSKY, LONGIETTI, McGEEHAN, MURT, MYERS, M. O'BRIEN, OLIVER, PARKER, SABATINA, SHIMKUS, STURLA, SURRA, J. TAYLOR, R. TAYLOR, WAGNER, WANSACZ, WATERS, WHEATLEY, WILLIAMS, YOUNGBLOOD, PETRONE, MELIO, FRANKEL, BOBACK, SCHRODER, GIBBONS, K. SMITH, HENNESSEY, W. KELLER, CONKLIN, SIPTROTH, DALEY and SONNEY

An Act establishing a Statewide academic scholarship program to be known as the Reliable Educational Assistance for College Hopefuls Scholarship; and providing for the powers and duties of the Pennsylvania Higher Education Assistance Agency.

Referred to Committee on EDUCATION, July 9, 2007.

**No. 1723** By Representatives CONKLIN, GEORGE, GALLOWAY, SHIMKUS, DONATUCCI, SAINATO, HERSHEY, CALTAGIRONE, PARKER, MILLARD, YOUNGBLOOD, SURRA, PASHINSKI, BISHOP, HALUSKA, MARSHALL, GRUCELA, JAMES, R. TAYLOR, WOJNAROSKI, BROOKS, FLECK, BENNINGHOFF, LENTZ, BRENNAN, HARHAI, HORNAMAN, SANTONI, McCALL, WALKO, THOMAS, MANN, PHILLIPS, R. STEVENSON, MANTZ, READSHAW, KING, MAHONEY, M. O'BRIEN, RAMALEY, STABACK, PALLONE, KORTZ, MILNE and MURT

An Act designating the bridge on State Route 322 joining Clearfield and Centre Counties as the Veterans' Memorial Bridge.

Referred to Committee on TRANSPORTATION, July 9, 2007.

## SENATE MESSAGE

### SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1286, PN 1983**, and has appointed Senators PILEGGI, ARMSTRONG and LaVALLE, a committee of conference on behalf of the Senate to confer with a similar committee of the House of Representatives (if the House of Representatives appoints such a committee) on the subject of the differences existing between the two Houses in relation to said bill.

## COMMITTEE MEETING CANCELED

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, for the information of the members, the Environmental Resources and Energy Committee scheduled for today, the committee meeting scheduled for today, has been canceled. The Environmental Resources and Energy Committee meeting has been canceled.

## STATEMENT BY MS. YOUNGBLOOD

The SPEAKER. Under the provision of unanimous consent, without objection, the gentlelady, Representative Youngblood, has consulted with the majority and minority leaders, and they have agreed that the lady may speak at this time. Without objection, unanimous consent is granted.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

I would like to take this opportunity to thank my colleagues for supporting SB 97. This is a big win for the nonprofits as well as the charitable organizations throughout this great Commonwealth.

Once again, thank you for supporting our efforts, and let us hope the Senate does it as well.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Are there any other announcements?

The Chair announces that under rule 17, the appointed time for any members who wish to speak without unanimous consent, the appointed time will be 4:20 p.m.

The House will stand at ease until 4:20.

For the information of the members, the Chair expects that no further votes will be taken today.

**THE SPEAKER PRO TEMPORE  
(MARK B. COHEN) PRESIDING**

The SPEAKER pro tempore. The House will come to order.

**STATEMENT BY MR. MAHER**

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

Mr. MAHER. Thank you, Mr. Speaker.

It is a privilege to be able to address this august body on this occasion, and I thank you for recognizing me.

You know, the year started with a great deal of fanfare, speeches about reform. Many members of this body ran on platforms of reform to repair perceived deficiencies of this institution. Now we are 6 months, more or less, into this new session, and it has become clear to me that we need some additional reforms. Some of these reforms may not sound like they should be needed at all. You would think that they were already part of our rules, but given the way that the House has been proceeding, apparently the rules are not what I imagined them to be.

For instance, I think we need a rule modification to provide that when a vote is recorded and when the Chair has asked if all the members have voted and instructed the clerk to record the vote, apparently we need a rule change to ensure that the Speaker enrolls that vote. It is astonishing to think that such a thing should be needed to be reiterated. When I read Mason's Manual, it seems pretty clear to me that that is the procedure, and I think everyone in this room would expect that when the rule says nothing is in order but the taking of the vote, that once a vote has been taken, once the result has been recorded, that the result should not be kept secret to anyone who did not have the good fortune to be sitting in this room at the time of that vote.

Now, just a week ago we had such an instance, and certainly those who were unhappy with the outcome of that vote had remedies available to them under the rules. Had that result been announced, those same remedies would have been available.

Another rule I think we need to clarify is that decisions, announcements, whatever the Chair may wish to call them, that the Chair is not authorized to create rules of his own accord. The Chair cannot simply announce, for instance, that members seeking to address this body must now have advance permission from two other members who are elected to leadership and that the Chair will, at his convenience, schedule such recognition. That is not how this body has operated over so many years. That is not what the rules, as I read them, called for. That is not what Mason's Manual, as I read it, calls for. But in the event that there is genuine confusion on this point, then maybe we need to amend the rules.

Mr. Speaker, if I may, I notice that we have another member in some distress on the floor, and I would seek for us to be at ease in our proceedings in all deference to our concern for our good friend.

The SPEAKER pro tempore. The House will be at ease.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The House will come to order.

**ANNOUNCEMENT BY  
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. By agreement of both sides, the rule 17 discussions will be postponed until Thursday at the end of session.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Shimkus. Mr. Shimkus moves that the House do now adjourn until Wednesday, July 11, 2007, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:31 p.m., e.d.t., the House adjourned.