

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JULY 16, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 76

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

STATEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the members that on this the first legislative day of the week, the House convenes prior to 1 p.m. pursuant to the successful motion by Mr. McCall last night pursuant to rule 15. Just to clarify, this was not a motion to suspend the rules. It was a motion specified by rule 15 that permits convening prior to 1 p.m. on the first legislative day of the week if ordered by a roll-call vote of the majority of those elected to the House.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1530, PN 2344**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

ANNOUNCEMENTS BY SPEAKER PRO TEMPORE

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER pro tempore. We will now make a series of announcements.

The prayer and Pledge will actually transpire when we come back at 11:15.

But there will be a Rules meeting in 5 minutes, at 10:45, in the majority caucus room, and thereafter, at 11 a.m. there will be an Appropriations Committee meeting in the majority caucus room as well, and then the members will report to the floor to begin the session at 11:15 a.m.

RECESS

The SPEAKER pro tempore. The House is now in recess until the call of the Chair.

AFTER RECESS

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

PRAYER

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

Thank you, Mr. Speaker.

Almighty God, we want to thank You for the grace and mercy You have given to us, especially these past several weeks as we have labored intensely over our legislative duties. Humbly we come before You now as little children to further seek Your wisdom, knowledge, and guidance as we proceed with the challenges set before us. We ask that You create within us a heart of unity, remembering always that we are servants of the people.

We respectfully ask that You continue to keep Your hand upon our nation, the leaders of our nation, and especially the service men and women who make our freedoms of living in America possible and secure.

May we bring honor to You through our actions and our words always. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Sunday, July 15, 2007, will be postponed until printed. The Chair hears no objection.

Members will report to the floor.

MASTER ROLL CALL

The SPEAKER pro tempore. 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
Biancucci	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
Causer	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., Speaker
Frankel	Mantz	Roebuck	
Freeman			

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Moul

LEAVES CANCELED—1

Moul

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1203, PN 2343

By Rep. DeWEESE

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

RULES.

HB 1295, PN 2239

By Rep. DeWEESE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for Commonwealth employees group life insurance; further providing for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

RULES.

HB 1530, PN 2344

By Rep. DeWEESE

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.

RULES.

HB 1656, PN 2341

By Rep. DeWEESE

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey to Jefferson County certain lands situate in Winslow Township, Jefferson County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the First and Second Wards of the City of Pittsburgh, County of Allegheny, known as the Pittsburgh State Office Building; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

RULES.

SB 116, PN 1323

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for proportional reduction of certain county court reimbursements; further providing for senior judge operational support grants; providing for the adoption of guidelines for fines; further providing for selection of prospective

jurors; providing for statewide jury information system; and further providing for no limitation applicable.

RULES.

SB 623, PN 1324

By Rep. DeWEESE

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

RULES.

The SPEAKER pro tempore. Those bills will be placed on the supplemental calendar.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Michael Apfelbaum and Brianna Apfelbaum, who are guests of Representative Merle Phillips of the 108th Legislative District. Please rise and be recognized.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. SCHRODER called up **HR 375, PN 2327**, entitled:

A Resolution directing the Pennsylvania Gaming Control Board to complete the study on the interception of gaming winnings and to issue their recommendations on the study by September 1, 2007.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rublely
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
Biancucci	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
Causer	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	Longiotti	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., Speaker
Frankel	Mantz	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1295, PN 2239**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for Commonwealth employees group life insurance; further providing for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

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

Mr. SURRA. Mr. Speaker?

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

Mr. SURRA. Mr. Speaker, for the information of the members, we need to vote to nonconcur on HB 1295 to put it in a conference committee.

The SPEAKER pro tempore. Will the gentleman suspend.

The Chair is in receipt of some amendments. The first two were actually filed late, and it appears now that we have one by Representative Vitali. Is it the desire of Representative Vitali to suspend the rules for consideration of his amendment?

Thank you, Mr. Vitali. He waives off and withdraws the amendment.

Thank you, Mr. Surra. You are recognized, sir.

Mr. SURRA. Once again, Mr. Speaker, this is the Fiscal Code bill. We have to nonconcur to put it into a conference committee.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On concurrence, the Chair recognizes the lady, Ms. Harper.

Ms. HARPER. Mr. Speaker, I have some questions, if somebody will stand for interrogation.

Mr. SURRA. I will do my best, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Surra, has acceded, and you are recognized, Ms. Harper.

Ms. HARPER. Thank you very much, Mr. Speaker, and I am sure that the gentleman will appreciate where I am going with this.

I need to know whether this bill, which I think is the Fiscal Code, contains the language shifting money from the Keystone Park and Recreation Fund and libraries to anything else. Does this Fiscal Code bill contain that language?

The SPEAKER pro tempore. Mr. Surra.

Mr. SURRA. Mr. Speaker, that is a very good and valid question and one of the reasons we need to nonconcur.

They removed all the language dealing with the issue that you are speaking of. There is no language in the bill that deals with HSCA (Hazardous Sites Cleanup Fund) or library funding, so that is one of the reasons we need to go to conference.

Ms. HARPER. Well, Mr. Speaker, I need to ask whether a vote to concur then would be more appropriate, because I do not want to see any money taken from our parks and libraries for any reason, so if this bill does not do that, perhaps we should concur. Could the gentleman discuss that.

Mr. SURRA. Mr. Speaker, that is a valid point. However, if we take that approach, then there is no funding of the Hazardous Sites Cleanup Fund program, and that is the House's choice, Mr. Speaker, and I think the best thing to do is to nonconcur to see if we can work it out.

Ms. HARPER. Mr. Speaker, I have another question for the gentleman, if he would be so kind.

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

Ms. HARPER. Is it true that we will today get to vote on the actual budget and General Fund, which has a surplus and a film tax credit of \$75 million, and that we could discuss funding HSCA in that light?

The SPEAKER pro tempore. The Chair is advised that that is more appropriate for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Ms. HARPER. I apologize. I will make it a parliamentary inquiry to be answered by whoever would know that answer.

Would it not be appropriate to discuss the funding of HSCA with the General Fund bill, which is the budget bill, and not the Fiscal Code bill, which potentially could take money from an existing fund, Keystone?

The SPEAKER pro tempore. The Chair thanks the lady.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will be over temporarily.

Ms. HARPER. Thank you very much, Mr. Speaker.

BILLS REREPORTED FROM COMMITTEE

HB 1422, PN 2293

By Rep. D. EVANS

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for food employee certification and for farmers' market; providing for penalties; and making related repeals.

APPROPRIATIONS.

SB 246, PN 1326

By Rep. D. EVANS

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.

APPROPRIATIONS.

SB 413, PN 1276

By Rep. D. EVANS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

APPROPRIATIONS.

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

The House will be at ease for a moment.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 929, PN 1312**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Markosek	Ross
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	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causier	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	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	Rohrer	

NAYS—2

Haluska	Metcalfe
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NOT VOTING—0

EXCUSED—0

The two-thirds 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.

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The House proceeded to third consideration of **SB 930, PN 1313**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Ross
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	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causier	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petri	Vereb
Daley	Kessler	Petrone	Vitali
Dally	Killion	Phillips	Vulakovich
DeLuca	King	Pickett	Wagner

Denlinger	Kirkland	Preston	Walko
DePasquale	Kortz	Pyle	Wansacz
Dermody	Kotik	Quigley	Waters
DeWeese	Kula	Quinn	Watson
DiGirolamo	Leach	Ramaley	Wheatley
Donatucci	Lentz	Rapp	White
Eachus	Levdansky	Raymond	Williams
Ellis	Longietti	Readshaw	Wojnaroski
Evans, D.	Mackereth	Reed	Yewcic
Evans, J.	Maher	Reichley	Youngblood
Everett	Mahoney	Roae	Yudichak
Fabrizio	Major	Rock	
Fairchild	Manderino	Roebuck	O'Brien, D.,
Fleck	Mann	Rohrer	Speaker
Frankel	Mantz		

NAYS-3

Haluska	Metcalfe	Petrarca
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NOT VOTING-0

EXCUSED-0

The two-thirds 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.

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The House proceeded to third consideration of **SB 931, PN 1114**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

YEAS-200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
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	Micozzie	Seip
Biancucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	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-3

Haluska	Metcalfe	Sabatina
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NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 932, PN 1115**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Markosek	Ross
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	Micozzie	Seip
Bianucci	Godshall	Millard	Shapiro
Bishop	Goodman	Miller	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, M.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Cruz	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	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	Rohrer	

NAYS—2

Haluska Metcalfe

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 933, PN 1116**, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—178

Adolph	Frankel	Markosek	Rubley
Argall	Freeman	Marshall	Sabatina
Baker	Gabig	Marsico	Sainato
Barrar	Galloway	McCall	Santoni
Bastian	Geist	McGeehan	Saylor
Bear	George	McI. Smith	Scavello
Belfanti	Gerber	McIlhattan	Schroder
Benninghoff	Gergely	Melio	Shapiro
Bennington	Gibbons	Mensch	Shimkus
Beyer	Gingrich	Micozzie	Siptroth
Bianucci	Godshall	Millard	Smith, K.
Bishop	Goodman	Milne	Smith, M.
Blackwell	Grell	Moyer	Smith, S.
Boback	Harhai	Mundy	Solobay
Boyd	Harhart	Murt	Staback
Brennan	Harkins	Mustio	Stairs
Brooks	Harper	Myers	Steil
Buxton	Harris	Nailor	Stern
Caltagirone	Helm	Nickol	Stevenson
Cappelli	Hennessey	O'Brien, M.	Sturla
Casorio	Hershey	O'Neill	Surra
Causar	Hess	Oliver	Swanger
Civera	Hickernell	Pallone	Tangretti
Clymer	Hornaman	Parker	Taylor, J.
Cohen	James	Pashinski	Taylor, R.

Conklin	Josephs	Payne	Thomas
Costa	Keller, M.	Payton	True
Cox	Keller, W.	Perzel	Turzai
Cruz	Kenney	Petrarca	Vereb
Curry	Kessler	Petri	Vitali
Daley	Killion	Petrone	Vulakovich
Dally	Kirkland	Phillips	Wagner
DeLuca	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Raymond	White
Eachus	Longietti	Readshaw	Williams
Evans, D.	Maher	Reed	Wojnaroski
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D.,
Fleck	Mantz	Ross	Speaker

NAYS—25

Carroll	Haluska	Metcalfe	Rapp
Creighton	Hanna	Miller	Rohrer
Cutler	Hutchinson	Moul	Samuelson
Denlinger	Kauffman	Peifer	Seip
Ellis	King	Perry	Sonney
Gillespie	Mackereth	Pyle	Yewcic
Grucela			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 934, PN 1314**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—181

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

NAYS—22

Carroll	Grucela	Metcalfe	Peifer
Cox	Haluska	Miller	Perry
Creighton	Hennessey	Moul	Samuelson
Cutler	Kauffman	O'Brien, M.	Seip
Denlinger	King	Pashinski	Yewcic
Gillespie	Mackereth		

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 935, PN 1118**, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—177

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

Fabrizio	Manderino	Roae	O'Brien, D.,
Fairchild	Mann	Rock	Speaker
Fleck	Mantz	Roebuck	

NAYS—25

Carroll	Hanna	Miller	Samuelson
Creighton	Hutchinson	Moul	Saylor
Denlinger	Kauffman	Peifer	Seip
Ellis	King	Perry	Thomas
Gillespie	Mackereth	Pyle	Turzai
Grucela	Metcalfe	Rohrer	Yewcic
Haluska			

NOT VOTING—1

Clymer

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 936, PN 1119**, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—170

Adolph	Freeman	Marshall	Sabatina
Argall	Gabig	Marsico	Sainato
Baker	Galloway	McCall	Santoni
Barrar	Geist	McGeehan	Scavello
Bastian	George	McI. Smith	Schroder
Bear	Gerber	McIlhattan	Shapiro
Belfanti	Gergely	Melio	Shimkus
Benninghoff	Gingrich	Mensch	Siptroth
Bennington	Godshall	Micozzie	Smith, K.
Beyer	Goodman	Millard	Smith, M.
Biancucci	Grell	Milne	Smith, S.
Bishop	Harhai	Moyer	Solobay

Blackwell	Harhart	Mundy	Sonney
Boback	Harkins	Murt	Staback
Boyd	Harper	Mustio	Stairs
Buxton	Harris	Myers	Steil
Caltagirone	Helm	Nailor	Stern
Cappelli	Hershey	Nickol	Sturla
Casorio	Hess	O'Brien, M.	Surra
Causer	Hickernell	O'Neill	Swanger
Civera	Hornaman	Oliver	Tangretti
Clymer	James	Pallone	Taylor, J.
Cohen	Josephs	Parker	Taylor, R.
Conklin	Keller, M.	Pashinski	Thomas
Costa	Keller, W.	Payne	True
Cruz	Kenney	Payton	Turzai
Curry	Kessler	Perzel	Vereb
Daley	Killion	Petrarca	Vitali
Dally	Kirkland	Petri	Vulakovich
DeLuca	Kortz	Petrone	Wagner
DePasquale	Kotik	Phillips	Walko
Dermody	Kula	Pickett	Wansacz
DeWeese	Leach	Preston	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longietti	Ramaley	White
Evans, D.	Maher	Raymond	Williams
Evans, J.	Mahoney	Reed	Wojnaroski
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	Yudichak
Fairchild	Mann	Rock	
Fleck	Mantz	Ross	O'Brien, D.,
Frankel	Markosek	Rubley	Speaker

NAYS-33

Brennan	Gillespie	Mackereth	Readshaw
Brooks	Grucela	Metcalfe	Roebuck
Carroll	Haluska	Miller	Rohrer
Cox	Hanna	Moul	Samuelson
Creighton	Hennessey	Peifer	Saylor
Cutler	Hutchinson	Perry	Seip
Denlinger	Kauffman	Pyle	Stevenson
Ellis	King	Rapp	Yewcic
Gibbons			

NOT VOTING-0

EXCUSED-0

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

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

The House proceeded to third consideration of **SB 937, PN 1120**, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-170

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

NAYS-33

Brennan	Grucela	Mackereth	Rapp
Carroll	Haluska	Metcalfe	Rohrer
Creighton	Hanna	Miller	Samuelson
Cutler	Harhart	Moul	Saylor
Denlinger	Hennessey	Nickol	Seip
Ellis	Hutchinson	Peifer	Stevenson
Everett	Kauffman	Perry	Turzai
Gillespie	Keller, M.	Pyle	Yewcic
Grell			

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 938, PN 1121**, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—171

Adolph	Frankel	Marshall	Rubley
Argall	Freeman	Marsico	Sabatina
Baker	Gabig	McCall	Sainato
Barrar	Galloway	McGeehan	Santoni
Bastian	Geist	McI. Smith	Scavello
Bear	George	McIlhattan	Schroder
Belfanti	Gerber	Melio	Shapiro
Benninghoff	Gergely	Mensch	Shimkus
Bennington	Gibbons	Micozzie	Siptroth
Beyer	Gingrich	Millard	Smith, K.
Bianucci	Godshall	Milne	Smith, M.
Bishop	Goodman	Moyer	Smith, S.
Blackwell	Harhai	Mundy	Solobay
Boback	Harhart	Murt	Sonney
Boyd	Harkins	Mustio	Staback
Brennan	Harper	Myers	Stairs
Brooks	Harris	Nailor	Steil
Buxton	Helm	O'Brien, M.	Stern
Caltagirone	Hershey	O'Neill	Sturla
Cappelli	Hess	Oliver	Surra
Casorio	Hickernell	Pallone	Swanger
Causar	Hornaman	Parker	Tangretti
Civera	James	Pashinski	Taylor, J.
Clymer	Josephs	Payne	Taylor, R.
Cohen	Keller, W.	Payton	Thomas
Conklin	Kenney	Perzel	True
Costa	Kessler	Petrarca	Vereb
Cox	Killion	Petri	Vitali
Cruz	King	Petrone	Vulakovich
Curry	Kirkland	Phillips	Wagner
Daley	Kortz	Pickett	Walko
Dally	Kotik	Preston	Wansacz
DeLuca	Kula	Quigley	Waters
DePasquale	Leach	Quinn	Watson
Dermody	Lentz	Ramaley	Wheatley

DeWeese	Levdansky	Raymond	White
DiGirolamo	Longietti	Readshaw	Williams
Donatucci	Maher	Reed	Wojnaroski
Eachus	Mahoney	Reichley	Youngblood
Evans, D.	Major	Roae	Yudichak
Evans, J.	Manderino	Rock	
Fabrizio	Mann	Roebuck	O'Brien, D.,
Fairchild	Markosek	Ross	Speaker
Fleck			

NAYS—32

Carroll	Grucela	Mantz	Rapp
Creighton	Haluska	Metcalfe	Rohrer
Cutler	Hanna	Miller	Samuelson
Denlinger	Hennessey	Moul	Saylor
Ellis	Hutchinson	Nickol	Seip
Everett	Kauffman	Peifer	Stevenson
Gillespie	Keller, M.	Perry	Turzai
Grell	Mackereth	Pyle	Yewcic

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 939, PN 1122**, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

For what purpose does the gentleman, Mr. Petrarca, rise?
Mr. PETRARCA. To speak on the bill, Mr. Speaker.
The SPEAKER pro tempore. The gentleman is recognized and may proceed.
Please suspend.

Thank you, members. Mr. Petrarca is seeking recognition.
Mr. PETRARCA. Thank you, Mr. Speaker.

I rise on SB 939, the appropriation for the University of the Arts school in Philadelphia, because I am going to be voting in the negative on this bill, and I wanted to just let the House know my reasons.

I feel that this school in Philadelphia, unfortunately, does not treat homeschool students properly in Pennsylvania, and in fact, in their admissions policies they discriminate against homeschoolers. I think that is something we should look at in the future, and I will ask the House Education Committee to look at that, and hopefully this situation will be corrected. In fact, I contacted the university to discuss this matter with them, and they would not even give me the courtesy of a return phone call.

So for that reason I will be voting against this appropriation, and again, I hope that in the future we can look at this issue a little closer and that homeschool students will not be discriminated against by this university.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else seeking recognition?

Seeing none, the question is, shall the bill pass finally?

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—106

Argall	Fabrizio	Manderino	Sainato
Baker	Fairchild	Mann	Santoni
Bear	Frankel	Markosek	Shapiro
Belfanti	Freeman	McCall	Siptroth
Bennington	Galloway	McGeehan	Smith, K.
Beyer	Geist	McI. Smith	Smith, S.
Bianucci	George	Melio	Solobay
Bishop	Gerber	Millard	Stairs
Blackwell	Godshall	Moyer	Sturla
Brennan	Goodman	Mundy	Surra
Buxton	Harhai	Myers	Taylor, J.
Caltagirone	Harkins	O'Brien, M.	Taylor, R.
Cappelli	Harper	O'Neill	Thomas
Casorio	Hershey	Oliver	Vitali
Cohen	Hickernell	Parker	Wagner
Conklin	James	Pashinski	Walko
Costa	Josephs	Payton	Waters
Cruz	Keller, W.	Perzel	Watson
Curry	Kenney	Petri	Wheatley
Daley	Kirkland	Petrone	White
DePasquale	Kotik	Phillips	Williams
Dermody	Kula	Pickett	Wojnaroski
DeWeese	Leach	Quinn	Youngblood
DiGirolamo	Lentz	Ramaley	Yudichak
Donatucci	Levdansky	Roebuck	
Eachus	Mahoney	Ross	O'Brien, D., Speaker
Evans, D.	Major	Sabatina	

NAYS—97

Adolph	Gingrich	McIlhattan	Roae
Barrar	Grell	Mensch	Rock
Bastian	Grucela	Metcalfe	Rohrer
Benninghoff	Haluska	Micozzie	Rublely
Boback	Hanna	Miller	Samuelson
Boyd	Harhart	Milne	Saylor
Brooks	Harris	Moul	Scavello
Carroll	Helm	Murt	Schroder
Causser	Hennessey	Mustio	Seip
Civera	Hess	Nailor	Shimkus
Clymer	Hornaman	Nickol	Smith, M.
Cox	Hutchinson	Pallone	Sonney

Creighton	Kauffman	Payne	Staback
Cutler	Keller, M.	Peifer	Steil
Dally	Kessler	Perry	Stern
DeLuca	Killion	Petrarca	Stevenson
Denlinger	King	Preston	Swanger
Ellis	Kortz	Pyle	Tangretti
Evans, J.	Longiotti	Quigley	True
Everett	Mackereth	Rapp	Turzai
Fleck	Maher	Raymond	Vereb
Gabig	Mantz	Readshaw	Vulakovich
Gergely	Marshall	Reed	Wansacz
Gibbons	Marsico	Reichley	Yewcic
Gillespie			

NOT VOTING—0

EXCUSED—0

Less than the two-thirds required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

* * *

The House proceeded to third consideration of **SB 940, PN 1123**, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—160

Adolph	Fabrizio	McCall	Sabatina
Argall	Frankel	McGeehan	Sainato
Baker	Freeman	McI. Smith	Santoni
Barrar	Gabig	McIlhattan	Scavello
Bastian	Galloway	Melio	Shapiro
Bear	Geist	Mensch	Shimkus
Belfanti	George	Micozzie	Siptroth
Benninghoff	Gerber	Millard	Smith, K.
Bennington	Gergely	Milne	Smith, M.
Beyer	Gibbons	Moyer	Smith, S.
Bianucci	Gingrich	Mundy	Solobay
Bishop	Godshall	Murt	Staback
Blackwell	Goodman	Mustio	Stairs
Boback	Harhai	Myers	Steil
Brennan	Harkins	Nailor	Stern
Brooks	Harper	O'Brien, M.	Sturla
Buxton	Helm	O'Neill	Surra
Caltagirone	Hershey	Oliver	Swanger

Cappelli	Hess	Pallone	Tangretti
Casorio	Hickernell	Parker	Taylor, J.
Causer	James	Pashinski	Taylor, R.
Civera	Josephs	Payne	Thomas
Clymer	Keller, W.	Payton	True
Cohen	Kenney	Perzel	Vereb
Conklin	Kessler	Petrarca	Vitali
Costa	Killion	Petri	Vulakovich
Cox	King	Petrone	Wagner
Cruz	Kirkland	Phillips	Walko
Curry	Kortz	Pickett	Wansacz
Daley	Kotik	Preston	Waters
Dally	Kula	Quigley	Watson
DeLuca	Leach	Quinn	Wheatley
DePasquale	Lentz	Ramaley	White
Dermody	Levdansky	Raymond	Williams
DeWeese	Longietti	Readshaw	Wojnaroski
DiGirolamo	Mahoney	Roae	Youngblood
Donatucci	Manderino	Rock	Yudichak
Eachus	Mann	Roebuck	
Evans, D.	Markosek	Ross	O'Brien, D.,
Evans, J.	Marshall	Rubley	Speaker
Everett	Marsico		

NAYS-43

Boyd	Haluska	Major	Reichley
Carroll	Hanna	Mantz	Rohrer
Creighton	Harhart	Metcalfe	Samuelson
Cutler	Harris	Miller	Saylor
Denlinger	Hennessey	Moul	Schroder
Ellis	Hornaman	Nickol	Seip
Fairchild	Hutchinson	Peifer	Sonney
Fleck	Kauffman	Perry	Stevenson
Gillespie	Keller, M.	Pyle	Turzai
Grell	Mackereth	Rapp	Yewcic
Grucela	Maher	Reed	

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 941, PN 1124**, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-159

Adolph	Fleck	Marsico	Sabatina
Argall	Frankel	McCall	Sainato
Baker	Freeman	McGeehan	Santoni
Barrar	Galloway	McI. Smith	Scavello
Bastian	Geist	Melio	Shapiro
Bear	George	Mensch	Shimkus
Belfanti	Gerber	Micozzie	Siproth
Benninghoff	Gergely	Millard	Smith, K.
Bennington	Gibbons	Milne	Smith, M.
Beyer	Gingrich	Moyer	Smith, S.
Biancucci	Godshall	Mundy	Solobay
Bishop	Goodman	Murt	Staback
Blackwell	Harhai	Mustio	Stairs
Boback	Harkins	Myers	Steil
Brennan	Harper	O'Brien, M.	Stern
Brooks	Helm	O'Neill	Sturla
Buxton	Hershey	Oliver	Surra
Caltagirone	Hess	Pallone	Swanger
Cappelli	Hickernell	Parker	Tangretti
Casorio	James	Pashinski	Taylor, J.
Causer	Josephs	Payne	Taylor, R.
Civera	Keller, W.	Payton	Thomas
Clymer	Kenney	Peifer	True
Cohen	Kessler	Perzel	Vereb
Conklin	Killion	Petrarca	Vitali
Costa	Kirkland	Petri	Vulakovich
Cruz	Kortz	Petrone	Wagner
Curry	Kotik	Phillips	Walko
Daley	Kula	Pickett	Wansacz
Dally	Leach	Preston	Waters
DeLuca	Lentz	Quigley	Watson
DePasquale	Levdansky	Quinn	Wheatley
Dermody	Longietti	Ramaley	White
DeWeese	Maher	Raymond	Williams
DiGirolamo	Mahoney	Readshaw	Wojnaroski
Donatucci	Major	Roae	Youngblood
Eachus	Manderino	Rock	Yudichak
Evans, D.	Mann	Roebuck	
Evans, J.	Markosek	Ross	O'Brien, D.,
Fabrizio	Marshall	Rubley	Speaker
Fairchild			

NAYS-44

Boyd	Grucela	Mackereth	Reed
Carroll	Haluska	Mantz	Reichley
Cox	Hanna	McIlhattan	Rohrer
Creighton	Harhart	Metcalfe	Samuelson
Cutler	Harris	Miller	Saylor
Denlinger	Hennessey	Moul	Schroder
Ellis	Hornaman	Nailor	Seip
Everett	Hutchinson	Nickol	Sonney
Gabig	Kauffman	Perry	Stevenson
Gillespie	Keller, M.	Pyle	Turzai
Grell	King	Rapp	Yewcic

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 942, PN 1125**, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—162

Adolph	Fleck	Marsico	Sabatina
Argall	Frankel	McCall	Sainato
Baker	Freeman	McGeehan	Santoni
Barrar	Galloway	McI. Smith	Scavello
Bastian	Geist	McIlhattan	Shapiro
Bear	George	Melio	Shimkus
Belfanti	Gerber	Mensch	Siptroth
Benninghoff	Gergely	Micozzie	Smith, K.
Bennington	Gibbons	Millard	Smith, M.
Beyer	Gingrich	Milne	Smith, S.
Biancucci	Godshall	Moyer	Solobay
Bishop	Goodman	Mundy	Sonney
Blackwell	Harhai	Murt	Staback
Boback	Harkins	Mustio	Stairs
Brennan	Harper	Myers	Steil
Brooks	Helm	O'Brien, M.	Stern
Buxton	Hershey	O'Neill	Sturla
Caltagirone	Hess	Oliver	Surra
Cappelli	Hickernell	Pallone	Swanger
Casorio	James	Parker	Tangretti
Causer	Josephs	Pashinski	Taylor, J.
Civera	Keller, W.	Payne	Taylor, R.
Clymer	Kenney	Payton	Thomas
Cohen	Kessler	Peifer	True
Conklin	Killion	Perzel	Vereb
Costa	King	Petrarca	Vitali
Cruz	Kirkland	Petri	Vulakovich
Curry	Kortz	Petrone	Wagner
Daley	Kotik	Phillips	Walko
Dally	Kula	Pickett	Wansacz
DeLuca	Leach	Preston	Waters
DePasquale	Lentz	Quigley	Watson
Dermody	Levdansky	Quinn	Wheatley
DeWeese	Longietti	Ramaley	White
DiGirolamo	Maher	Raymond	Williams
Donatucci	Mahoney	Readshaw	Wojnaroski
Eachus	Major	Roae	Youngblood
Evans, D.	Manderino	Rock	Yudichak

Evans, J.	Mann	Roebuck	
Fabrizio	Markosek	Ross	O'Brien, D.,
Fairchild	Marshall	Rubley	Speaker

NAYS—41

Boyd	Grucela	Mackereth	Reed
Carroll	Haluska	Mantz	Reichley
Cox	Hanna	Metcalfe	Rohrer
Creighton	Harhart	Miller	Samuelson
Cutler	Harris	Moul	Saylor
Denlinger	Hennessey	Nailor	Schroder
Ellis	Hornaman	Nickol	Seip
Everett	Hutchinson	Perry	Stevenson
Gabig	Kauffman	Pyle	Turzai
Gillespie	Keller, M.	Rapp	Yewcic
Grell			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 943, PN 1126**, entitled:

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—171

Adolph	Frankel	Marsico	Ross
Argall	Freeman	McCall	Rubley
Baker	Gabig	McGeehan	Sabatina
Barrar	Galloway	McI. Smith	Sainato
Bastian	Geist	McIlhattan	Santoni
Bear	George	Melio	Scavello
Belfanti	Gerber	Mensch	Shapiro
Benninghoff	Gergely	Micozzie	Shimkus
Bennington	Gibbons	Millard	Siptroth
Beyer	Gingrich	Milne	Smith, K.
Biancucci	Godshall	Moyer	Smith, M.

Bishop	Goodman	Mundy	Smith, S.
Blackwell	Harhai	Murt	Solobay
Boback	Harkins	Mustio	Sonney
Boyd	Harper	Myers	Staback
Brennan	Helm	Nailor	Stairs
Brooks	Hershey	O'Brien, M.	Steil
Buxton	Hess	O'Neill	Stern
Caltagirone	Hickernell	Oliver	Sturla
Cappelli	Hornaman	Pallone	Surra
Casorio	Hutchinson	Parker	Swanger
Causer	James	Pashinski	Tangretti
Civera	Josephs	Payne	Taylor, J.
Clymer	Keller, W.	Payton	Taylor, R.
Cohen	Kenney	Perzel	Thomas
Conklin	Kessler	Petrarca	True
Costa	Killion	Petri	Vereb
Cox	King	Petrone	Vitali
Cruz	Kirkland	Phillips	Vulakovich
Curry	Kortz	Pickett	Wagner
Daley	Kotik	Preston	Walko
Dally	Kula	Pyle	Wansacz
DeLuca	Leach	Quigley	Waters
DePasquale	Lentz	Quinn	Watson
Dermody	Levdansky	Ramaley	Wheatley
DeWeese	Longietti	Rapp	White
DiGirolamo	Maher	Raymond	Williams
Donatucci	Mahoney	Readshaw	Wojnaroski
Eachus	Major	Reed	Youngblood
Evans, D.	Manderino	Reichley	Yudichak
Evans, J.	Mann	Roae	
Fabrizio	Markosek	Rock	O'Brien, D.,
Fairchild	Marshall	Roebuck	Speaker
Fleck			

NAYS-32

Carroll	Grucela	Mackereth	Rohrer
Creighton	Haluska	Mantz	Samuelson
Cutler	Hanna	Metcalfe	Saylor
Denlinger	Harhart	Miller	Schroder
Ellis	Harris	Moul	Seip
Everett	Hennessey	Nickol	Stevenson
Gillespie	Kauffman	Peifer	Turzai
Grell	Keller, M.	Perry	Yewcic

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 944, PN 1127**, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-188

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

NAYS-15

Carroll	Hanna	Miller	Saylor
Creighton	Harris	Peifer	Seip
Gillespie	Mackereth	Perry	Yewcic
Haluska	Metcalfe	Samuelson	

NOT VOTING-0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 945, PN 1128**, entitled:

An Act making an appropriation to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—182

Adolph	Frankel	Markosek	Roebuck
Argall	Freeman	Marshall	Ross
Baker	Gabig	Marsico	Rubley
Barrar	Galloway	McCall	Sabatina
Bastian	Geist	McGeehan	Sainato
Bear	George	McI. Smith	Santoni
Belfanti	Gerber	McIlhattan	Scavello
Benninghoff	Gergely	Melio	Schroder
Bennington	Gibbons	Mensch	Shapiro
Beyer	Gingrich	Micozzie	Shimkus
Bianucci	Godshall	Millard	Siptroth
Bishop	Goodman	Milne	Smith, K.
Blackwell	Grell	Moyer	Smith, M.
Boback	Harhai	Mundy	Smith, S.
Boyd	Harhart	Murt	Solobay
Brennan	Harkins	Mustio	Sonney
Brooks	Harper	Myers	Staback
Buxton	Helm	Nailor	Stairs
Caltagirone	Hennessey	Nickol	Steil
Cappelli	Hershey	O'Brien, M.	Stern
Casorio	Hess	O'Neill	Sturla
Causar	Hickernell	Oliver	Surra
Civera	Hornaman	Pallone	Swanger
Clymer	James	Parker	Tangretti
Cohen	Josephs	Pashinski	Taylor, J.
Conklin	Kauffman	Payne	Taylor, R.
Costa	Keller, M.	Payton	Thomas
Cox	Keller, W.	Peifer	True
Cruz	Kenney	Perzel	Turzai
Curry	Kessler	Petrarca	Vereb

Cutler	Killion	Petri	Vitali
Daley	King	Petrono	Vulakovich
Dally	Kirkland	Phillips	Wagner
DeLuca	Kortz	Pickett	Walko
Denlinger	Kotik	Preston	Wansacz
DePasquale	Kula	Pyle	Waters
Dermody	Leach	Quigley	Watson
DeWeese	Lentz	Quinn	Wheatley
DiGirolamo	Levdansky	Ramaley	White
Donatucci	Longietti	Rapp	Williams
Eachus	Maher	Raymond	Wojnaroski
Evans, D.	Mahoney	Readshaw	Youngblood
Evans, J.	Major	Reed	Yudichak
Fabrizio	Manderino	Reichley	
Fairchild	Mann	Roae	O'Brien, D., Speaker
Fleck	Mantz	Rock	

NAYS—21

Carroll	Haluska	Metcalfe	Samuelson
Creighton	Hanna	Miller	Saylor
Ellis	Harris	Moul	Seip
Everett	Hutchinson	Perry	Stevenson
Gillespie	Mackereth	Rohrer	Yewcic
Gruccela			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 946, PN 1129**, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

On the question, the gentleman, Mr. Benninghoff, is recognized.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, I just wanted to ask if somebody could answer a question about specifically what this entity is. I would like to be able to ask if maybe the Appropriations chairman could answer that.

The SPEAKER pro tempore. Mr. Evans, will you agree to be interrogated on this particular bill?

The gentleman has agreed, and you may proceed.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, I see this listed as the Central Penn Oncology Group. My question is whether this is a private entity or some type of private practice or whom they might be affiliated with.

Mr. D. EVANS. Mr. Speaker, can I at least temporarily go over this particular issue and then I will come back and get an answer to the question for him, Mr. Speaker, for the gentleman. Can I go over this, and I will get him an answer and come back to that question. Just go over this, Mr. Speaker?

Mr. BENNINGHOFF. That is fine. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. At the request of the gentleman, Mr. Evans, in order to obtain information, we are temporarily going over this bill.

FILMING PERMISSION

The SPEAKER pro tempore. Permission has been granted to the gentleman, Mr. Paul Chaplin, of the Harrisburg Patriot-News to take still photographs for a period of up to 10 minutes.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 947, PN 1315**, entitled:

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Santoni
Bear	Gerber	McI. Smith	Saylor
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gingrich	Mensch	Shapiro

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

NAYS—16

Carroll	Haluska	Metcalfe	Rohrer
Ellis	Hanna	Miller	Samuelson
Everett	Harris	Moul	Seip
Gillespie	Mackereth	Perry	Yewcic

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 948, PN 1131**, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—184

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

NAYS—19

Carroll	Grucela	Mackereth	Samuelson
Creighton	Haluska	Metcalfe	Saylor
Ellis	Hanna	Miller	Seip
Everett	Harris	Perry	Yewcic
Gillespie	Hutchinson	Rohrer	

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 950, PN 1132**, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

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

Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	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.	Maher	Readshaw	Youngblood
Evans, J.	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker

NAYS-17

Carroll	Hanna	Miller	Samuelson
Creighton	Harris	Moul	Saylor
Everett	Mackereth	Perry	Seip
Gillespie	Metcalfe	Rohrer	Yewcic
Haluska			

NOT VOTING-0

EXCUSED-0

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

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

CONSIDERATION OF SB 946 CONTINUED

The SPEAKER pro tempore. With the understanding that the gentleman, Mr. Benninghoff, has been satisfied with the sidebar answers of the gentleman, Mr. Dwight Evans, we will return to SB 946, PN 1129.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-185

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Santoni
Bear	Gerber	McI. Smith	Scavello
Belfanti	Gergely	McIlhattan	Schroder
Benninghoff	Gibbons	Melio	Shapiro
Bennington	Gingrich	Mensch	Shimkus
Beyer	Godshall	Micozzie	Siptroth
Bianucci	Goodman	Millard	Smith, K.
Bishop	Grell	Milne	Smith, M.
Blackwell	Harhai	Moyer	Smith, S.
Boback	Harhart	Mundy	Solobay
Boyd	Harkins	Murt	Sonney

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

NAYS-18

Carroll	Grucela	Miller	Samuelson
Creighton	Haluska	Moul	Saylor
Ellis	Hanna	Perry	Seip
Everett	Mackereth	Rohrer	Yewcic
Gillespie	Metcalfe		

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 951, PN 1133**, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

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

NAYS—17

Carroll	Haluska	Miller	Samuelson
Creighton	Hanna	Moul	Saylor
Ellis	Mackereth	Perry	Seip
Everett	Metcalfe	Rohrer	Yewcic
Gillespie			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 952, PN 1134**, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—185

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

Dermody	Kula	Quigley	Watson
DeWeese	Leach	Quinn	Wheatley
DiGirolamo	Lentz	Ramaley	White
Donatucci	Levdansky	Rapp	Williams
Eachus	Longietti	Raymond	Wojnaroski
Ellis	Maher	Readshaw	Youngblood
Evans, D.	Mahoney	Reed	Yudichak
Evans, J.	Major	Reichley	
Fabrizio	Manderino	Roae	O'Brien, D.,
Fairchild	Mann	Rock	Speaker
Fleck	Mantz	Roebuck	

NAYS-18

Carroll	Haluska	Miller	Samuelson
Creighton	Hanna	Moul	Saylor
Everett	Harhart	Perry	Seip
Gillespie	Mackereth	Rohrer	Yewcic
Grucela	Metcalfe		

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 953, PN 1316**, entitled:

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-170

Adolph	Frankel	Marsico	Sainato
Argall	Freeman	McCall	Santoni
Baker	Gabig	McGeehan	Scavello
Barrar	Galloway	McI. Smith	Schroder
Bastian	Geist	McIlhattan	Shapiro
Bear	George	Melio	Shimkus
Belfanti	Gerber	Mensch	Siptroth
Bennington	Gergely	Micozzie	Smith, K.

Beyer	Gibbons	Millard	Smith, M.
Bianucci	Gingrich	Milne	Smith, S.
Bishop	Godshall	Moyer	Solobay
Blackwell	Goodman	Mundy	Sonney
Boback	Grell	Murt	Staback
Brennan	Harhai	Mustio	Stairs
Brooks	Harkins	Myers	Steil
Buxton	Harper	Nailor	Stern
Caltagirone	Helm	Nickol	Stevenson
Cappelli	Hennessey	O'Brien, M.	Sturla
Casorio	Hershey	Oliver	Surra
Causer	Hess	Pallone	Swanger
Civera	Hickernell	Parker	Tangretti
Clymer	James	Pashinski	Taylor, J.
Cohen	Josephs	Payton	Taylor, R.
Conklin	Keller, M.	Peifer	Thomas
Costa	Keller, W.	Perzel	True
Cruz	Kenney	Petrarca	Turzai
Curry	Kessler	Petri	Vereb
Daley	Kirkland	Petrone	Vitali
Dally	Kortz	Phillips	Vulakovich
DeLuca	Kotik	Pickett	Wagner
Denlinger	Kula	Preston	Walko
DePasquale	Leach	Pyle	Wansacz
Dermody	Lentz	Quigley	Waters
DeWeese	Levdansky	Quinn	Watson
DiGirolamo	Longietti	Ramaley	Wheatley
Donatucci	Maher	Raymond	White
Eachus	Mahoney	Readshaw	Williams
Ellis	Major	Reed	Wojnaroski
Evans, D.	Manderino	Reichley	Youngblood
Evans, J.	Mann	Roebuck	Yudichak
Fabrizio	Markosek	Ross	
Fairchild	Marshall	Rubley	O'Brien, D.,
Fleck		Sabatina	Speaker

NAYS-33

Benninghoff	Haluska	Mackereth	Rapp
Boyd	Hanna	Mantz	Roae
Carroll	Harhart	Metcalfe	Rock
Cox	Harris	Miller	Rohrer
Creighton	Hornaman	Moul	Samuelson
Cutler	Hutchinson	O'Neill	Saylor
Everett	Kauffman	Payne	Seip
Gillespie	King	Perry	Yewcic
Grucela			

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 954, PN 1317**, entitled:

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—167

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

NAYS—36

Benninghoff	Grucela	Mantz	Roae
Boyd	Haluska	Metcalfe	Rock
Brooks	Hanna	Miller	Rohrer
Carroll	Harhart	Moul	Samuelson
Cox	Harris	Payne	Seip
Creighton	Hornaman	Peifer	Sonney
Cutler	Hutchinson	Perry	Stevenson
Everett	Kauffman	Pyle	Turzai
Gillespie	Mackereth	Rapp	Yewcic

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 955, PN 1318**, entitled:

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—166

Adolph	Freeman	Marshall	Sabatina
Argall	Gabig	Marsico	Sainato
Baker	Galloway	McCall	Santoni
Barrar	Geist	McGeehan	Scavello
Bastian	George	McI. Smith	Schroder
Bear	Gerber	McIlhattan	Shapiro
Belfanti	Gergely	Melio	Shimkus
Bennington	Gibbons	Mensch	Siptroth
Beyer	Gingrich	Micozzie	Smith, K.
Biancucci	Godshall	Millard	Smith, M.
Bishop	Goodman	Milne	Smith, S.
Blackwell	Grell	Moyer	Solobay
Boback	Harhai	Mundy	Sonney
Brennan	Harhart	Murt	Staback
Buxton	Harkins	Mustio	Stairs
Caltagirone	Harper	Myers	Steil
Cappelli	Helm	Nailor	Stern
Casorio	Hennessey	Nickol	Sturla
Causer	Hershey	O'Brien, M.	Surra
Civera	Hess	O'Neill	Swanger
Clymer	Hickernell	Oliver	Tangretti
Cohen	James	Pallone	Taylor, J.
Conklin	Josephs	Parker	Taylor, R.
Costa	Keller, W.	Pashinski	Thomas
Cruz	Kenney	Payton	True
Curry	Kessler	Perzel	Vereb
Daley	Killion	Petrarca	Vitali
Dally	King	Petri	Vulakovich
DeLuca	Kirkland	Petrone	Wagner
Denlinger	Kortz	Phillips	Walko
DePasquale	Kotik	Pickett	Wansacz

Dermody	Kula	Preston	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Longietti	Raymond	Williams
Ellis	Maher	Readshaw	Wojnaroski
Evans, D.	Mahoney	Reed	Youngblood
Evans, J.	Major	Reichley	Yudichak
Fabrizio	Manderino	Roebuck	
Fairchild	Mann	Ross	O'Brien, D.,
Frankel	Markosek	Rubley	Speaker

NAYS-37

Benninghoff	Grucela	Mantz	Roae
Boyd	Haluska	Metcalfe	Rock
Brooks	Hanna	Miller	Rohrer
Carroll	Harris	Moul	Samuelson
Cox	Hornaman	Payne	Saylor
Creighton	Hutchinson	Peifer	Seip
Cutler	Kauffman	Perry	Stevenson
Everett	Keller, M.	Pyle	Turzai
Fleck	Mackereth	Rapp	Yewcic
Gillespie			

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 956, PN 1319**, entitled:

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-165

Adolph	Frankel	Marshall	Sainato
Argall	Freeman	McCall	Santoni
Baker	Gabig	McGeehan	Scavello
Barrar	Galloway	McI. Smith	Schroder

Bastian	Geist	McIlhattan	Shapiro
Bear	George	Melio	Shimkus
Belfanti	Gerber	Mensch	Sipthoth
Bennington	Gergely	Micozzie	Smith, K.
Beyer	Gibbons	Millard	Smith, M.
Bianucci	Gingrich	Milne	Smith, S.
Bishop	Godshall	Moyer	Solobay
Blackwell	Goodman	Mundy	Staback
Boback	Grell	Murt	Stairs
Brennan	Harhai	Mustio	Steil
Brooks	Harkins	Myers	Stern
Buxton	Harper	Nailor	Sturla
Caltagirone	Helm	Nickol	Surra
Cappelli	Hennessey	O'Brien, M.	Swanger
Casorio	Hershey	O'Neill	Tangretti
Causer	Hess	Oliver	Taylor, J.
Civera	Hickernell	Pallone	Taylor, R.
Clymer	James	Parker	Thomas
Cohen	Josephs	Pashinski	True
Conklin	Keller, W.	Payton	Turzai
Costa	Kenney	Perzel	Vereb
Cruz	Kessler	Petrarca	Vitali
Curry	Killion	Petri	Vulakovich
Daley	King	Petrone	Wagner
Dally	Kirkland	Phillips	Walko
DeLuca	Kortz	Pickett	Wansacz
Denlinger	Kotik	Preston	Waters
DePasquale	Kula	Quigley	Watson
Dermody	Leach	Quinn	Wheatley
DeWeese	Lentz	Ramaley	White
DiGirolamo	Levdansky	Raymond	Williams
Donatucci	Longietti	Readshaw	Wojnaroski
Eachus	Maher	Reed	Youngblood
Evans, D.	Mahoney	Reichley	Yudichak
Evans, J.	Major	Roebuck	
Fabrizio	Manderino	Ross	O'Brien, D.,
Fairchild	Mann	Rubley	Speaker
Fleck	Markosek	Sabatina	

NAYS-38

Benninghoff	Haluska	Marsico	Roae
Boyd	Hanna	Metcalfe	Rock
Carroll	Harhart	Miller	Rohrer
Cox	Harris	Moul	Samuelson
Creighton	Hornaman	Payne	Saylor
Cutler	Hutchinson	Peifer	Seip
Ellis	Kauffman	Perry	Sonney
Everett	Keller, M.	Pyle	Stevenson
Gillespie	Mackereth	Rapp	Yewcic
Grucela	Mantz		

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **SB 957, PN 1320**, entitled:

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—159

Adolph	Gabig	Marsico	Sainato
Argall	Galloway	McCall	Santoni
Baker	Geist	McGeehan	Scavello
Barrar	George	McI. Smith	Shapiro
Bastian	Gerber	McIlhattan	Shimkus
Bear	Gergely	Melio	Siptroth
Belfanti	Gibbons	Mensch	Smith, K.
Bennington	Gingrich	Micozzie	Smith, M.
Beyer	Godshall	Millard	Smith, S.
Biancucci	Goodman	Milne	Solobay
Bishop	Grell	Moyer	Sonney
Blackwell	Harhai	Mundy	Staback
Boback	Harkins	Murt	Stairs
Brennan	Harper	Mustio	Steil
Buxton	Helm	Myers	Stern
Caltagirone	Hennessey	Nailor	Sturla
Cappelli	Hershey	O'Brien, M.	Surra
Casorio	Hess	O'Neill	Swanger
Causer	Hickernell	Oliver	Tangretti
Civera	James	Pallone	Taylor, J.
Clymer	Josephs	Parker	Taylor, R.
Cohen	Keller, W.	Pashinski	Thomas
Conklin	Kenney	Payton	True
Costa	Kessler	Peifer	Vereb
Cruz	Killion	Perzel	Vitali
Curry	Kirkland	Petrarca	Vulakovich
Daley	Kortz	Petri	Wagner
Dally	Kotik	Petrone	Walko
DeLuca	Kula	Phillips	Wansacz
DePasquale	Leach	Pickett	Waters
Dermody	Lentz	Preston	Watson
DeWeese	Levdansky	Quigley	Wheatley
DiGirolamo	Longietti	Quinn	White
Donatucci	Maher	Ramaley	Williams
Eachus	Mahoney	Raymond	Wojnaroski
Evans, D.	Major	Readshaw	Youngblood
Evans, J.	Manderino	Roebuck	Yudichak
Fabrizio	Mann	Ross	
Fairchild	Markosek	Rublely	O'Brien, D.,
Frankel	Marshall	Sabatina	Speaker
Freeman			

NAYS—44

Benninghoff	Gillespie	Mackereth	Reichley
Boyd	Grucela	Mantz	Roae
Brooks	Haluska	Metcalfe	Rock
Carroll	Hanna	Miller	Rohrer
Cox	Harhart	Moul	Samuelson
Creighton	Harris	Nickol	Saylor
Cutler	Hornaman	Payne	Schroder
Denlinger	Hutchinson	Perry	Seip
Ellis	Kauffman	Pyle	Stevenson

Everett	Keller, M.	Rapp	Turzai
Fleck	King	Reed	Yewcic

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 958, PN 1321**, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—161

Adolph	Freeman	Marshall	Sabatina
Argall	Gabig	Marsico	Sainato
Baker	Galloway	McCall	Santoni
Barrar	Geist	McGeehan	Scavello
Bastian	George	McI. Smith	Shapiro
Bear	Gerber	McIlhattan	Shimkus
Belfanti	Gergely	Melio	Siptroth
Bennington	Gibbons	Mensch	Smith, K.
Beyer	Gingrich	Micozzie	Smith, M.
Biancucci	Godshall	Millard	Smith, S.
Bishop	Goodman	Milne	Solobay
Blackwell	Grell	Moyer	Staback
Boback	Harhai	Mundy	Stairs
Brennan	Harkins	Murt	Steil
Buxton	Harper	Mustio	Stern
Caltagirone	Helm	Myers	Sturla
Cappelli	Hennessey	Nailor	Surra
Casorio	Hershey	O'Brien, M.	Swanger
Causer	Hess	O'Neill	Tangretti
Civera	Hickernell	Oliver	Taylor, J.
Clymer	James	Pallone	Taylor, R.
Cohen	Josephs	Parker	Thomas
Conklin	Keller, W.	Pashinski	True
Costa	Kenney	Payton	Vereb
Cruz	Kessler	Peifer	Vitali
Curry	Killion	Perzel	Vulakovich

Daley	King	Petrarca	Wagner
Dally	Kirkland	Petri	Walko
DeLuca	Kortz	Petrone	Wansacz
DePasquale	Kotik	Phillips	Waters
Dermody	Kula	Pickett	Watson
DeWeese	Leach	Preston	Wheatley
DiGirolamo	Lentz	Quigley	White
Donatucci	Levdansky	Quinn	Williams
Eachus	Longietti	Ramaley	Wojnaroski
Evans, D.	Maher	Raymond	Youngblood
Evans, J.	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roebuck	O'Brien, D.,
Fleck	Mann	Ross	Speaker
Frankel	Markosek	Rubley	

NAYS—42

Benninghoff	Grucela	Metcalfe	Rock
Boyd	Haluska	Miller	Rohrer
Brooks	Hanna	Moul	Samuelson
Carroll	Harhart	Nickol	Saylor
Cox	Harris	Payne	Schroder
Creighton	Hornaman	Perry	Seip
Cutler	Hutchinson	Pyle	Sonney
Denlinger	Kauffman	Rapp	Stevenson
Ellis	Keller, M.	Reed	Turzai
Everett	Mackereth	Roae	Yewcic
Gillespie	Mantz		

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **SB 959, PN 1322**, entitled:

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—170

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

NAYS—33

Benninghoff	Gillespie	Mackereth	Roae
Boyd	Grucela	Mantz	Rohrer
Carroll	Haluska	Metcalfe	Samuelson
Cox	Hanna	Miller	Schroder
Creighton	Harhart	Moul	Seip
Cutler	Harris	Perry	Stevenson
Denlinger	Hornaman	Pyle	Turzai
Ellis	Hutchinson	Rapp	Yewcic
Everett			

NOT VOTING—0

EXCUSED—0

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

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

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

GUESTS INTRODUCED

The SPEAKER. The gentleman from Clearfield County, Representative Camille "Bud" George, has two special guests in the gallery today. David Wulderk, the former chairman of the Clearfield County Democratic Party, and his dad, Raymond, are with us today. A history teacher at Moshannon Valley High School, David Wulderk was county chairman for 22 years and remains the chairman of the Moshannon Valley Democratic Club, a post he has held for 28 years. He is also the organizer of various functions throughout Clearfield County and the Moshannon Valley, ranging from senior citizens fairs to the annual Bud George Day picnic. The Chair welcomes the gentleman. Would you please stand and be recognized.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 413, PN 1276**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—13

Creighton	Hennessey	Murt	Steil
Freeman	Mensch	Petri	Swanger
Galloway	Moul	Quinn	Watson
Harper			

NOT VOTING—1

Vitali

EXCUSED—0

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 455, PN 1243**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygiene practitioners.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—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
Biancucci	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
Causer	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			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **SB 466, PN 1329**, entitled:

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

On the question,
Shall the bill pass finally?

(Bill analysis was read.)

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—185

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

Eachus	Kotik	Ramaley	Wojnaroski
Ellis	Kula	Rapp	Yewcic
Evans, D.	Leach	Raymond	Youngblood
Evans, J.	Lentz	Readshaw	Yudichak
Everett	Levdansky	Reed	
Fabrizio	Longietti	Roae	O'Brien, D.,
Fairchild	Mackereth	Rock	Speaker
Fleck	Mahoney	Roebuck	

NAYS—18

Casorio	Marshall	Petri	Rubley
Clymer	Milne	Quinn	Steil
DiGirolamo	Murt	Reichley	Vereb
Harper	Mustio	Ross	Watson
Maher	O'Neill		

NOT VOTING—0

EXCUSED—0

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 548, PN 1299**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—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
Causer	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			

NAYS—0

NOT VOTING—0

EXCUSED—0

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 246, PN 1326**, 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 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 Mundy?

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

* * *

The House proceeded to third consideration of **HB 1422, PN 2293**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for food employee certification and for farmers' market; providing for penalties; and making related repeals.

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

Mr. **CARROLL** offered the following amendment No. **A03036**:

Amend Sec. 2 (Sec. 6504), page 44, line 28, by striking out "CERTIFIED SUPERVISORY EMPLOYEE" and inserting person in charge

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

AMENDMENT WITHDRAWN

The SPEAKER. That amendment is withdrawn.

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

Mr. **CARROLL** offered the following amendment No. **A03065**:

Amend Sec. 2 (Sec. 6504), page 44, line 28, by striking out "SUPERVISORY EMPLOYEE" and inserting person in charge

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

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

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, 3065 is a technical amendment to correct some of the language that was inserted into HB 1422 a week or so ago when we made a number of substantive changes to the bill.

I would ask for the members' support.

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

The following roll call was recorded:

YEAS—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
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Sipthroth
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
Causer	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	Longiatti	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			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—156

Adolph	Galloway	McI. Smith	Scavello
Argall	Geist	McIlhattan	Schroder
Baker	George	Melio	Seip
Barrar	Gerber	Micozzie	Shapiro
Bastian	Gergely	Millard	Shimkus
Belfanti	Gingrich	Miller	Siptroth
Bennington	Goodman	Milne	Smith, K.
Beyer	Grucela	Moul	Smith, M.
Bianucci	Hanna	Moyer	Smith, S.
Bishop	Harhart	Mundy	Solobay
Blackwell	Harkins	Mustio	Staback
Boback	Helm	Myers	Stairs
Brennan	Hennessey	Nailor	Steil
Buxton	Hershey	Nickol	Stern
Caltagirone	Hornaman	O'Brien, M.	Sturla
Cappelli	James	Oliver	Surra
Carroll	Josephs	Parker	Swanger
Civera	Keller, M.	Pashinski	Tangretti
Clymer	Keller, W.	Payne	Taylor, J.
Cohen	Kenney	Payton	Taylor, R.
Conklin	Kessler	Peifer	Thomas
Costa	Killion	Perzel	Turzai
Cruz	King	Petrarca	Verb
Curry	Kirkland	Petrone	Vitali
Daley	Kortz	Pickett	Vulakovich
Dally	Kula	Preston	Wagner
DeLuca	Leach	Quinn	Walko
Denlinger	Lentz	Ramaley	Wansacz
DePasquale	Levdansky	Raymond	Waters
Dermody	Maher	Reed	Watson
DeWeese	Mahoney	Reichley	Wheatley
DiGirolando	Major	Rock	White
Donatucci	Manderino	Roebuck	Williams
Eachus	Mann	Rohrer	Wojnaroski

Evans, D.	Mantz	Ross	Youngblood
Evans, J.	Markosek	Rubley	Yudichak
Fabrizio	Marshall	Sabatina	
Frankel	Marsico	Samuelson	O'Brien, D.,
Freeman	McCall	Santoni	Speaker
Gabig	McGeehan		

NAYS—46

Bear	Fleck	Kotik	Pyle
Benninghoff	Gibbons	Longiatti	Quigley
Boyd	Gillespie	Mackereth	Rapp
Brooks	Godshall	Mensch	Readshaw
Casorio	Grell	Metcalfe	Roae
Causer	Haluska	Murt	Sainato
Cox	Harhai	O'Neill	Saylor
Creighton	Harper	Pallone	Sonney
Cutler	Harris	Perry	Stevenson
Ellis	Hickernell	Petri	True
Everett	Hutchinson	Phillips	Yewcic
Fairchild	Kauffman		

NOT VOTING—1

Hess

EXCUSED—0

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

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. HANNA. Thank you, Mr. Speaker.

I would just like to submit some remarks for the record on HB 1422.

The SPEAKER. The gentleman is in order. The Chair thanks the gentleman.

Mr. HANNA. Thank you.

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

I rise today to encourage the members to support HB 1422. Recent outbreaks of food poisoning across the country have shown us that there is a definite food safety crisis in the United States. A step toward a solution, this bill streamlines the process for restaurant inspections so Pennsylvanians can be confident in the safety of the food that they eat.

This bill standardizes the Department of Agriculture's inspection and reporting process across the State so all restaurants are held to the same standard. It ensures that someone in Erie can be just as confident that his or her food is safe as someone in Philadelphia.

The State's Public Eating and Drinking Places Law is 60 years old, and this antiquated legislation has created a public health issue for Commonwealth residents. Food poisoning is most often caused by the improper handling, preparation, or storage of food. If we can help prevent these errors and make sure the public information process is streamlined, we can prevent many illnesses statewide and protect our residents' health. For these reasons, I urge you to vote in favor of HB 1422 today.

Thank you.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1203, PN 2343**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

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

The SPEAKER. On the question, will the House concur in the amendments made by the Senate? Those voting to concur will vote "aye"— Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

HB 1203, when it left the House, allowed for alternative energy facilities that were built prior to 2004 to own and be able to sell their own energy credits that they have created. We in Montgomery County along with Delaware County, Lancaster County, and others built alternative energy facilities prior to that date. I feel that we have as much right to be able to sell and own those credits.

Under this legislation, as I understand it, at this point, those energy credits that our people in essence have paid for are turned over from the generating company to the buyer of the energy that we have or the electric company. After 2004, the situation is reversed. I strongly feel that when we, and going again personally in Montgomery County, back in the 1990s built a trash-to-steam plant, which has burned a tremendous amount of Montgomery County's trash, which my residents have paid more than double in many cases what they could have paid if they would have buried the trash, so we are doing our share of conservation for the State, we are paying a lot more to burn it than we could have paid to bury it. Now on top of it we lose our energy credits.

So for this reason, I strongly feel that this bill has got a problem, you know, with that particular item, and I will be voting "no."

The SPEAKER. Representative Hornaman.

Mr. HORNAMAN. Mr. Speaker, that particular amendment is the result of a PUC (Public Utility Commission) ruling, and an administrative law judge issued this initial decision granting the petition from the PUC and ruling that the credits belonged to the utilities. That is the only change in this bill as it has come back from the Senate, and it is acceptable to PennFuture and other environmental groups.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I am urging a nonconcurrence vote on this measure, and particularly I would like to alert the members that represent counties that have both types of coal, bituminous and anthracite. I have received several letters, e-mails, and correspondence about a section of the bill that was deleted by the Senate that would eliminate tax credits for coal-to-energy projects. There is a paragraph that they would like reinserted. It stated,

"This paragraph shall apply to all alternative energy credits which were created pursuant to this act prior to the effective date of this paragraph and which will be created after the effective date of this paragraph, regardless of when any underlying contract for the purchase of electric energy or other products from the generator that qualifies as an alternative energy system was executed."

Clearly, the testimony and records indicate that the intent of the AEPS (Alternative Energy Portfolio Standards) Act was to create incentives for the generation of electricity through the use of many renewable and alternative energy sources, including coal and waste coal. Senator Musto attempted to keep this language in, and for whatever reason, the Senate removed it.

As this bill was sent to the Senate, coal was an important item in this insofar as alternative energy. So if you represent a district that has coal or you live near a district where you have constituents that utilize coal, they have been cut out of HB 1203, and I would urge a nonconcurrence on this bill so it can go to a conference committee or go back to the Senate so that they can correct this and not eliminate coal from this tax-credit issue.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. EACHUS. Mr. Speaker, I rise as a point of clarification to the gentleman from Northumberland's point, and I urge concurrence on this important issue that affects the ability to have alternative energy portfolio standards.

Now, what the Senate did was it implemented, took language that was prescriptive in nature, that dealt with a PUC ruling that had to deal with credits, and that ruling really was fairly complex but it was necessary to adhere to an earlier PUC-adjudicated case between generators and those who actually were the folks who — help me, John — suppliers. Thank you very much. I knew the word; I just could not find it. But, I mean, I understand what the gentleman's concern is, but we in the Democratic leadership have discussed this, and I have asked for concurrence. Thanks.

The SPEAKER. Representative Godshall, for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

The gentleman said, the author of the bill said that this was approved by PennFuture, I believe, or— You know, I truthfully do not care, because PennFuture did not pay for this. These credits were paid for by my people, and they are the ones that are losing on this whole deal.

And I agree with Representative Belfanti. It is not only these trash-to-steam plants; it is any kind of alternative energy facility that was built prior to 2004, which is when Act 213 was passed. I fully realize that the PUC made a decision; you know, that was their decision. That does not say that we have to live with that decision. I still have not seen any logic that shows why an alternative energy facility built after Act 213 owns their energy credits, but if you were built before 213, you do not own them. There is no logic.

You know, I ask for a nonconcurrence and send this back to the Senate. We passed this bill overwhelmingly, sent it to the Senate with this language in here, and I do not think we should lose something that really belongs to us. Thank you.

The SPEAKER. Does anyone desire recognition before the Chair recognizes the prime sponsor of the bill? Representative Hornaman?

Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for concurrence on HB 1203. HB 1203 is part of our so-called global agreement on what we are negotiating with today's budget. HB 1203, as it left the House, came back intact except for one paragraph that deals with a decision that was made by the PUC back in 1990 on the trading of credits and who controls those credits. The language inserted by the Senate basically upholds what the PUC did in 1990, that decision to uphold that the company in fact owns the credit, not the generator.

Mr. Speaker, this is an important piece of legislation that updates the portfolio language that we passed in this House in 2004, and I would strongly urge our members to vote in concurrence of the amendments inserted by the Senate. The credits were never intended, the credits that we are debating were never intended or meant to be included in the alternative energy portfolio, and that is why the Senate instituted or put the language into this bill, to clarify that point and to maintain that with the PUC.

The SPEAKER. On the question, will the House concur in the amendments made by the Senate? Representative Hornaman.

Mr. HORNAMAN. Basically, enactment of the alternative energy portfolio standard in 2004 was a historic achievement for Pennsylvania and a significant step toward making the State more energy-efficient, and many of you here were involved in that effort.

This portfolio, as amended and as presented to you in this bill, will accelerate the transition to alternative energy and help keep costs down for consumers. Over the next decade and a half, Pennsylvania's alternative energy portfolio standards will prevent millions of tons of pollutants from being discharged into the air that we breathe, save the billions of dollars that would otherwise be spent to import energy and reinvest that money into Pennsylvania's own energy industry, and save consumers billions of dollars by increasing the share of efficient and renewable energy sources they use to heat their homes and run their appliances. I am pleased to be contributing to this effort by making the alternative energy portfolio standards even better and by moving Pennsylvania forward toward more renewable energy production.

This bill was voted out of the Senate 50 to nothing. I ask for your concurrence.

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

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

The following roll call was recorded:

YEAS—144

Adolph	Freeman	Marsico	Sabatina
Argall	Galloway	McCall	Sainato
Barrar	Geist	McGeehan	Samuelson
Bastian	George	McI. Smith	Santoni
Bennington	Gerber	McIlhattan	Scavello
Beyer	Gergely	Melio	Seip
Bianucci	Gibbons	Micozzie	Shapiro
Bishop	Gingrich	Millard	Shimkus
Blackwell	Grell	Milne	Siptroth
Boback	Grucela	Moyer	Smith, K.
Brennan	Hanna	Mundy	Smith, M.

Brooks	Harhai	Mustio	Solobay
Buxton	Harkins	Myers	Steil
Caltagirone	Helm	Nailor	Sturla
Cappelli	Hornaman	O'Brien, M.	Surra
Carroll	James	O'Neill	Swanger
Casorio	Josephs	Oliver	Tangretti
Civera	Keller, W.	Pallone	Taylor, J.
Cohen	Kenney	Parker	Taylor, R.
Conklin	Kessler	Pashinski	Thomas
Costa	Killion	Payne	Vereb
Cruz	King	Payton	Vitali
Curry	Kirkland	Peifer	Wagner
Daley	Kortz	Perzel	Walko
Dally	Kotik	Petrarca	Wansacz
DeLuca	Kula	Petri	Waters
DePasquale	Leach	Petrone	Watson
Dermody	Lentz	Phillips	Wheatley
DeWeese	Levdansky	Preston	White
DiGirolamo	Longietti	Quinn	Williams
Donatucci	Maher	Ramaley	Wojnaroski
Eachus	Mahoney	Raymond	Youngblood
Evans, D.	Manderino	Readshaw	Yudichak
Evans, J.	Mann	Reed	
Fabrizio	Mantz	Roae	O'Brien, D., Speaker
Fairchild	Markosek	Roebuck	
Frankel	Marshall		

NAYS—59

Baker	Gillespie	Major	Ross
Bear	Godshall	Mensch	Rubley
Belfanti	Goodman	Metcalfe	Saylor
Benninghoff	Haluska	Miller	Schroder
Boyd	Harhart	Moul	Smith, S.
Causer	Harper	Murt	Sonney
Clymer	Harris	Nickol	Staback
Cox	Hennessey	Perry	Stairs
Creighton	Hershey	Pickett	Stern
Cutler	Hess	Pyle	Stevenson
Denlinger	Hickernell	Quigley	True
Ellis	Hutchinson	Rapp	Turzai
Everett	Kauffman	Reichley	Vulakovich
Fleck	Keller, M.	Rock	Yewcic
Gabig	Mackereth	Rohrer	

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1287, PN 2172**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Vereb— The House will temporarily be at ease.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House, as the guests of Representative Ken Smith, Eve Hennigan, Joseph D'Arienzo, and Jerry Langan. They are to the left of the Speaker. Would you please rise and be recognized.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be a meeting of the House Appropriations Committee at 2:30 in the majority caucus room. The Appropriations Committee will meet at 2:30 in the majority caucus room.

RECESS

The SPEAKER. The House will be in recess until 2:30 p.m.

AFTER RECESS

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1631, PN 2345**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 97, PN 1327**.

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

SB 939 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion. It is moved by Representative Eachus and Representative Sturla that the vote by which SB 939, PN 1122, was defeated on the 16th of July be reconsidered.

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

The following roll call was recorded:

YEAS—152

Adolph	Fleck	Maher	Sainato
Argall	Frankel	Mahoney	Santoni
Baker	Freeman	Major	Scavello
Bastian	Gabig	Manderino	Shapiro
Bear	Galloway	Mann	Shimkus
Belfanti	Geist	Markosek	Sipthroth
Bennington	George	Marsico	Smith, K.
Beyer	Gerber	McCall	Smith, M.
Biancucci	Gergely	McGeehan	Smith, S.
Bishop	Gibbons	Mcl. Smith	Solobay
Blackwell	Gingrich	Melio	Staback
Boback	Godshall	Mensch	Stairs
Boyd	Goodman	Micozzie	Steil
Brennan	Grell	Milne	Stern
Buxton	Grucela	Moyer	Sturla
Caltagirone	Harhai	Mundy	Surra
Cappelli	Harkins	Myers	Swanger
Carroll	Harper	O'Brien, M.	Tangretti
Casorio	Helm	O'Neill	Taylor, J.
Civera	Hennessey	Oliver	Taylor, R.
Clymer	Hershey	Parker	Thomas
Cohen	Hess	Pashinski	True
Conklin	Hickernell	Payton	Vereb
Costa	Hornaman	Perzel	Vitali
Cruz	James	Petrarca	Wagner
Curry	Josephs	Petri	Walko
Daley	Keller, W.	Petrone	Wansacz
DeLuca	Kenney	Phillips	Waters
DePasquale	Kessler	Pickett	Watson
Dermody	Killion	Preston	Wheatley
DeWeese	King	Quigley	White
DiGirolamo	Kirkland	Quinn	Williams
Donatucci	Kortz	Ramaley	Wojnaroski
Eachus	Kotik	Readshaw	Youngblood
Evans, D.	Kula	Roebuck	Yudichak
Evans, J.	Leach	Ross	
Everett	Lentz	Rublely	O'Brien, D., Speaker
Fabrizio	Levdansky	Sabatina	
Fairchild	Longiotti		

NAYS—51

Barrar	Harhart	Murt	Roae
Benninghoff	Harris	Mustio	Rock
Brooks	Hutchinson	Nailor	Rohrer
Causer	Kauffman	Nickol	Samuelson
Cox	Keller, M.	Pallone	Saylor
Creighton	Mackereth	Payne	Schroder
Cutler	Mantz	Peifer	Seip
Dally	Marshall	Perry	Sonney
Denlinger	McIlhattan	Pyle	Stevenson
Ellis	Metcalfe	Rapp	Turzai
Gillespie	Millard	Raymond	Vulakovich
Haluska	Miller	Reed	Yewcic
Hanna	Moul	Reichley	

NOT VOTING—0

EXCUSED—0

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will go over temporarily.

CONSIDERATION OF HB 1287 CONTINUED

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Vereb, who makes a motion to suspend the rules for the purpose of offering amendment A02918, which the clerk will read.

The clerk read the following amendment No. **A02918**:

Amend Sec. 304, page 4, line 16 by striking out all of said line and inserting
State appropriation 13,639,000

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

The SPEAKER. On the motion to suspend the rules, the Chair recognizes Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

The Pennsylvania State Police legislative liaison office contacted me and asked for this amendment to be run in an effort to restore funding back to the original amount that this House sent over a few months ago to the Senate and which was cut. That is the purpose of this amendment, and I ask for your support for suspension of the rules and ultimately the amendment.

The SPEAKER. On the motion to suspend the rules, the Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I regrettably rise to oppose my honorable friend, the distinguished former law enforcement officer. Notwithstanding the fact that there is merit in the debate that he would engender, this measure is ready to go to the Governor. We have had dialogue with our Senate counterparts, and for the sake of the moment and the legislative momentum that we are enjoying right now, I would reluctantly ask that we do not suspend the rules and that we do consider the gentleman's views at a very, very near juncture.

Thank you very much. I again ask for a negative vote on a move to suspend the rules, and it is preeminently because of our schedule and some arrangements that we have made with the Senate. It is not necessarily a substantive disagreement with the gentleman. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?
Mr. CLYMER. Mr. Speaker, for a parliamentary inquiry.

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

Mr. CLYMER. May I speak on the motion to suspend the rules?

The SPEAKER. No.

Mr. CLYMER. If I have the permission from the minority leader?

The SPEAKER. The only issue before the House—

Mr. CLYMER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—101

Adolph	Gabig	Mensch	Reichley
Argall	Geist	Metcalfe	Roae
Baker	Gillespie	Micozzie	Rock
Barrar	Gingrich	Millard	Rohrer
Bastian	Godshall	Miller	Ross
Bear	Grell	Milne	Rublely
Benninghoff	Harhart	Moul	Saylor
Beyer	Harper	Moyer	Scavello
Boback	Harris	Murt	Schroder
Boyd	Helm	Mustio	Smith, S.
Brooks	Hennessey	Nailor	Sonney
Cappelli	Hershey	Nickol	Stairs
Causar	Hess	O'Neill	Steil
Civera	Hickernell	Payne	Stern
Clymer	Hutchinson	Peifer	Stevenson
Cox	Kauffman	Perry	Swanger
Creighton	Keller, M.	Perzel	Taylor, J.
Cutler	Kenney	Petri	True
Dally	Killion	Phillips	Turzai
Denlinger	Mackereth	Pickett	Vereb
DiGirolamo	Maher	Pyle	Vulakovich
Ellis	Major	Quigley	Watson
Evans, J.	Mantz	Quinn	
Everett	Marshall	Rapp	O'Brien, D.,
Fairchild	Marsico	Raymond	Speaker
Fleck	McIlhattan	Reed	

NAYS—102

Belfanti	Galloway	Manderino	Seip
Bennington	George	Mann	Shapiro
Biancucci	Gerber	Markosek	Shimkus
Bishop	Gergely	McCall	Siptroth
Blackwell	Gibbons	McGeehan	Smith, K.
Brennan	Goodman	McI. Smith	Smith, M.
Buxton	Grucela	Melio	Solobay
Caltagirone	Haluska	Mundy	Staback
Carroll	Hanna	Myers	Sturla
Casorio	Harhai	O'Brien, M.	Surra
Cohen	Harkins	Oliver	Tangretti
Conklin	Hornaman	Pallone	Taylor, R.
Costa	James	Parker	Thomas

Cruz	Josephs	Pashinski	Vitali
Curry	Keller, W.	Payton	Wagner
Daley	Kessler	Petrarca	Walko
DeLuca	King	Petrone	Wansacz
DePasquale	Kirkland	Preston	Waters
Dermody	Kortz	Ramaley	Wheatley
DeWeese	Kotik	Readshaw	White
Donatucci	Kula	Roebuck	Williams
Eachus	Leach	Sabatina	Wojnarowski
Evans, D.	Lentz	Sainato	Yewcic
Fabrizio	Levdansky	Samuelson	Youngblood
Frankel	Longietti	Santoni	Yudichak
Freeman	Mahoney		

NOT VOTING—0

EXCUSED—0

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

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Does the gentleman seek recognition on concurrence?

Mr. CLYMER. Yes. Mr. Speaker, I thought I had made mention that I would want to speak on—

The SPEAKER. The gentleman indicated that he wanted to speak on the motion. The Chair was not aware that the gentleman wanted to speak on concurrence. The gentleman is in order and may speak at this point.

Mr. CLYMER. Thank you, Mr. Speaker.

I do want to speak on concurrence on HB 1287. This is money that is going to provide, among others, the Pennsylvania State Police with needed funding. Their budget has been cut by \$2 million. It has not been restored by the Senate. The \$13 million that they needed, \$13.5 million, was a bare-bones budget. They needed every dime. They are going to be \$2 million short if we concur in Senate amendments.

The Senate has not really given a good reason why they would not restore the funding, and that was the purpose of the amendment just a few minutes ago, to restore that funding. Mr. Speaker, if they do not get this money, that \$13.5 million, they will probably have to cut one of their cadet programs, and that is a program that has from 90 to 120 young men and women who are involved.

Mr. Speaker, they need this funding so that they can have adequate coverage at each of the five casinos. There are 14 troopers at each casino. When one goes on, there will be a sixth casino in October of this year, and then a few months later there will be another casino ongoing. And, Mr. Speaker, these are State Police. We are talking about law and order in the casinos. We are talking about crime and corruption. We need these men and women who are in the casinos to make sure none of these negatives become a possibility. Once organized crime gets its head into the camel's tent, it is very difficult to throw it out. So these men and women, these State troopers, are

critical and they need to be there. Remember, the casinos are open 24/7, and you cannot have one or two troopers in there when you have thousands of people that are going to be coming in and out of the casinos.

Mr. Speaker, I would not think that the casinos would oppose having the full allotment of dollars for them. After all, the casinos have said, we want to be good neighbors; we are your friend. This is enjoyment, gambling is a type of enjoyment, so the casinos, I do not know why they would oppose having the State troopers fully funded.

So with those remarks, I would ask the members to nonconcur on HB 1287. Thank you, Mr. Speaker.

The SPEAKER. Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I rise certainly to echo a lot of the thoughts my colleague just did, but also those, especially in the Philadelphia caucus, that might want to clearly understand that this is not an approach of the Fraternal Order of Police to me but rather the administrative representatives of the State Police. And I know that the City of Brotherly Love is anticipating additional patrols on 95 and 676 by the State Police, and this here will have an impact – their words, not mine – on the cadet classes coming forward.

So not to threaten the vacation of police protection on some of the streets in Philadelphia, I certainly want to put the facts on the table as they are presented to me that this shortfall – which, by the way, was not us; this hall sent the funds over necessary to be approved in the Senate – this cut by the Senate certainly will have an impact on not only the casinos but certainly the up-and-coming cadet class of the Pennsylvania State Police. On this issue alone, I urge a nonconcurrence.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence. The Chair recognizes the minority whip, who requests that Representative MOUL be put on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

CONSIDERATION OF HB 1287 CONTINUED

The SPEAKER. On the question, will the House concur in the amendments made by the Senate? Those voting to concur will vote "aye"; those voting to nonconcur will vote "nay."

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—105

Argall	Freeman	Mann	Shapiro
Belfanti	George	Markosek	Shimkus
Bennington	Gerber	McCall	Siptroth
Biancucci	Gergely	McGeehan	Smith, K.
Bishop	Gibbons	McI. Smith	Smith, M.
Blackwell	Godshall	Melio	Solobay
Brennan	Goodman	Mundy	Staback
Buxton	Grucela	Myers	Sturla
Caltagirone	Haluska	O'Brien, M.	Surra

Cappelli	Hanna	Oliver	Tangretti
Carroll	Harhai	Pallone	Taylor, R.
Casorio	Harkins	Parker	Thomas
Cohen	Hornaman	Pashinski	Vitali
Conklin	James	Payton	Wagner
Costa	Josephs	Perzel	Walko
Cruz	Keller, W.	Petrarca	Wansacz
Curry	Kenney	Petrone	Waters
Daley	Kessler	Preston	Wheatley
DeLuca	Kirkland	Ramaley	White
DePasquale	Kortz	Readshaw	Williams
Dermody	Kotik	Roebuck	Wojnaroski
DeWeese	Kula	Sabatina	Youngblood
Donatucci	Leach	Sainato	Yudichak
Eachus	Levdansky	Samuelson	
Evans, D.	Longiotti	Santoni	O'Brien, D.,
Fabrizio	Mahoney	Scavello	Speaker
Frankel	Manderino	Seip	

NAYS—96

Adolph	Gabig	Marshall	Rapp
Baker	Galloway	Marsico	Raymond
Barrar	Geist	McIlhattan	Reed
Bastian	Gillespie	Mensch	Reichley
Bear	Gingrich	Metcalfe	Roae
Benninghoff	Grell	Micozzie	Rock
Beyer	Harhart	Millard	Rohrer
Boback	Harper	Miller	Ross
Boyd	Harris	Milne	Rubley
Brooks	Helm	Moyer	Saylor
Causar	Hennessey	Murt	Schroder
Civera	Hershey	Mustio	Smith, S.
Clymer	Hess	Nailor	Sonney
Cox	Hickernell	Nickol	Stairs
Creighton	Hutchinson	O'Neill	Steil
Cutler	Kauffman	Payne	Stern
Dally	Keller, M.	Peifer	Stevenson
Denlinger	Killion	Perry	Swanger
DiGirolamo	King	Petri	True
Ellis	Lentz	Phillips	Turzai
Evans, J.	Mackereth	Pickett	Verbe
Everett	Maher	Pyle	Vulakovich
Fairchild	Major	Quigley	Watson
Fleck	Mantz	Quinn	Yewic

NOT VOTING—1

Taylor, J.

EXCUSED—1

Moul

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.

CONSIDERATION OF SB 939 CONTINUED

On the question recurring,
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?

On the question, the Chair recognizes Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

For the members' benefit, this came up before. I am the person that asked for that reconsideration. I do so as the proud mother of a former student at the University of the Arts. I know things were said. I got on the phone right away to speak with the interim president – they are in the process of getting a new president; the other one retired – because I know it was talked about that they had some kind of a problem with students that homeschool. I was assured that is not true. I certainly can tell you from my own personal experience with the folks at the University of the Arts that what gets you into that school is talent and your portfolio. My son was transferring from Drexel University; he even had a college credential, but he was not about to get in unless— They would have still rejected him; it was his portfolio that got him in there. So that is what really counts.

I am sorry about the other issue. I know I have assurances, and I believe the Representative does, that he can speak directly, and has, with the president of the university. They will investigate the particular incident, but I think to do something to one university over another I just felt was wrong, and I would really ask for your support for this university.

Thank you.

The SPEAKER. Representative Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I certainly stand by what I said approximately 1 hour ago, that the admissions practices and policies of this university are, in my opinion, without doubt, discriminatory against Pennsylvania homeschool students and homeschool students in general. However, the funny thing happened today that 4 months after I called them, they all of a sudden called me, and I do not know why, but for some reason they called me today and I was very happy to hear from them. However, they do seem to be very sincere, and there is an influx, as the gentle lady said. There does seem to be an influx there with their personnel and their president, and they are very willing to sit down to discuss this issue and hopefully resolve the differences that I have with them and their admissions policies.

So with that said, you know, it has never been my intention to hurt this university or to hurt the students that attend this school. So my opinion is that this House should give them the benefit of the doubt, and again, I am very interested in meeting with them in the near future, and hopefully, hopefully, we will not be having this discussion next year at budget time or any time in the future.

Thank you, Mr. Speaker.

The SPEAKER. Representative Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

The University of the Arts has been in existence for 130 years, has 2300 students, 500 faculty, and with all due respect to my colleague from Westmoreland County, whether or not he had a personal issue or a public issue with this university, this was the inappropriate time to air those disagreements.

What I would like to say is, Mr. Speaker, what I feel was wrong in this whole process is that there are 2300 students and 500 faculty members who could be harmed over an issue in a district office. So having said that, I am asking my colleagues to please vote affirmatively for this and know that this now has the

attention of the Education Committee, and that the Education Committee, I have assurances from both chairmen that we will take a look at this if there are any issues with homeschooling.

Thank you, Mr. Speaker.

The SPEAKER. Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

With all due respect, I listened to the remarks of the gentleman from Westmoreland County when this bill was first in front of us. All he did is what many members have done in this chamber on prior occasions. He stood up and stated for the written record the reasons he was planning to vote "no" – the reasons he was planning to vote "no."

Now, if some members followed his reasons for voting "no," that was your decision, and you can stand by it or not, but all I am saying is, do not criticize the gentleman from Westmoreland County for putting on the record the reasons he wanted to vote "no."

The SPEAKER. The Chair will caution the members to stick on the subject of the bill on final passage and not to make comments about each other during the debate.

Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The university in question is in my district. Between the time that we had the vote and this moment, I have been on the phone I think with every member of that university and anybody who possibly might represent the university in Harrisburg. I am— Before us, that is to say.

I am satisfied, as is the gentleman from Westmoreland, that we have initiated a process to look into the problem of which he complained and that we will have some thorough vetting of that problem and that we will see where we should go from there. In the meantime, I am asking every member of the House here please not to hurt the present students and the future students, the faculty and all the other people who are involved in this university.

So please vote "yes" this time, and I will report back to you what happens as the process goes forward. Thank you, Mr. Speaker.

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Let me also reassure the members of the legislature that as chairman of the Education Committee, I am concerned about the concerns that were raised by the gentleman from Westmoreland. I have spoken to him, and whatever my committee can do to help to resolve this issue, we are committed to doing that, and I think that the Republican chairman would agree with that. And I would hope that we might be able to move this appropriation forward with the understanding that we are going to take a hard look at the University of the Arts and we are going to resolve the issue at hand, and I am confident that we can do that.

Thank you, Mr. Speaker.

The SPEAKER. Representative Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, first let me preface, I would like to ask a point of parliamentary inquiry, but first let me preface my comments by saying that I did not vote with the gentleman the last time, that I voted for funding for the University of the Arts.

PARLIAMENTARY INQUIRY

Mr. CASORIO. A point of parliamentary inquiry, Mr. Speaker.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, is it not correct, am I not correct, that another member should not impugn another member's integrity on the House floor?

The SPEAKER. The gentleman is correct.

Mr. CASORIO. I would ask, Mr. Speaker, that you look closely at the comments from the gentelady on the other side and maybe have those remarks stricken from the record.

The SPEAKER. The gentleman will suspend. The Chair will look at those remarks and make an appropriate assessment.

Mr. CASORIO. Thank you, Mr. Speaker.

Again on this Senate bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this is the appropriate time for the gentleman, and again, I voted against the gentleman the last time. This is the appropriate time for him to air whatever concerns he has about funding for any particular institution, especially an institution that we are giving over \$1.2 million in State taxpayer dollars to, Mr. Speaker.

So just let me again state for the record that the gentleman was certainly in line. The gentleman had every right to discuss with the full body his concerns about this particular funding mechanism, and I would certainly stand behind the gentleman from Westmoreland.

Thank you, Mr. Speaker.

The SPEAKER. Representative Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

I certainly did not mean to impugn the integrity or the character of the gentleman from Westmoreland County, but he did urge our colleagues to vote against this particular appropriation over a very specific issue. My issue and what I am doing right now is urging my colleagues to not hold against this university what is not substantiated. We do not have substantiated evidence that there is deliberate discrimination against homeschoolers.

The SPEAKER. The lady will speak on the bill, the lady will speak on the bill and not speak to motivations of any other member.

Mrs. BEYER. So what I am simply doing is urging my colleagues to vote for this appropriation, that it is fair, it is reasonable, and that these faculty and these students are counting on this money.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Representative Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I did not ask this House to vote in the negative on that appropriation. Maybe I should have. I mean, we are trying to move this along, and if we cannot air these kinds of issues on the floor of the people's house, where can we talk about issues like this?

Again, the school has said that they are willing to sit down and discuss this issue. I credit them for that, and again, hopefully we can take care of what I think is a very serious

problem that hopefully has not been going on for 100-plus years or however old the university is.

Thank you, Mr. Speaker.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

My comments have nothing to do with the issue that was raised by the gentleman from Westmoreland. However, the gentlelady from Lehigh just said, the students at this college are counting on this money. My issue with this and the other nonpreferreds is the fairness of this process where we have three colleges in Pennsylvania receiving a special nonpreferred appropriation: the University of Pennsylvania, Drexel, and the University of the Arts. Everyone in this room knows that there are more than three colleges in Pennsylvania. So I raise the issue of fairness when it comes to the nonpreferred appropriations – why do we select these three colleges and not the others? – and that is my reason for opposing this special appropriation for one out of Pennsylvania's many, many, many colleges.

Thank you, Mr. Speaker.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support SB 939. I have similar concerns about Drexel. My vote reflected my concerns, but I am hoping that between now and next year, because I will not sit here another year and watch this body support an appropriation that I dare any member of this House can tell me where those moneys go and can tell me how those moneys benefit the people that we represent.

So my concern was reflected in my vote. I thank the chairman of the Appropriations Committee and others who will bring, bring the people to the table so that we can find out exactly where the public's money is going. And no member of this Assembly, no member, whether you be D or R, should restrain themselves. I mean, we have to answer for what we do, and there should never be a time when we are either unwilling or avoid raising the kinds of questions that need to be raised.

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—156

Adolph	Gabig	McGeehan	Scavello
Argall	Galloway	McI. Smith	Schroder
Baker	Geist	Melio	Shapiro
Barrar	George	Mensch	Shimkus
Bastian	Gerber	Micozzie	Siptroth
Bear	Gergely	Millard	Smith, K.
Bennington	Gingrich	Milne	Smith, M.
Beyer	Godshall	Moyer	Smith, S.
Bianucci	Goodman	Mundy	Solobay
Bishop	Harhai	Murt	Sonney
Blackwell	Harkins	Mustio	Staback
Boback	Harper	Myers	Stairs
Brennan	Helm	Nailor	Steil
Buxton	Hennessey	O'Brien, M.	Stern
Caltagirone	Hershey	O'Neill	Sturla
Cappelli	Hess	Oliver	Surra
Casorio	Hickernell	Pallone	Swanger

Causer	James	Parker	Tangretti
Civera	Josephs	Pashinski	Taylor, J.
Clymer	Keller, W.	Payne	Taylor, R.
Cohen	Kenney	Payton	Thomas
Conklin	Kessler	Perzel	True
Cruz	Killion	Petrarca	Vereb
Curry	Kirkland	Petri	Vitali
Daley	Kotik	Petrone	Vulakovich
Dally	Kula	Phillips	Wagner
DeLuca	Leach	Pickett	Walko
DePasquale	Lentz	Preston	Wansacz
Dermody	Levdansky	Quigley	Waters
DeWeese	Longietti	Quinn	Watson
DiGirolo	Maher	Ramaley	Wheatley
Donatucci	Mahoney	Raymond	White
Eachus	Major	Reichley	Williams
Evans, D.	Manderino	Roebuck	Wojnaroski
Evans, J.	Mann	Ross	Youngblood
Fabrizio	Mantz	Rubley	Yudichak
Fairchild	Markosek	Sabatina	
Fleck	Marshall	Sainato	O'Brien, D., Speaker
Frankel	Marsico	Santoni	
Freeman	McCall		

NAYS—46

Belfanti	Gibbons	King	Readshaw
Benninghoff	Gillespie	Kortz	Reed
Boyd	Grell	Mackereth	Roae
Brooks	Grucela	McIlhattan	Rock
Carroll	Haluska	Metcalfe	Rohrer
Costa	Hanna	Miller	Samuelson
Cox	Harhart	Nickol	Saylor
Creighton	Harris	Peifer	Seip
Cutler	Hornaman	Perry	Stevenson
Denlinger	Hutchinson	Pyle	Turzai
Ellis	Kauffman	Rapp	Yewcic
Everett	Keller, M.		

NOT VOTING—0

EXCUSED—1

Moul

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

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

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 1287, PN 2172

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

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

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1530, PN 2344**, 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 concur in Senate amendments?

The SPEAKER. Representative Dermody.
Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, 1530 is the bill we have discussed many times here on the floor of the House, and it is the bill that allows large industrial customers to enter into long-term contracts to purchase electricity. This is very crucial to the future of manufacturing in western Pennsylvania and really all of Pennsylvania as the rate caps come off the electric rates.

Now, we sent this bill over with almost a unanimous vote to the Senate with language in the bill that also dealt with the procurement of electricity also by electric customers. That language was deleted in the Senate, the language on procurement. Now, it was deleted, as I understand it, so that may be a part of the discussions of the special session on energy that is going to take place in September.

The language of the bill is still intact, however, that takes care of the long-term contracts for industrial users and for the ability for them to engage in generation or purchase generation to supply those long-term contracts. It is crucial to the future of western Pennsylvania, particularly for Allegheny Technologies, which employs thousands of steelworkers in western Pennsylvania. They will be making a decision in the next few weeks whether or not to build a new mill. Their decision rests largely upon, their ability to locate it in western Pennsylvania, rests largely on whether or not they can purchase these long-term contracts. We need those jobs in western Pennsylvania. We need Allegheny Technologies to stay in Pennsylvania and in western Pennsylvania.

So although I am not totally happy with the way this bill stands today, I am asking for a concurrence vote on this bill, please, so that we can give our industrial customers the ability to engage in these long-term contracts and we have the opportunity to revisit the procurement language in the fall.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will be over temporarily.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guest of Representative Angel Cruz, Mr. Takami Hanzawa, who is the Los Angeles bureau chief for

Kyodo News, which is the Japanese news wire service similar to the Associated Press here in the United States. Please stand and be recognized. Welcome to Pennsylvania.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. And the Chair hopes that the gentleman can get out to celebrate his birthday. Please join the Chair in wishing Gordon Denlinger a happy birthday. We hope we get out of here in time for you to share that wonderful occasion with your family.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 116, PN 1323**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for proportional reduction of certain county court reimbursements; further providing for senior judge operational support grants; providing for the adoption of guidelines for fines; further providing for selection of prospective jurors; providing for statewide jury information system; and further providing for no limitation applicable.

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

The SPEAKER. 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	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.

Cruz	Kauffman	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	Preston	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

Moul

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 623, PN 1324**, entitled:

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

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS-195

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gingrich	Mensch	Seip
Beyer	Godshall	Metcalfe	Shapiro
Biancucci	Goodman	Micozzie	Shimkus
Bishop	Grell	Millard	Siptroth
Blackwell	Grucela	Miller	Smith, K.

Boback	Haluska	Milne	Smith, M.
Boyd	Hanna	Moyer	Smith, S.
Brennan	Harhai	Mundy	Solobay
Brooks	Harhart	Murt	Sonney
Buxton	Harkins	Mustio	Staback
Caltagirone	Harper	Myers	Stairs
Cappelli	Harris	Nailor	Steil
Carroll	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	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perzel	Turzai
Cutler	Keller, W.	Petrarca	Vereb
Daley	Kenney	Petri	Vitali
Dally	Kessler	Petrone	Vulakovich
DeLuca	Killion	Phillips	Wagner
Denlinger	King	Pickett	Walko
DePasquale	Kirkland	Preston	Wansacz
Dermody	Kotik	Quigley	Waters
DeWeese	Kula	Quinn	Watson
DiGirolamo	Leach	Ramaley	Wheatley
Donatucci	Lentz	Rapp	White
Eachus	Levdansky	Raymond	Williams
Ellis	Longietti	Readshaw	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D.,
Fleck	Mantz	Rohrer	Speaker
Frankel			

NAYS-7

Casorio	Kortz	Perry	Saylor
Gillespie	Mackereth	Pyle	

NOT VOTING-0

EXCUSED-1

Moul

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

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

HB 1203, PN 2343

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

SB 455, PN 1243

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygiene practitioners.

SB 931, PN 1114

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 932, PN 1115

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 933, PN 1116

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

SB 935, PN 1118

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

SB 936, PN 1119

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

SB 937, PN 1120

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

SB 938, PN 1121

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

SB 940, PN 1123

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses.

SB 941, PN 1124

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

SB 942, PN 1125

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

SB 943, PN 1126

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

SB 944, PN 1127

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

SB 945, PN 1128

An Act making an appropriation to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

SB 946, PN 1129

An Act making an appropriation to the Central Penn Oncology Group.

SB 948, PN 1131

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

SB 950, PN 1132

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

SB 951, PN 1133

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

SB 952, PN 1134

An Act making an appropriation to the Beacon Lodge Camp.

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

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

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **HB 842, PN 2347**.

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

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **HB 1286, PN 2346**.

SUPPLEMENTAL CALENDAR A CONTINUED**CONSIDERATION OF SB 246 CONTINUED**

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Mundy.

The House will come to order. The House will come to order. Conferences in the side aisle and the center aisle will break up. Members will take their seats. The Sergeants at Arms will clear the aisles. Members will hold their conversations to a minimum. Members will take their seats.

Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in support of a ban on smoking in public places. I support a person's right to smoke. Tobacco is a legal substance and people have a right to use it. I would not take that right away, but a person's right to smoke ends at my nose. We place restrictions on all kinds of legal activities. It is legal to drive, but we restrict your speed. It is legal to drink, but we restrict how much you can drink before you get behind the wheel of a car. It should be legal to smoke, but not in a place where you put the health of others at risk.

Why do we place restrictions on legal activities? Because we have an obligation to protect the public health. I will not belabor the point or prolong the debate by repeating the scientific evidence on the dangers of secondhand smoke to people's health or rehash the terrible negative impact of secondhand smoke on health-care costs. We have heard all of those facts presented over the last several days, but the evidence is clear. A vote to ban smoking in public places is a vote to improve worker productivity, reduce health-care costs, and to protect the public health.

I will cast my vote in the public interest. I hope my colleagues will do the same. Thank you, Mr. Speaker.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Is there anyone who can rise for just a brief interrogation about the text of the bill?

The SPEAKER. Representative Ross says he will. The gentleman is in order and may proceed.

Mr. SCHRODER. Thank you.

Mr. Speaker, the wording of the bill, as I understand it, without having it right here in front of me, prohibits smoking in the workplace, yet it provides and allows for smoking in the home or in the residence. So my question is, what if someone

has a situation where they have a live-in nanny who is employed in that person's home, just by one example, would not that home be the workplace of that individual and would we not then have some sort of conflict within the bill as to whether smoking can truly take place in that home?

Mr. ROSS. Mr. Speaker, I think this is an interesting point, although I would assert that the exception of the private residence is quite clear, whereas the statement of workplace is a little bit more broad. So I would assert that the private residence exception would, as a matter of legislative intent, trump the workplace language. But I would also point out that there is the opportunity for the Department of Health, who is specifically called out in this legislation, to put more detailed regulations forward to help clarify this point, but I would assert that the private home exception would trump the statement about workplace.

Mr. SCHRODER. Mr. Speaker, I appreciate your comments. I would feel a lot better if there was specific language in there under the prohibitions saying it is prohibited in all instances except for, you know, the particular language that you are talking about, but to move on, we could also have situations where not only a live-in nanny but perhaps some sort of maid or cleaning service is at the workplace of a house, and once again, I think you have some very nebulous areas in this bill that could, depending on how it is interpreted, lead to restrictions on smoking in the home.

Mr. Speaker, also, another question I have is, one of the exceptions, as I understand it, is for cars or automobiles. Where would an enclosed Amish buggy, for instance, fall under this?

Mr. ROSS. I would consider that to be a private vehicle also.

Mr. SCHRODER. Well, Mr. Speaker—

Mr. ROSS. And not necessarily enclosed.

Mr. SCHRODER. Well, there are some that are open, some that are enclosed in those buggies, and I am talking specifically about the enclosed ones.

Mr. Speaker, I do not think there is any, while the word "car" is used in the bill, I do not think there is any specific definition in there. So I think it is far from clear as to whether that situation would be part of the exception.

That ends my interrogation, Mr. Speaker, and I thank you for standing to respond to those questions.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am hoping that the gentleman whose amendment constitutes the substance of this bill would be available to answer some questions.

The SPEAKER. Representative Gerber, is that who you are asking to stand for interrogation, Representative Maher?

Mr. MAHER. That is correct.

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

Mr. MAHER. Thank you, Mr. Speaker.

Back in time, which seems like a very long time ago now, when we began conversations on what was in HB 1541, I asked a number of questions before the House considered amendments thereto. Subsequently, SB 246 was brought forward, and the substance of 1541 was introduced as a gut-and-replace amendment, and there subsequently have been some other amendments considered.

What I wanted to do, Mr. Speaker, is to determine the status of some of the questions I had after consideration of all the

amendment process has gone forward, just to ensure that I understand where the matter stands.

The first of those questions would be, are the prohibitions on smoking in public or in the workplace enforceable by local police?

Mr. GERBER. Mr. Speaker, under the language that we are being asked to vote on tonight, enforcement lies with the respective counties' departments of health. Unless there is a county that does not have a department of health, in which case the governing body of that county could charge any department within the county's structure to enforce the law, under those conditions, theoretically, yes, a county could choose to put the enforcement responsibilities with the local police.

Mr. MAHER. So except for counties that may not have any health department, counties such as Allegheny County, which has a health department, municipal police could not enforce these prohibitions. Is that correct?

Mr. GERBER. Under those conditions, the enforcement responsibilities would lie with the Allegheny County department of health.

Mr. MAHER. So in the case of Allegheny County, the county sheriff and its deputies could not enforce the prohibitions. Is that correct?

Mr. GERBER. Yes, Mr. Speaker, that is my understanding.

Mr. MAHER. And county detectives could not investigate complaints. Is that correct?

Mr. GERBER. That is my understanding, unless internally within the county structure and the counties own rules and regulations, the department of health has an agreement with those other agencies within the county, but I would agree with your comment.

Mr. MAHER. And do you know, do the departments of health have the ability to obtain search warrants?

Mr. GERBER. I am not familiar with them having the right to obtain search warrants.

Mr. MAHER. Thank you, Mr. Speaker. That concludes the questions I had. I do have some comments on the bill.

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

Mr. MAHER. I asked rather similar questions at the beginning of this entire process, because if there is to be a ban on smoking, then I think we owe the Pennsylvanians who are anticipating the action to have a ban which is not a sham. And a ban which is fundamentally unenforceable, a ban which prohibits enforcement by police, prohibits enforcement by sheriffs, prohibits enforcement by deputies, prohibits enforcement by constables, prohibits enforcement by detectives, that prohibits enforcement by district attorneys, prohibits enforcement by every avenue of law enforcement in Pennsylvania, really is not much of a prohibition at all.

Departments of health, I suppose some of them might have cars with light bars on them, but they are not authorized to pull over vehicles. They are not authorized to enter public places except for where the public is invited. They are not authorized to go into office buildings or factories or farms, and they cannot get search warrants. So if someone files a complaint, how will it ever be enforced?

No one would prefer to never see another cigarette more than those who were once hooked. I regret to tell you that I smoked for nearly a quarter century. I am glad to be done with it, and if I never saw another cigarette, that would be a good thing. But my personal comfort, my personal conversion, I am uncertain if that should translate into boundaries for all in this State, but

if there are to be boundaries, Mr. Speaker, let them be real, let them not be fake. What we have before us is a long recitation of "thy shall not" without any real ability to enforce.

And I have weighed this very carefully, as I am sure many of you have, but the momentum towards a ban for those of you who desire a ban, do you not want one that would actually work? This is going to be unenforceable. It will amount to no more than a bumper sticker slogan that you voted for a ban. So those of you who support the civil liberties of smokers should be opposed, but I would argue that those of you who support a ban should insist on a real one.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I would also like to interrogate Mr. Gerber.

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

Mr. GABIG. Mr. Speaker, I would like to congratulate the gentleman for his hard work on this bill. He has worked very hard and been very committed to it. Before I make some general comments, I just wanted to make sure I understood the bill, because we have gone, as it has been indicated, through a couple parliamentary procedures and a lot of amendments. So, I see the gentleman is glued in. I think he can hear me.

The issue on restaurants, under SB 246 as it currently exists, if you are outside in a cafe', outside the front of a restaurant where they have chairs, it would be up to the restaurant whether or not to permit smoking or not in that area. Is that correct?

Mr. GERBER. Yes, Mr. Speaker. Assuming it is an outdoor area, smoking would be permitted.

Mr. GABIG. Or again, on a deck situation that is in the back or outside connected to a tavern or a restaurant, it would be up to the restaurant to decide whether or not they wanted to permit smoking there under the bill. Is that correct?

Mr. GERBER. Yes. But let me be clear in answering that particular question.

Under this language, smoking would be prohibited in substantially enclosed areas, which is a defined term, and essentially, "substantially enclosed" means if an area is enclosed but less than half the wall space is open, you still would not be able to smoke, and the theory behind that is, in those types of enclosed areas, smoke still collects and poses a harm to people that are in that particular area. But under the scenario that you have described, when you say a deck, I assume there are no walls and it is open and there is no ceiling. Under those conditions, yes, on a deck to a restaurant or a bar or tavern, smoking would be permitted.

Mr. GABIG. And so where it would be prohibited is inside the restaurants or tavern, or I guess what you are saying, if there is some kind of ceiling or walls to an outside area, it is prohibited under this law?

Mr. GERBER. Right.

Mr. GABIG. Is that correct?

Mr. GERBER. Yes. In an enclosed or substantially enclosed area in a restaurant or bar, smoking would be prohibited.

Mr. GABIG. I had received some e-mails from amusement parks. I think we all did. But I looked at the bill, and I did not see anything about prohibiting smoking at amusement parks. Am I right in my interpretation about that?

Mr. GERBER. Yes. I received some of those same inquiries, and when those questions were posed to me, the question was, if we have designated areas outdoors where we allow people to

smoke, would we be able to still provide that amenity to those smokers, and my belief is that yes, because it is outdoors in a designated area, it is not an enclosed or substantially enclosed area, smoking would be allowable under those conditions.

Mr. GABIG. Subsection (16) has to do with licensed facilities, as defined by 4 Pa.C.S., 1103, or any other similar facilities; subsection (16).

Mr. GERBER. I am sorry, Mr. Speaker. Would you please continue. I am sorry.

Mr. GABIG. Yes. I am just trying to reference the gentleman to subsection (16) of the bill—

Mr. GERBER. Yes.

Mr. GABIG. —which is described as licensed facilities, as defined under 4 Pa.C.S., I think it is 1103, or other similar facilities, and I wonder if the gentleman could just explain to us what those types of licensed facilities are that are referenced under subsection (16).

Mr. GERBER. That is just a technical way of describing casinos.

Mr. GABIG. Okay. And again, to make it clear to everybody, casinos are included in the prohibition, just like the other bars and restaurants and facilities that are indoor commercial facilities. Is that correct?

Mr. GERBER. Yes, Mr. Speaker. And you may remember from the several days of debate, there were a couple of amendments offered to change that section, to permit smoking in casinos, and those amendments were defeated here on the floor. Therefore, smoking would still be prohibited at casinos under this language.

Mr. GABIG. All right. Just to close the loop on that amusement park, the Idlewilds and Kennywoods, if they have an indoor facility, a substantially enclosed facility as defined under this law, that would be prohibited under the law from smoking, but if they have an area that is somehow sort of wardened off in some manner but is open air for people during the course of their 8 hours or 10 hours at the park, if they need to go take a break from the kids and have a smoke, that is permitted under the law, is that correct, under this bill?

Mr. GERBER. Yes, Mr. Speaker. That is the intent of the language.

Mr. GABIG. Okay. Subsection (14), I have also received some communication regarding that, which is zoos. As I read the bill, if it is, again, an enclosed area, some kind of office area or cafeteria area or some other building or facility, a gift shop that is enclosed or a display exhibit where it is enclosed where there might be exhibits, smoking is prohibited under this bill, under the other language, but in subsection (14) it just generally says zoos. And my question is, is it the gentleman's intention, as the maker of the amendment for which this bill is, that outdoor areas in the zoos are also included or just the indoor areas?

Mr. GERBER. It was the entire area contained within the parameters of a zoo, as one of these quirky components to this, but in our research we learned that many zoos already prohibit smoking for a variety of reasons, and one of the reasons, which was one that I was not aware of before, involved—

Mr. GABIG. If I could just interrupt the gentleman?

Mr. GERBER. Sure.

Mr. GABIG. Did you say that your research showed that the zoos are nonsmoking right now?

Mr. GERBER. Many of the zoos are nonsmoking now because smokers would often leave their cigarette butts in a

place that could be harmful to the zoo animals, not to mention the fact that—

The SPEAKER. Will the gentleman suspend.

Several members are indicating to the Chair they cannot hear the debate. The Chair will ask members to take their seats and hold their conversations to a minimum. Conferences in the side aisles and the rear of the House will break up.

Mr. GERBER. Mr. Speaker, to answer your question—

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

Mr. GERBER. —there were concerns raised with smoking in the zoo environment because of the harm not just to the children and other adults that would be around the smokers, even in the outdoor areas, but also because of the zoo animals, and one of the problems that we learned about was that a lot of smokers will just chuck their butts around in places where the animals could get to them, and that was harmful to the zoo animals.

Mr. GABIG. So it does include the outdoor areas of the zoos, I guess, in Pennsylvania, which is a little bit of an exception from the general model that we have here, but did I hear the gentleman say that— I am familiar with the Pittsburgh Zoo. It used to be called the Highland Park Zoo in Pittsburgh. Hershey has a small zoo, ZooAmerica. I do not know how many other zoos there are, but did the gentleman say they already prohibit smoking, or some of them do at least, I think he—

Mr. GERBER. Right, and that is correct. Some of them already do. I do not know if all of them do.

Mr. GABIG. Okay.

Mr. GERBER. But some of them already do, for the reasons that I articulated.

Mr. GABIG. All right. Since it is outdoor air that we are talking about, which is a little bit different than what most of the bill is here, are the zoos—

The SPEAKER. The gentleman will suspend.

The Chair will ask the Sergeants at Arms to clear the aisles. The noise level is entirely too loud. Members are indicating to the Chair they cannot hear the debate. If your conversation has to be held, please take it to one of the anterooms.

The gentleman is in order and may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

And again, this line of interrogation, Mr. Speaker, is simply for clarification only. You know, there are very good parts of this bill, and I am just making sure — this is a little bit different area, I think the gentleman has indicated — but are the zoos in Pennsylvania supportive of that subsection (14)? I would imagine they are, not to lead, but could the gentleman give me any indication or a communication he has had? We have had different communications from the Restaurant Association, from the private clubs, et cetera, and has the gentleman heard from the different zoos in Pennsylvania? Are they supportive of this language?

Mr. GERBER. I personally did not hear directly from the zoos, but it is my understanding that they are supportive of this and already have policies in place to prohibit smoking, for the reasons that I articulated, yes.

Mr. GABIG. Okay. That would conclude my interrogation.

Mr. Speaker, if I could make some just brief comments on the bill?

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

Mr. GABIG. I think I only rose once during the course of our many hours and days of debates on this, and this was to clarify more of a law enforcement issue when I was having some difficulty understanding the interrogation and responses on the

primary offense versus a secondary offense on one of the amendments.

And so I have listened, to be honest with you, to my colleagues here. We also did a poll in my district, an Internet poll, an e-mail poll, and I have read all those responses, and it has been an issue, and to be honest with you, Mr. Maher and I saw the Governor at lunchtime and he was asking us how it was going over here on this. He did not ask about the budget, but he asked about the smoking ban. So it has been an issue many Pennsylvanians are talking about and debating, and I think they follow this.

I actually agree with the lady from Luzerne County. We do not often agree on many issues, but her analysis of this smoking ban is what I have heard from my constituents. It is when you go into a restaurant or a tavern or a bar and you do not smoke and you feel like you are being assaulted by those that do smoke. Basically, that is what I have heard. So it is one of these sorts of issues of two competing liberty interests or two competing senses of freedom. The one people, the smokers, feel they have a right to smoke, and those that do not smoke feel they have the right to go in and not have smoke inhaled to them, the secondhand smoke issue, and just as important, really from a quality-of-life issue, I guess, is having smoke on your clothes and in your hair, and I have heard that from many, many people.

And so it does come down to sort of a majority situation in these public arenas, and I think that is another difference I have with some people on this. I believe if you are in a government place or a public place, the government has a right to regulate more strictly these what are called public accommodations, hotels and bars and taverns also, but when you get into private clubs and private residences, I think there is less of a government interest in going there and regulating behavior. So there is a lot of support here.

I would say on this zoo issue, that is outdoor, and that part of it I really find, although the zoos seem to be supportive of it, that is a little hard to take. That is outdoor. It is not indoor. And I know I have two State parks and a State education facility in my district, I have two State forests, I have State game lands, I have fish and boat land, and they are all outdoors. In fact, I walk outside here of the Capitol; we have this beautiful park here, and we are not walking the walk. We are not leading by example. If we are going to tell other outdoor facilities what they can and cannot do outdoors, I think we as a State need to at least be on the same minimal standards, that we cannot be holding the private sector or the private areas to a higher standard than we are holding ourselves. We should be taking the lead on that.

But I want to again thank the maker for his hard work in this area. I do have a sense that we are moving forward. I was a little disappointed some of the amendments did not get in, but I think it is sort of a package that many of us can live with, and I want to congratulate him on his hard work, Mr. Speaker.

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in support of SB 246, the smoking ban, the comprehensive smoking ban. We have done some great work here in the last several days to craft what may not be a perfect bill but what is clearly a very strong, comprehensive smoking ban, certainly much stronger than the version the Senate sent over here and I think something that we can all be proud of.

Secondhand smoke affects our quality of life. It affects where we work, it affects where we live, it affects where we recreate, but more importantly, secondhand smoke has been proven to spread disease and illness, and we need to do something about it. We are responsible. We have the opportunity today to do something about that, and this bill is a strong bill.

With respect to the idea of enforcement, let me say it to my colleague from Allegheny County that this will be enforceable. County health departments enforce clean air laws now. They may not be about smoking, but they are certainly about manufacturing and emissions. They enforce them now. And by the way, when this becomes law, there will be an army of people across this State who will be enforcing this. The customers and employees of these establishments will be the enforcement mechanism. I and every one of us here have heard from thousands and thousands of constituents who want this in law. They will be the army that will enforce the smoking ban because they will call to account and make accountable every establishment, every employer that dares violate this law. It is a strong law and enforcement will not be a problem.

This law protects all Pennsylvanians, but in particular, it will protect the most vulnerable among us. It will protect women. It will protect low-income workers. It will protect people who do not have access to health care and health insurance. That is an important improvement.

The 20 percent of smokers in this State, the 20 percent of the population who smoke, most of them, three-quarters of them want to quit, and we should have compassion for those the same way we have compassion for people who have other forms of addictive illness, because smoking addiction is an illness, but at the same time, we should not enable them to spread that illness to innocent victims who are bystanders, and that is what this bill will prevent.

So we have crafted here together on a bipartisan basis, in a really, in my mind, almost an unprecedented way in my 9 years here, a very good piece of legislation that will protect each and every Pennsylvanian, not picking and choosing winners and losers. We have a very good bill here, and I am very proud of the work we have done, and I expect and hope that we will have, again, a majority of those here today send this bill over to the Senate with a positive vote. And by the way, we need to make sure that the Senate takes up this bill and does not water it down, and I call on the advocacy groups and everybody else to make sure that we hold the Senate accountable to the work we have done here, that we get a strong bill on concurrence.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Shimkus.

Mr. SHIMKUS. Thank you, Mr. Speaker.

It is no secret that I am a strong supporter of a smoking ban in the Commonwealth of Pennsylvania, and when I spoke on this bill on two occasions, I tried to do so with science. And I realized that during this last portion of the debate, there were some people that were not paying attention and others that were distracted with other business, and the reason for that may be that some of you already have your mind made up, and if you have your mind made up that you are going to vote for the smoking ban, then I thank you for your support. But I would like to speak for just a couple of minutes to the people who are opposed to a smoking ban or perhaps you are not really sure where you are on this issue, and I would also like to speak to the people who are watching at home.

I think we have the opportunity here to make history. This past week my office staff in Scranton held a CHIP (Children's Health Insurance Program) signup day. Now, you are responsible for the Cover All Kids program, for the Children's Health Insurance Program, and when people came out to get that insurance, I was very proud of what you did, long before I was elected, because it made a difference in a lot of children's lives, and I want you to understand that this smoking bill will make a huge difference in a lot of people's lives.

It is no secret that secondhand smoke kills, and I just want you to understand that secondhand smoke affects children, and if we could just take this debate out of this chamber for just a minute and try and get you into your district office and try and get you into the homes of your constituents and try and imagine, if you can, your constituents coming to your office.

Now, it was not too long ago – and this is an analogy that I just want to give you – I sat with one of my nine grandchildren and this little girl had an earache, and when I held her on my lap and I was trying to comfort her, you know, it was difficult. And of course, she had seen a doctor and the earache was very uncomfortable for this child. Secondhand smoke causes middle ear infections in children. Secondhand smoke is blamed for middle ear infections in children.

Secondhand smoke, benzene, is linked to leukemia. Now, I do not know how many of you have ever had the experience of dealing with a child with leukemia or an adult with leukemia, but I have. Being involved with children's hospitals, I sat at the bedside of children with leukemia. I am on the registry of bone marrow donors because of what I have seen. Benzene, a by-product of smoke, is linked to leukemia. Thousands of people in the Commonwealth of Pennsylvania will die over the years from exposure to secondhand smoke and they have never smoked in their life. Mr. Speaker, this is the right thing to do. Benzene.

You know, I used the illustration when I was talking about science, if any one of us had a business or a tavern in our districts and there was airborne asbestos in it, that building would be closed, we would not allow anyone in there, and we would be calling for environmental officials to go in in moon suits to clean it up. The effects of secondhand smoke have been likened by the Surgeon General to the effects of airborne asbestos.

Now, one of the other things that I want you to think about, I want you to imagine that there is a young family or a young couple that is starting their family. They have that experience of knowing what it is like to know that a baby is on the way. Secondhand smoke is linked to low birthweight. Now, I am sure some of you have had the experience that I have. I have sat in a neonatal intensive care unit. I have held prematurely born infants in my arms. I have seen them struggling with pulmonary defects. I have seen them getting the IVs to try and get their lungs to function. Secondhand smoke is blamed for low birthweight. Secondhand smoke is blamed for sudden infant death syndrome in pregnant women who are exposed continually to secondhand smoke.

We have the opportunity here to do something. All of Pennsylvania is here. You know, I came down to speak at this podium so that I could look at you, because I know you and I know your heart, and I think we have to, we have to make this vote. You know, it is the people who are not going to be able to thank you that are most important right now. You are going to get letters of thanks from the American Cancer Society and the

Heart Association, you are going to get letters of thanks from the Restaurant Association, but you are not going to get a letter of thanks from that young couple who has a family and their baby is born healthy because they were not exposed to secondhand smoke. You are not going to get a handshake of thanks from that young person, perhaps sitting in our balcony right here, sitting in the hall right now watching, who is not going to have to deal with asthma.

I remember meeting the son of a police officer who battled asthma, and I remember him trying to describe that disease to me, and when he described asthma, he said he felt like he was in a room and it was filling up with water and he kept trying to reach the top so that he could get a breath of air. Secondhand smoke is linked to pulmonary disease. It is linked to asthma and bronchitis.

Let me just give you a little bit of science before I conclude my remarks.

Cigarette smoke has 4,700 chemicals, 50 human cancer-causing agents, and 200 poisons. Carbon monoxide, do you have a carbon monoxide detector in your garage or in your home? Carbon monoxide is a by-product of smoke. Hydrogen cyanide – cyanide does not sound like anything we want to be inflicting upon our constituents – methyl isocyanate, among these poisons; benzopyrene and NNK and NNAL, the carcinogens; nitrosamines that lead to lung cancer, respiratory system and other cancers; amines that lead to bladder and breast cancer; formaldehyde, a source of nasal cancer; and of course benzene that I mentioned causes leukemia, all can be found in secondhand smoke.

Mr. Speaker—

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Representative Oliver, rise?

Mr. OLIVER. Mr. Speaker, the noise level is just unfair to the speaker.

The SPEAKER. The gentleman is correct.

Mr. OLIVER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is absolutely correct. The Chair will ask the members of the House to be considerate of those debating this issue. Members whose conversations are important, will they please take them to the anteroom. The noise level is entirely too loud.

The gentleman is in order and may proceed.

Mr. SHIMKUS. Thank you, Mr. Speaker.

I will conclude my remarks by asking you to just kind of imagine something in your mind. I want you to imagine that some of your constituents walk into your office and ask you to help with a situation where there is leukemia or where there is an asthma problem or where there is somebody that is trying to get comfort for the loss because of sudden infant death syndrome. I know from talking to many of you that you would do anything you could at that moment to help that family, to help that child, to help that senior citizen who already has perhaps some pulmonary problems and now, because they are too polite, cannot say anything, but they walk into a business and that pulmonary problem is being aggravated. You would do anything you could to help those constituents. I know that.

Well, now is the time that you can do that. You can make a courageous vote. You can stand here and do the right thing, the right thing for our constituents. This is not a business decision. This is a decision for our constituents. It is a decision that keeps

our constituents healthy, that makes the Commonwealth of Pennsylvania a better place.

I hope you will vote for the smoking ban so that I can stand with you and we can be proud together. Thank you, Mr. Speaker.

The SPEAKER. Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, my hometown, where I was born, is now known as the West End. It was formerly known as Temperanceville, and that was during the Whiskey Rebellion a few hundred years ago. My hometown, West End, was known as Temperanceville.

I understand the ravages and the dangers caused by smoking. I was a smoker for 45 years, and I enjoyed every puff. I paid a lot of taxes, and I paid my dues. I lost a lot of family members to the ravages of smoking. Some of you may remember my secretary, Donna. I held her in my arms the week she died at Hershey Medical Center. I was at her operation. She was a heavy smoker. The doctor said that is what did it, nothing else. I understand those things, and I feel and I am sorry for the illnesses that these people have suffered, but I fear that by this legislation we are going to be pitting brother against brother, child against parent, husband against wife, friend against friend, trying to make them enforce this legislation. There are going to be interminable arguments, pro and con, about the dangers, why you should not, why you cannot, where you cannot.

That is my fear. It is not that we do not agree on the problems caused by this. It is how we are going to encourage people to give it up. I am glad I did. It was not easy for me, and I am sorry I started very young in life. However, my fear is that this is going to cause another rebellion, maybe not as big as the Whiskey Rebellion, but I will tell you what, there are a lot of people that are going to be angry in trying to enforce this legislation and they are going to lose a lot of friends over it.

Thank you, Mr. Speaker.

The SPEAKER. Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

As we begin our fourth day on this legislation, I believe we must reflect on what has happened the last 3 days. There were many amendments brought up. There were efforts to try to find compromises, to try to get both sides to do something, as my good friend from Hazleton tried to do. He stressed, we must do something to protect the children. I supported his amendment. I supported my colleague from Philadelphia who supported adult-only establishments where smoking was concerned. I did that, Mr. Speaker, and voted for it. They did not pass.

Mr. Speaker, Mr. Speaker, this has been a long debate, and I cannot support this measure as it is. I have said over the last few days, a lot of this has to do with a business decision. Should restaurants be smoke-free? Yes, Mr. Speaker. Most restaurants in my area have gone smoke-free, but that was a decision made by the local business owner. They heard from their customers, and their customers told them what they wanted. I respect local business owners. That is a decision they should make. We should not be making that decision for them. Customers go into a facility. If they do not like a facility, they tell the owner. They will not go in if they are not happy.

It just seems we are putting another mandate on small business. There were amendments to try to exempt adult-only establishments, establishments where there are no children, and that is what we should have passed. There could have been amendments put into this bill that I could have supported this

piece of legislation. Because those amendments are not in there, I am going to be voting against it.

We talked about the newest industry in Pennsylvania, the gaming facilities. When the gaming facilities paid their \$50 million to buy their license, they were under an impression that they would be able to run their business according to the rules, the rules of the game, when they bought that. I think there could be some legal challenges, Mr. Speaker, on that issue alone, because we are changing the rules after we took their money.

And, Mr. Speaker, especially an adult-oriented establishment, such as a gaming facility, who caters to a different type of clientele, they should be able to make that decision, Mr. Speaker, not us in the legislature. Nothing says that a facility has to permit smoking, and facilities who believe that they can do the right thing for the right people, they should be able to do that. We should not do that for them.

I believe this has been a lively debate and this has crossed party lines, regional lines, and there are a lot of philosophies. I respect all opinions on this issue. I think we as a State government should do the right thing and let businesses decide, let them make that decision, and in the end, I believe they will make the right decision.

I urge my colleagues to vote "no" on this legislation.

The SPEAKER. Representative Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I have heard the message loud and clear from my businesses back in my district, in the 73d District. They would support a smoking ban if it was unilateral, if everybody had to abide by it. We have picked and chosen now. We have put the bars against the private clubs, and you know, we have separated out some that cannot, and the tavern owners, the bar owners, restaurant owners that I have talked to basically are adamantly against any kind of a bill that picks winners and losers in this battle.

So therefore, I will not be supporting this bill, and I hope at some time if this fails or if it fails in the Senate and it comes back, we do a unilateral bill like Delaware did or a universal bill like Delaware did and ban smoking in public places, and I would support that, with the help of all the businesses that have contacted me.

So therefore, I will not be supporting this. Thank you.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker. No props today; nothing up my sleeve.

I would like to state that from the onset of this bill, this legislation, I have continually stated that I believe nonsmokers have rights, and I agree with what Representative, the gentlelady from Luzerne County said: My rights stop in her nose, and I should not be able to impose myself on people that do not smoke, nor should the 25 percent of Pennsylvanians who choose to smoke. However, during the course of the past 4 days, we have been unable to reach any common ground. There is no compromising with the seven or eight or nine what I will refer to as zealots who just absolutely would not even entertain the situation as expressed by Representative Manderino where you would ban smoking in all bars, all restaurants for 90 days. Let those owners, those business people, those restaurateurs take that 90 days to decide whether or not they are going to have an adults-only, no-child-admitted facility where people, the 25 percent of Pennsylvanians who smoke, can gather and socialize without being harassed by those folks who do not

smoke or who are former smokers. Now, had that Manderino amendment passed, I believe this legislation would have been constitutional.

I would also like to remind the members here that you had a great way of explaining and disseminating to your constituents your detest of the filthy, ugly habit of smoking by voting for the Schroder amendment; only 20-some people did. You said to the Pennsylvania smokers out there, please continue to smoke your brains out because we want that \$1 billion for the Mcare (Medical Care Availability and Reduction of Error) abatement and the CHIP program, so please, please smoke; do not smoke around me, but smoke as much as you can, wherever you can except around me.

And we had a Reichley amendment that dealt with the casinos, which was also defeated narrowly, I think 100 to 100 and then 99 to 101. And of course, we started this debate out with the Eachus amendment.

Now, Mr. Speaker, because, because this body in their infinite wisdom decided that the Manderino and the Eachus and Reichley amendments were not to be adopted, you zealots have made this bill, in my opinion, unconstitutional. And I want to be on record so that when this issue is brought to the courts – and I believe it will be, if it gets to the Governor's desk and is signed – that the courts have at least on the record that we in the General Assembly had the opportunity to decide or not whether we would violate the Pennsylvania Constitution or not violate the Pennsylvania Constitution.

Very specifically, Mr. Speaker— And could I have some order, because I think this is an important issue for the members to understand.

The SPEAKER. The gentleman is correct. Members will please clear the aisles and take their seats. The staff conferences will please take place in the anterooms. Members will clear their aisles.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. It is my intention to make a motion in short order, and I certainly want the members of this chamber to understand where I am coming from. Again, I believe had the Eachus, the Manderino, the Reichley amendments been adopted by this chamber, this measure was likely constitutional. However, under the Pennsylvania Constitution, Article I, section 17, "Ex Post Facto Laws; Impairment of Contracts," the Pennsylvania Constitution reads in Article I, section 17, "No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed." That is passed by us.

The definition of "ex post facto" comes from the Latin, from something done afterward, quote: "A retroactive law, a law that retroactively changes the legal consequences of acts committed or the legal status of facts and relationships that existed prior to the enactment of the law."

Under that discussion, Mr. Speaker, the gentleman, Mr. Sainato, mentioned that the casino licensees in this Commonwealth, those licensees paid \$50 million apiece just for the license, and they have been told by the licensing commission that their point of destiny, their operation needs to be about a \$250 to \$300 million luxury destination point to even be considered, with the exception of the tracks, the racetracks that were guaranteed licenses. Now you are asking people and investors to put up \$400, \$500 million with the belief that, unlike Delaware, they would be in competition with all of the

other States that allow a certain percentage of those casinos or racinos, racinos, whatever you want to call them, to allow smokers to sit together in a divided area and have the secondhand smoke not permeate into other areas of the room.

Liquor licensees, Mr. Speaker; it just does not stop at casinos. People buy liquor licenses on the spot market for whatever the price will bear. Many of you may not know that, many of the younger members may not know that, but back in the day, you might be able to buy a liquor license for \$250. It is not unusual today for people to pay \$75,000, \$100,000 for a tavern license, because their municipality is out of licenses and the LCB (Liquor Control Board) does not issue extras, so you are at your wit's end if you want to open a tavern, if you want to have your restaurant have a tavern within it or a bar. Those people also, Mr. Speaker, bought those licenses with the understanding that they could choose for themselves whether or not to be a smoking establishment.

And finally, Mr. Speaker, before I make my motion, there is no law in this State, I said this from day one, that prohibits any bar, any restaurant, any tavern, any club, any VFW, any fire company, or anybody from not having smoking in their establishment. The boards of directors and the home associations can make those decisions in the clubs. The owners of the taverns and the restaurants can make those decisions.

Why is it, Mr. Speaker, 75 percent of Pennsylvanians do not smoke, that 90 percent of bars and restaurants would prefer to continue smoking at least in some limited fashion? At least give them the permission, the ability to put in a separate room, a separate entrance, a separate floor, a separate level, smoke eaters, state of the art, like Representative Pallone talked about, but there was no room for any compromise by the 10 or so zealots on this measure.

CONSTITUTIONAL POINT OF ORDER

Mr. BELFANTI. And for that reason, Mr. Speaker, I am now making a motion that this legislation violates the Pennsylvania Constitution, Article I, section 17, dealing with ex post facto laws.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Representative Belfanti, raises the point of order that SB 246 is unconstitutional.

The Speaker, under rule 4, is required to submit questions of constitutionality of a bill to the House for decision.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. On the point of order, the Chair recognizes Representative Belfanti.

Mr. BELFANTI. Mr. Speaker, I believe I made my points.

I would like to speak after the other gentlemen, who are going to, I believe, oppose this motion, have their say. I would like to speak at the end of that.

The SPEAKER. On the question of constitutionality, the Chair recognizes Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would suggest that this bill is in fact constitutional, that there is no impairment of contract because there was no contract made with the casinos to allow them to smoke. We already regulate smoking to some degree in the Commonwealth.

And furthermore, we also have a constitutional duty to protect the health and welfare of the citizens of Pennsylvania.

So I would say that this bill is quite constitutional, and I would urge a vote in that direction.

The SPEAKER. The Chair reminds the members they are only permitted to speak once on the issue of constitutionality.

The Chair recognizes Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Let me read from the Constitution. Article I, section 27, of Pennsylvania's Constitution states that "...people have a right to clean air..."

This motion is "Alice in Wonderland." Had we accepted all of those exemptions, I would argue that that would have been unconstitutional because we would not be providing equal protection to all Pennsylvanians. We have to provide equal protection, and to exempt literally hundreds of thousands of Pennsylvania employees and millions of patrons would have been unconstitutional.

So, Mr. Speaker, the Pennsylvania Constitution guarantees us a right to clean air. That is a fact, not open to interpretation, and that makes this constitutional, and I would reject the maker's motion.

The SPEAKER. Representative Pallone, on the question of constitutionality.

Mr. PALLONE. Thank you, Mr. Speaker.

Relative to the constitutionality of this issue, it is most certainly contractual. The licensees both at the casino level and at the bar and tavern and club level purchased those licenses. They paid money for them. That is consideration. There was an offer; there was an acceptance. There was true consideration paid for in fact a legal duty or a legal obligation or a legal opportunity.

We have met all of the criteria and the conditions necessary for a binding and legal contract in the Commonwealth of Pennsylvania. Those licensees paid good hard dollars when they purchased those licenses with the understanding that they would be able to conduct their business, the casino operations, with the ability to be able to offer smoking areas contained within their facilities.

It truly is a contractual agreement between the casino and license holder and the Commonwealth. We meet those conditions to have contractual obligations imposed, and in fact, by taking the right away from those licensees to be able to permit or not smoking in their particular facility, we have violated in fact that agreement, and this law in fact would be deemed by a court a violation of the Pennsylvania Constitution under the ex post facto provisions.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Daley on the question of constitutionality.

Mr. DALEY. Thank you, Mr. Speaker.

The 10th Amendment to the United States Constitution indicates that there are certain powers and duties reserved to the States and people. It was part of the Bill of Rights that there are certain things regarding health, safety, and welfare issues that indeed need to be done by the States and the people. Our Constitution specifically says that we are to protect the health, safety, and welfare of all the people.

This is not an unconstitutional bill. If we are talking about a contract, we are talking about a civil matter. If there is a breach of contract, there are remedies to resolve that breach of contract,

and that is through the courts, but that is not the issue that we are dealing with here. The legislature has the right to make its own determination under our rules to say if this bill is actually constitutional. We have the exclusive authority. Although we are not a court of law, we are the court of the people in the legislature in which makes that determination.

We absolutely, Mr. Speaker, have the right under the equal protection clause to provide certain remedies to protect all people. As if we would say a child that is prohibited from smoking under the age of 18 or a child that is prohibited from drinking under the age of 21 is not provided the due process of law and therefore that law would be unconstitutional, that is ludicrous. We have this power, we have this duty, and we also have the court of remedy, the remedy being for contractual issue, let them take it to court.

Vote "yes" and vote that this matter is constitutional. Thank you.

The SPEAKER. The Chair recognizes Representative Cohen on the question of constitutionality.

Mr. COHEN. Thank you.

Mr. Speaker, one of the first things students in contracts study in law school is an ancient British case around the beginning of the last millennium in which the King of England sponsored an event which is very similar to the Pennsylvania Society annual gathering. The King rented a hotel and he invited every noble in England to come and meet with him and party, and then this greatly increased the value of hotel rooms. So the nobles paid greatly inflated costs in order to get a hotel room and meet with the King and his counselors, and then one day the King decided that he really did not want to go ahead with this. He was canceling the event. And then the nobles had bought these hotel rooms at an inflated price, and the only value of the hotel rooms at the price they paid was that the King was going to come and be there, and so then one or more of the nobles sued the hotel and said our contracts should be invalid. The only reason we agreed to pay these outrageous prices was because the King was there, and the courts of Britain ruled that that is tough. The King is not coming, but you still have to pay for the hotel room at the rate you agreed to pay. The decision of the British government and the King not to come does not impair your contractual obligation to pay the cost of the hotel.

We learned these cases in law school because that is the state of American law today that when you sign a contract, you have to assume, unless your contract specifically contains an exemption, that conditions are going to change over time, that there can be no guarantee that conditions will remain the same.

There is no way the State had, no way the casino control commission had of guaranteeing to the casino owners that the State legislature would never change the law. They had no way of guaranteeing that the State legislature would never deal with a no-smoking law. They had no way of guaranteeing that the State legislature would never change zoning laws or worker safety laws or minimum-wage laws.

They got a good deal at \$50 million. There are other casinos around this country who pay a lot more than \$50 million.

This is a constitutional act. No one has a right to assume when they sign a contract with the casino control commission or any State body or any private person that the Commonwealth of Pennsylvania will pass no laws regulating the public safety that may or may not adversely affect their business.

This is a clearly constitutional law. I strongly urge a "yes" vote for constitutionality.

The SPEAKER. Representative Belfanti.
Mr. BELFANTI. Mr. Speaker, am I the last speaker? I believe Mr. Seip was up.

The SPEAKER. Does Representative Seip wish to speak on constitutionality? The gentleman is in order and may proceed.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I rise to concur with my colleague from Northumberland County.

I believe that these casino operations came to our State. They in good faith purchased a license for \$50 million thinking that they would be able to operate these casinos so that we would be able to provide property tax relief for all of our citizens, and now, in the middle of the game, they are going to change the rules. We are going to void that contract that was made to them when they purchased the license.

I concur with my colleague from Northumberland County and believe that this bill is unconstitutional, Mr. Speaker.

The SPEAKER. On the issue of constitutionality, the Chair recognizes Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I do know that there is another part of the contract dealing with the casinos that if the tax rate, if the tax rate changes – this is for the benefit of my good colleague and former Labor chairman and attorney – if the tax rate changes in this State, the State is required to repay the \$50 million. The \$50 million has to be repaid by the State. So do not say that if we change any laws and use your 300-year-old story about the King, that it makes any difference.

And to my good friend from Allegheny County, he talks about Article I in a different section. The people have a right to clean air, and I agree. I concur with that 1 million percent. We can change a lot of laws that I would vote for. I would vote for a lot of laws that would allow for clean air for all Pennsylvanians. The Manderino amendment was one such thing. Had that amendment passed, I do not believe I would have the right or the ability to make this challenge on constitutionality. However, the members of this body decided for whatever reason that that amendment should not pass. The original amendment, the Eachus amendment, would have also allowed people to predetermine smoking and nonsmoking sections that include barriers. There was an amendment by the gentleman, Mr. Reichley, which would have allowed for the casino venues—

The SPEAKER. The gentleman will suspend.

The gentleman will contain his remarks to the issue of constitutionality.

Mr. BELFANTI. Thank you, Mr. Speaker.

I am just saying that if any of those three amendments or all of them would have passed, I would not be standing here speaking on constitutionality. I would be standing here speaking on final passage.

Mr. Speaker, this bill is in its present form unconstitutional according to Article I, section 17, and I would ask people to vote "no" on constitutionality. Thank you.

The SPEAKER. On the issue of constitutionality, the Chair recognizes Representative Gerber.

Mr. GERBER. Very quickly, Mr. Speaker.

I think this issue is one that is very easily resolved by the fact that there is nothing in any of the contracts that even speaks to smoking or the casinos having the authority or the ability to allow smoking within the casino.

Because of that, this is an erroneous argument, and I urge a "yes" vote on constitutionality.

Thank you, Mr. Speaker.

The SPEAKER. Those who believe SB 246 to be constitutional will vote "aye"; those believing SB 246 to be unconstitutional will vote "nay."

On the question recurring,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—157

Adolph	Frankel	Major	Ross
Argall	Freeman	Manderino	Rubley
Baker	Gabig	Mann	Sabatina
Barrar	Galloway	Mantz	Samuelson
Bastian	Geist	Markosek	Santoni
Bear	George	Marshall	Saylor
Bennington	Gerber	McCall	Scavello
Beyer	Gibbons	McGeehan	Shapiro
Bianucci	Gillespie	McI. Smith	Shimkus
Bishop	Gingrich	McIlhattan	Siptroth
Blackwell	Goodman	Melio	Smith, K.
Boback	Grell	Mensch	Smith, M.
Boyd	Grucela	Micozzie	Staback
Brennan	Hanna	Milne	Stairs
Brooks	Harhai	Moyer	Steil
Buxton	Harkins	Mundy	Stern
Cappelli	Harper	Murt	Sturla
Carroll	Harris	Myers	Surra
Civera	Helm	Nailor	Swanger
Clymer	Hennessey	Nickol	Tangretti
Cohen	Hershey	O'Brien, M.	Taylor, J.
Conklin	Hess	O'Neill	Taylor, R.
Costa	Hickernell	Oliver	Thomas
Creighton	Hornaman	Parker	True
Cruz	James	Payne	Turzai
Curry	Josephs	Payton	Vereb
Cutler	Kauffman	Peifer	Vitali
Daley	Keller, M.	Petri	Vulakovich
Dally	Keller, W.	Phillips	Wagner
DeLuca	Kenney	Pickett	Walko
Denlinger	Kessler	Preston	Wansacz
DePasquale	Killion	Quigley	Waters
Dermody	King	Ramaley	Watson
DiGirolamo	Kirkland	Raymond	Wheatley
Donatucci	Leach	Readshaw	Youngblood
Eachus	Lentz	Reed	Yudichak
Evans, D.	Levdansky	Roae	
Evans, J.	Longietti	Rock	O'Brien, D., Speaker
Fabrizio	Mackereth	Roebuck	
Fleck	Maher	Rohrer	

NAYS—45

Belfanti	Haluska	Mustio	Sainato
Benninghoff	Harhart	Pallone	Schroder
Caltagirone	Hutchinson	Pashinski	Seip
Casorio	Kortz	Perry	Smith, S.
Causer	Kotik	Perzel	Solobay
Cox	Kula	Petrarca	Sonney
DeWeese	Mahoney	Petrone	Stevenson
Ellis	Marsico	Pyle	White
Everett	Metcalfe	Quinn	Williams
Fairchild	Millard	Rapp	Wojnarowski
Gergely	Miller	Reichley	Yewcic
Godshall			

NOT VOTING—0

EXCUSED-1

Moul

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes Representative Seip.
Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, you can spin or posture these arguments in any fashion you would like. You can try and frame it any way you want, but when it comes down to it, it is pure and simple. You are trying to regulate behavior. This legislation is trying to restrict or prevent poor or bad choices that are made by individuals.

I have been a licensed social worker for a number of years, and as a licensed social worker, I can tell you that it is not possible to eliminate or even reduce sometimes individuals' poor choices. Over the years through the social work that I have done, I have been taught many lessons in human behavior by the patients that I have worked with and by some of the consumers that I have worked with in the community mental health field. It is not possible to eliminate bad choices from everyone's life. Although this legislation may also prevent our organizations from making choices, this legislation may limit our AMVETS, our American Legions, and those types of organizations from making choices. It is also going to eliminate the casinos, as we have talked about on more than one occasion, from making business decisions and all our other businesses in the Commonwealth from making their own independent business decisions.

Mr. Speaker, I urge a negative vote on this bill. Thank you.

The SPEAKER. Representative Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise in support of SB 246.

You know, personal rights end when someone else's personal rights are being violated, and it is about a choice. An individual, a worker in a workplace, for example, makes the choice not to smoke. If there is secondhand smoke throughout the air, his choice is nullified. This really is about the right of workers not to smoke.

You know, when I supported expanding gaming in Pittsburgh and throughout Pennsylvania, clearly one of the reasons I did was because of the number of family-sustaining jobs we would be creating, and I get upset when people say to my constituents, well, if you do not want to be in a smoke area, do not take that family-sustaining job; stay home, go somewhere else and look for a job; your family-sustaining job will subject you to secondhand smoke.

And, yes, this clearly is a mandate on private business; there is no question about it. It is a mandate to end an easily avoidable workplace hazard.

You know, I did not even know what a zealot was, Mr. Speaker. I looked it up. One, "Zealot": "A member of a Jewish movement of the first century A.D. that fought against Roman rule in Palestine...." My goodness; I am not a Zealot. Another definition: "A fanatically committed person."

Well, perhaps we are fanatically committed – fanatically committed to workplace safety, fanatically committed to fair child labor laws, fanatically committed to the minimum wage.

I say to my colleagues, please support SB 246. This will clearly give workers the right to work in an environment that is free of an easily avoidable hazard to their health.

Thank you, Mr. Speaker.

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I promise to be brief. I think the time is way past for changing anybody's mind.

A few weeks ago I attended at Bensalem High School a rally or a Relay For Life that was sponsored by the American Cancer Society. Speaker O'Brien was there as was our Congressman, and it was really a compelling ceremony. In the infield there were maybe a few hundred people who were going to walk around all night and they were raising money for cancer research. It was mentioned that day, as it has been mentioned a few times on the floor here, that over 3,000 Pennsylvanians die each and every year because of secondhand smoke; over 3,000 preventable deaths a year in Pennsylvania. Let us just take an average of our House districts; over 200 House districts. That is 15 people on average in each and every one of our House districts that die every year because of secondhand smoke.

Mr. Speaker, I have watched members through the years jump out of windows up here in Harrisburg when they have had a tragic preventable one death in their district to try to change a law or enact a new law to make sure that does not happen again. Over 3,000 deaths in the State of Pennsylvania.

Mr. Speaker, 13 years ago I lost my dad to lung cancer. I know the horrible, deadly, terrible effects of smoking and secondhand smoke.

Mr. Speaker, let us pass this bill. Let us do the right thing. Let us stand here next year and we will be able to say that not one Pennsylvanian died because of secondhand smoke because we passed this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the prime sponsor stand for brief interrogation? Is he still on the floor?

The SPEAKER. The gentleman just stepped off the floor for a second. He will be right back. There he is.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, there has been, obviously, a lot of discussion and concerns raised about certain business entities and the preclusion on having smoking. Mr. Speaker, would you be able to describe for the general public that might be listening in and will be reading about this tomorrow if bars or restaurants have an outside seating area, will smoking be allowed in those locations?

Mr. GERBER. Yes, Mr. Speaker.

Mr. REICHLEY. So is that a change at all from what may be a common practice today?

Mr. GERBER. I am sorry. Could you repeat that?

Mr. REICHLEY. Is that a change at all from what may be a common practice today where many bars and restaurants will allow for smoking in the outdoor porch area of their premises?

Mr. GERBER. No, Mr. Speaker.

Mr. REICHLEY. Okay.

The second area I have a question about is something you and I had talked about, Mr. Speaker, which is an amendment which I think was unfortunately approved yesterday, which places a requirement within the definition of a cigar bar that 75 percent of the annual income must come from tobacco-related products. Mr. Speaker, as the prime sponsor who has looked at this issue, are you able to describe how that new definition will impact various entities which now sort of are referred to at least as cigar bars, and we have talked about Mahogany's and Holt's and some of the other locations that you are familiar with throughout Pennsylvania.

Mr. GERBER. Yes, Mr. Speaker, you accurately stated that. Upon an amendment that was passed yesterday, the definition of "cigar bar" was changed in this chamber. So what we are voting on today is a new definition, a definition that came from that amendment. And for the members, I will just read it so that we are all perfectly clear on the language. A cigar bar is "ANY AREA, ENCLOSED OR SUBSTANTIALLY ENCLOSED, DEVOTED TO THE SALE AND SERVICE OF TOBACCO PRODUCTS AND ACCESSORIES AND THE RENTAL OF ONSITE HUMIDORS FOR ON-PREMISES CONSUMPTION WHERE THE...SALES OF TOBACCO AND TOBACCO-RELATED PRODUCTS GENERATED 75% OR MORE OF ITS ANNUAL GROSS INCOME IN THE CALENDAR YEAR ENDING DECEMBER 31, 2005, AND, ON AN ONGOING BASIS, THE CALENDAR YEAR PRECEDING AN ESTABLISHMENT'S CLAIM OF BEING A CIGAR BAR."

So I think it is pretty clear that to qualify as a cigar bar under this language, you have to have that required amount of annual gross sales, which here is 75 percent under the amended language.

Mr. REICHLEY. Mr. Speaker, as the prime sponsor of this and the person who has looked at this extensively, are you able to describe the impact that this new threshold is going to have on any institutions that are currently operating as cigar bars?

Mr. GERBER. Yes. After talking to a couple of different cigar bar operators and proprietors, they have expressed some concern about that threshold of 75 percent, because a lot of times their patrons will bring their cigars with them. So it could have the effect of changing how they do business, where they may require their patrons, or not require, but they may encourage their patrons to buy their cigars on-site as opposed to bringing their own.

Mr. REICHLEY. Mr. Speaker, I do not know if you are as familiar with the Liquor Code laws, but is it possible that an establishment right now that has a liquor license to operate as a bar, which, if this legislation is passed today, would be precluded from allowing smoking on the premises, would they be able to have a separately enclosed and ventilated portion of their physical premises which could be described as a cigar bar?

Mr. GERBER. My understanding of the language the way it is written and my interpretation is that a facility, whether it is adjacent to another bar or not, would be permitted to qualify as a cigar bar so long as it meets these requirements.

Mr. REICHLEY. Would it be allowed to operate under the same liquor license in the portion of the premises which is now banned from smoking along with the portion where there would be 75 percent of the annual income coming from tobacco and tobacco-related products?

Mr. GERBER. The definition does not speak to a liquor license being required.

Mr. REICHLEY. Okay. That is the extent of my interrogation, Mr. Speaker. If I may just speak very briefly on the bill.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I commend the gentleman from Montgomery. I think this has been a worthy effort to try to address what is a public health concern, a public taxpayer concern. We had vigorous conversations on this issue over the last few days.

I do believe that the amendment which the gentleman and I have just been discussing serves as a, more or less, foreclosure notice to anyplace which is currently operating as a cigar bar. To make the threshold at 75 percent or more of annual income to be derived from tobacco, tobacco-related products, and the rental or sale of humidors is an exceedingly high standard, which is realistically unattainable, and I think any of the members who have enjoyed the opportunity to go into a location such as a cigar bar will no longer have that option available to them because the language as offered by the gentleman from Chester has, more or less, driven those places out of business, and unfortunately, the House approved that language yesterday.

I have no doubt this legislation probably is going to pass here this afternoon, but I would ask the Senate, maybe listening in on this, that they look very carefully at this language or else you are driving out an entire line of business from Pennsylvania, and if there is not some kind of consideration as to how to amend the State Liquor Code in compliance with this new definition for "cigar bars," that you are very well going to eliminate the option for entities such as Holt's, such as Mahogany's, such as other locations, even within the areas of the State Capitol here, from operating for this purpose.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cruz.

Mr. CRUZ. Mr. Speaker, I rise in support of this bill.

Being a smoker myself, I take the precaution not to smoke around people that do not want to smoke, and with this ban, it will help alleviate that problem.

But I am sitting listening to the debate, and I hear other people and a speaker saying about that it ends in the nose. Well, what about the children in Pennsylvania that have to be where secondhand smoking is?

I had an amendment just yesterday introduced that will make it illegal for people to smoke where minors are involved, and it did not pass the House. So I tried to make a second attempt to do that.

POINT OF ORDER

Mr. CRUZ. Point of order, Mr. Speaker.

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

Mr. CRUZ. Am I in order if I put a motion to reconsider my amendment that I had introduced yesterday?

The SPEAKER. In order to accomplish this, the gentleman would have to reconsider the vote by which this bill was moved to third consideration and final passage. He then would have to reconsider the vote by which the bill was agreed to on second consideration, take the bill back to second consideration, file a reconsideration on the motion by which the gentleman's amendment was defeated, and then vote on the amendment.

Mr. CRUZ. So moved, Mr. Speaker.

The SPEAKER. The gentleman has to file all the reconsideration motions that the Chair has identified.

Mr. CRUZ. Mr. Speaker, can I suspend the rules?

The SPEAKER. The gentleman can suspend the rules if he identifies which rule he intends to suspend.

Mr. CRUZ. Can I have a moment, Mr. Speaker?

The SPEAKER. The House will be at ease.

If the gentleman will approach the rostrum, the Chair thinks he has a solution to the gentleman's problem. Will the gentleman approach the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. While the conversation is taking place, the Chair recognizes Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

I rise in support of final passage.

Most of the arguments as far as the health considerations have been made, have been made in a very compelling fashion.

I would like to point out, I think that in the debate over this, you know, both sides of the debate get zealous in their advocacy for their various positions, but I think we should also look at what we are talking about with a smoking ban. On the one hand we have what everybody admits on both sides is a hazardous exposure to nonsmokers. It was mentioned that 3,000 people a year die from secondhand smoke. We have to balance the interest of the average nonsmoker from being exposed to that smoke against the impact of a ban on smokers, and the impact of a ban on smokers is not to run them out of every restaurant and bar and casino in Pennsylvania. It is to do what is done now every day in buildings that are nonsmoking – go outside to have a cigarette – and I do not say that cavalierly. I know I see my friends on the steps of the Capitol that have to leave the building to have a cigarette. I know that is not convenient, particularly when the weather is cold.

But certainly when you compare that inconvenience of going outside to smoke, leaving a restaurant or a bar to smoke your cigarette, versus the hazard of exposing nonsmokers to the secondhand smoke, I think the answer to that equation is clear and that this is not a draconian measure, this is not something that should cause us to invoke the Constitution on behalf of casinos or anybody else, and I would ask all the members to support this commonsense legislation. Thank you.

The SPEAKER. Representative Harhart.

Mrs. HARHART. Thank you, Mr. Speaker.

I am a nonsmoker, and being a nonsmoker, I do not like to be in smoke-filled rooms, and I know it can be a hazard on your health. But I rise to be put on record, because I do have concerns about this bill in its current form and the fairness of this bill, and because of the inequities in this bill, I am going to have to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the sponsor of the bill stand for brief interrogation?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I understand under the provisions of the bill that enforcement will be by a county health department if the county has a

health department and otherwise it will be up to the county to either enforce it or assign an enforcement agency. Is that correct?

Mr. GERBER. Yes, Mr. Speaker.

Mr. FAIRCHILD. And it is also my understanding that if a county health department enforces it, then they would receive the fine money, et cetera, to go towards enhancement of their enforcement duties. Is that correct?

Mr. GERBER. Mr. Speaker, I am sorry. I am having trouble hearing you. If you could just repeat the question.

The SPEAKER. The gentleman will suspend.

Members will take their seats. Conversations in the rear of the House will break up; conversations in the rear of the House will break up. Members will take their seats.

The gentleman is in order and may proceed.

Mr. FAIRCHILD. Thank you.

Do we want to start over?

Mr. GERBER. No. Just the second question, Mr. Speaker. I could not hear you. If you would just repeat it.

Mr. FAIRCHILD. The fees that are collected by those who are caught smoking illegally, allowing smoking illegally – smoking in your office, smoking in your wherever – that money will go to the county health department. Is that correct?

Mr. GERBER. Yes, Mr. Speaker.

Mr. FAIRCHILD. Okay. If the county does not have a county health department, where would the fees go?

Mr. GERBER. It would go to the enforcement officer designated by the county.

Mr. FAIRCHILD. Okay. So a county could essentially appoint anyone and that person or entity would receive the fees?

Mr. GERBER. Yes, Mr. Speaker.

Mr. FAIRCHILD. Does it have to be an agency of the county, or could it be a constable that lives in the county? Could it be anyone?

Mr. GERBER. Yes. If a county does not have a board of health, the governing body of that county, by resolution – and I am paraphrasing from the language – shall designate an officer for the purpose of enforcing this section. So whether it be a sheriff or a constable or some other county employee or department within a county government, that designated enforcement officer or office of enforcement would be the recipient of the fee that is collected, and again, this is all under the presumption that this hypothetical county that we are talking about does not have a board of health.

Mr. FAIRCHILD. I am reading on page 18, line 4, it says, "THE MONEY SHALL GO TO THE COUNTY BOARD OF HEALTH OR IN COUNTIES THAT DO NOT HAVE A BOARD OF HEALTH, THE DEPARTMENT, TO BE USED TO ENFORCE THIS ACT." So who is the department that they are referring to in line 6?

Mr. GERBER. I am sorry, Mr. Speaker. I had another question being asked of me. Would you just repeat it; I apologize.

Mr. FAIRCHILD. I am sorry. I did not hear his question.

Mr. GERBER. I said, if you would— I was having trouble hearing you, and I just asked that you repeat the question.

Mr. FAIRCHILD. Could we have some order, Mr. Speaker?

The SPEAKER. The House is being relatively quiet. If both gentlemen would speak closer to the microphone, I think that would solve the dilemma, and the Chair will remind the members again to keep their conversations to a minimum.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

On page 18, line 4, it states, "THE MONEY SHALL GO TO THE COUNTY BOARD OF HEALTH OR IN COUNTIES THAT DO NOT HAVE A BOARD OF HEALTH, THE DEPARTMENT...." I am curious as to what you meant when you drafted this legislation as to who is the department?

Mr. GERBER. Mr. Speaker, it would be whoever is designated as the enforcement officer.

Mr. FAIRCHILD. Okay. So that could be a constable. That would be the same thing as the department under your interpretation of this?

Mr. GERBER. Yes, Mr. Speaker.

Mr. FAIRCHILD. Okay. Thank you.

That completes my interrogation, and may I make a brief statement?

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

Mr. FAIRCHILD. Thank you.

Mr. Speaker, I rise to oppose this legislation. I do so for a number of reasons. I will be very brief because I think most members already know how they are going to vote, but I think we really take a stance into an area that we do not go to very often, and I look at some of the amendments that pass, some that do not, but I think when you go into a private enterprise, a business, especially a small business that might have a business next to his or her home, when you go into that home and say that that person can do this or cannot do this, when that substance that they are allegedly misusing is a legal substance, it just does not make a heck of a lot of sense to me.

I think we are trespassing on individuals' rights. I think we are getting into the area of taking of people's personal liberties, and I am not arguing the restaurant issue here. I am arguing the issue where you cannot in your private business, in an office marked "private," partake of tobacco products.

You know, government did not build that business. Government did not pay a darn cent to build that business, to build that building, to make that enterprise flow. It took the free enterprise system. It took a man or a woman who had the guts to do it on their own, and you know, it is just wrong; it is awfully wrong that we in government are coming in and saying, oh, no; oh, no; you cannot do this in your own private enterprise. It is wrong, Mr. Speaker.

Thank you.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I have resisted over the last several days of debate in standing, to actually stand and debate the substance of this legislation. I did make some remarks the other day that I hope would bring kind of the Big Brother, nanny government debate to an end, and that is what we have here, Mr. Speaker.

I know one of the former speakers took exception to one of our colleagues using the word "zealot." It took him a while to get to the second part of that definition, which actually applied, that fanatic type of pursuit of intervening in other people's lives as this legislation does.

Mr. Speaker, I think on the face of it we talk about smoking and we have heard all these arguments about the harm that secondhand smoke can do to those who are breathing it in. I am not a smoker, never have been, and no one in my immediate family smokes. We avoid those restaurants where they do not have nonsmoking areas that actually provide enough ventilation. There is actually a restaurant in my township that I went to

one time, and due to the small amount of nonsmoking area that they had and being seated right next to smokers, I have never set a foot inside that restaurant again, Mr. Speaker, and that is the kind of change, that is the kind of force that actually works to bring about areas that people can enjoy a nonsmoking environment, is to allow the marketplace to make that decision.

The Dairy Queen in Cranberry Township where I live, they are nonsmoking, a nonsmoking Dairy Queen, and I think their business has thrived because of it, Mr. Speaker, because people enjoy that atmosphere. But for government to come in and dictate to a private business what the atmosphere will be in their facilities when those choosing to enter those facilities, if they did not like the atmosphere that they were provided with, which may be smoking, if they did not like that, they could choose to leave, for government to come in and say that we have to now save these people from themselves is wrong, Mr. Speaker.

I know that a lot of people are trying to use the argument that, well, we are trying to save the workers. Well, Mr. Speaker, when you choose to work somewhere, you are making a choice. It is a choice to work in a facility that is going to be smoking or nonsmoking, Mr. Speaker. In the United States of America, we have the right to pursue other employment opportunities if we do not appreciate the employer that we have, if we do not appreciate the environment that they provide for us to work within, Mr. Speaker.

Mr. Speaker, I believe that this is a violation of the Constitution. I know it was raised earlier on the casino side, but, Mr. Speaker, I believe this is a violation of our Constitution based on the intervention of government into a private property to tell a business owner what they may or may not do, that it is a violation of somebody's property rights, that it is a taking of their property by dictating to them, it is a taking of their property without due compensation, Mr. Speaker, by dictating to a business owner whether they should be able to allow smoking or not in their facilities, Mr. Speaker.

I know based on the earlier votes that just making the motion for the constitutionality will not be victorious here tonight, but it does not change the argument, Mr. Speaker, that the proper way to change a business's smoking policies is for the marketplace to work and not government to try and be that force that business will not be able to resist, but we will have a loss in some businesses because of it, Mr. Speaker.

Mr. Speaker, I am opposing this legislation tonight because I do think there is a violation of individuals' property rights to intervene into what they can do with their own property. I think it is perfectly acceptable, and it should be the case that we do not allow smoking in public buildings that are paid for by everybody, that we should all be able to traverse across through the hallways and in and out of publicly financed buildings without having to breathe in any smoke, but if you are in a private facility, you have the choice to leave, you have a choice not to give them your business, you have a choice not to work there, Mr. Speaker. And this Big Brother, big-government, nanny approach is great for those who are in favor of expanding government, because this type of legislation will now provide us an opportunity to not add 10,000 new policemen into the police force here in Pennsylvania but now we can add 10,000 or who knows how many smoking police, Mr. Speaker, so we can have people in every county going throughout the Commonwealth and trying to police whether or not somebody is smoking or not smoking where they should not be, Mr. Speaker.

I think we should be directing our resources toward real crime, Mr. Speaker, and not creating new crimes and intervening into people's private business.

Thank you, Mr. Speaker.

The SPEAKER. Representative Leach.

Mr. LEACH. Thank you, Mr. Speaker.

I have for a couple of hours now resisted the temptation to get up and respond to some of these arguments, but I am just not very good at that. So I would like to respond to the one argument that has been made not only by the previous speaker but by the speaker before him and a couple of other speakers, the argument that this is a business decision that should be left to private businesses.

Before I address that directly, I have to make the point again that for me at least this legislation is not about the consumers. Certainly consumers should not have to breathe smoke either, but that is not what motivates me here, because I think there is something to be said for the idea that consumers can go to a different bar if they want to. This bill is about employees. This bill is about people whose economic livelihood, whose ability to support their family, is tied up in a job, and we in a whole host of situations regulate what employers can do to their employees. The employers, because they are, quote, "business owners," cannot do anything they want to their employees. In a whole host of areas, we have very specific protections for the rights of employees.

For example, you cannot say we are going to have businesses that sexually harass their workers and businesses where the boss does not sexually harass their workers so long as they post it. We would never accept a situation where we had employers that racially discriminate and employers that do not racially discriminate so long as they post it. And ironically, Mr. Speaker, when there was legal racial discrimination, the people who practiced it had no problem posting it. They were enthusiastic about posting it. But we passed a law. We passed the '64 and '65 Civil Rights Act and we passed the Pennsylvania Human Relations Act here in Pennsylvania to say you cannot do that to your employees. Even if you own a business, even if you are a business owner, you cannot do certain things to your employees. We cannot have employers say, you know what? I am going to make the decision as a business owner not to pay minimum wage. We cannot say I am going to make the decision to make my employees work overtime but I am not going to pay them overtime. That is my decision. If they do not like it, they can get another job. That is not our policy. We never say to a restaurant owner, you know, you own this business. Someone said, you put in the sweat, you put in the money, you should be able to do what you want. I will tell you what, if you go into the restaurant and the health inspector comes in and there are rats running around, the employer cannot say, we are a prorat restaurant. If our employees wish to go to an antirat restaurant, they are welcome to do that.

So, Mr. Speaker, that is a complete nonstarter as an argument, the idea that we never can regulate what a private employer does to his employees. That is not true in the context that I mentioned. You cannot come into a restaurant where there is a 7-year-old serving a 5-year-old whiskey. Oh, you are a pro-underage-drinking restaurant. Sorry; got to go. No, we cannot do that. And I can name 20 other contexts in which we do not do that, and this is just one more, Mr. Speaker. This is just one more simple regulation based on the simple idea of human decency that there are certain things that, especially

since we acknowledge there is often an asymmetry of bargaining power in employee-employer relationships, there are certain things employers cannot do just because they feel like it, just because they can, and one of those things is you cannot make an employee breathe poison to keep their job; you cannot do that. You cannot make an employee risk cancer and heart attack and emphysema to keep their job. That is just not acceptable, just like sexual harassment, racial discrimination, not paying minimum wage, or all kinds of other things – firing an employee for going to jury duty – all kinds of other things that an employer cannot do.

Now, someone said that this is a taking of someone's business, and that may have been inadvertent because the word "taking" is actually a term of art, which means something specific. It does not mean any regulation that stops the employer from doing anything they want. What it means is a taking is such a deprecation of the value of the property as to make it worthless or virtually worthless. And here, of course, there is no evidence of a taking, because all of the studies show that the businesses, after we pass a smoking ban, do better than they were doing prior to the smoking ban. So this is not a taking. If anything, it is a giving, which admittedly is not a constitutional concept.

Mr. Speaker, I would just conclude by saying someone pointed this out: We are balancing rights here, the right of an employer to do whatever he wants to his employees, because, you know, he views them as dispensable, versus the right of people to breathe clean air and protect their health.

All we are asking smokers to do is not stop smoking; walk outside, smoke your cigarette outside. That is not too much to ask. That is a simple thing to save thousands of lives a year in Pennsylvania, and everyone should have to respect that. Even business owners should have to respect the basic human rights of employees to breathe clean air.

Thank you, Mr. Speaker.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I am talking at this time as a nonsmoker and certainly patronize the parts of the restaurant where there is nonsmoking in motels and such. So I particularly like the nonsmoking areas, and I think the business establishments that promote that, a complete ban, I know now in a lot of hotels it is a nonsmoking facility, and I think the word "economic" drives this. But I see both sides, and then, of course, sometimes in government in voting on the House floor, we are torn between two sides, and I would certainly like to see some way to compromise to resolve this, but I do not see that, at least not tonight anyway.

But the bottom line and why I am going to vote against this, and this is a toughie because I am not an advocate of smoking, but when it became to me a matter of a private business owner having a business in their home, away from the very activity and the people being present, this really kind of, you know, gets to me with regard to, you know, rights and privileges, and so that is why I am going to vote "no."

But I would hope that really— And I suspect this will pass the House. How close the vote will be, I do not know, but I think it will pass. But when it goes over to the Senate, I would hope that we can all sit down and work out a way that, and I guess not easily to be done, but work out a way to bring both sides a little closer towards the middle on this and resolve this very hotly debated debate. So let us hope that another day and another time we can make something that is more feasible for

Pennsylvanians that is fair and right for all, and both sides can walk away saying, this is the way it should be. So it is a tough vote, a difficult vote, but I think the personal freedom part really turns me to be voting against this legislation.

Thank you, Mr. Speaker.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

This is actually a request for an interrogation of the prime sponsor.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, if the gentleman will turn to the top of page 18, it lists the variety of penalties that may be imposed for a violation of this act. Just let me know when you are at that point.

Mr. GERBER. I am there. Yes, Mr. Speaker.

Mr. REICHLEY. Okay. Thank you, Mr. Speaker.

And it states that the enforcement officer may impose a civil penalty of \$250 for the first offense, \$500 for the second offense, and so on. It says, "THE MONEY SHALL GO TO THE COUNTY BOARD OF HEALTH OR IN COUNTIES THAT DO NOT HAVE A BOARD OF HEALTH, THE DEPARTMENT, TO BE USED TO ENFORCE THIS ACT." These may seem to be hypertechnical questions, Mr. Speaker, but is there any provision within this law for the money that would be paid to the department in lieu of a county that does not have a board of health, how that money would then be transferred back to the counties for which the department is engaging in the enforcement?

Mr. GERBER. Mr. Speaker, this relates to a question that was asked earlier. If you read further down in section (2), it says that "A CIVIL PENALTY RECOVERED UNDER THE PROVISIONS OF THIS SECTION SHALL BE RECOVERED BY AND IN THE NAME OF THE COUNTY BOARD OF HEALTH OR THE COUNTY FOR WHOM THE ENFORCEMENT OFFICER HAS BEEN DESIGNATED."

Mr. REICHLEY. Right, and I do see that, and I saw that before. I am just curious that if you are a county which does not have a board of health, and under paragraph (G) you have 30 days from the effective date of this act to designate an officer for the purpose of enforcement, but that if you also, apparently up in paragraph (F)(1), do not have a county board of health, the department shall be used to enforce the act. Is there any provision where the department collects the money for the county where there is not a board of health and transfers the money back to that county?

Mr. GERBER. Mr. Speaker, I may be unclear on your question. The way I read the language in paragraph (1), it says that "THE MONEY SHALL GO TO THE COUNTY BOARD OF HEALTH OR...THE DEPARTMENT, TO BE USED TO ENFORCE THIS ACT," meaning the department that has been designated by the county, which is addressed in the subsequent paragraph. In the subsequent paragraph it says that it "...SHALL BE RECOVERED BY AND IN THE NAME OF THE COUNTY BOARD OF HEALTH OR THE COUNTY FOR WHOM THE ENFORCEMENT OFFICER HAS BEEN DESIGNATED." So reading those two together, the scenario I envision is that in the county where there is no board of health, the county, under section (G), would designate some other

person or office within the county structure— Shall I wait, Mr. Speaker? Mr. Speaker, would you like me to continue?

Mr. REICHLEY. I see that, Mr. Speaker, but the problem is, within the bill as amended right now, "THE DEPARTMENT" is defined as "THE DEPARTMENT OF HEALTH." There is no option for another department or for another agency to be so designated within the language of this act as it is right now in a county where there is not a board of health. My question is, if the Department of Health is engaged or is directed under your language as the agency which enforces this statute, how does it go about then that the money is paid to the county board of health or the county for whom the officer has been designated? And I am just wondering, if I am the Department of Health for, let us say, Tioga County, for lack of a better example, that does not have a county board of health office, and now the Department of Health is enforcing the act, is there a provision within the language that says money collected by the Department of Health will be transferred over to that county?

Mr. GERBER. Mr. Speaker, we may have a different reading of the language, but if you go back to paragraph (1) where it says that in the event that there is not a board of health within a particular county, that the department that is going to be used to enforce this act becomes the destination of the money that is recovered, and then it explains later in the following paragraph that in that event, in the event that we are dealing with a county that does not have its own department of health, that "A CIVIL PENALTY RECOVERED UNDER THE PROVISIONS OF THIS SECTION SHALL BE RECOVERED BY AND IN THE NAME OF THE...COUNTY FOR WHOM THE ENFORCEMENT OFFICER HAS BEEN DESIGNATED." I am not sure why that is unclear, but I think it is pretty clear from the language that where you have a county that does not have a board of health, that county must designate some other officer of the county to enforce the legislation, and in that event, when that designated officer enforces it and was to collect the fine, the fine should be made out to the county. Does that clarify your question?

Mr. REICHLEY. Mr. Speaker, I understand exactly what the gentleman has explained to me, because I am reading the language right along with you. The problem I have is that in paragraph (F)(1), although you have said today on the floor that a county that does not have a board of health can designate some other officer, the language of the bill as it is amended by your amendment in the Health Committee says "THE DEPARTMENT," and if I scroll up to page, to the definitional section, "THE DEPARTMENT" is defined exclusively as "THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH." So there is no other option for a designation. Let me just raise— That is my first point.

Now let me move on to—

Mr. GERBER. If I could just respond, Mr. Speaker—

Mr. REICHLEY. Okay.

Mr. GERBER. —because I understand how you are reading it now and I did not understand why you were reading it that way before. You are separating out those clauses that are separated by a comma, and under that reading, I understand why you are viewing it that way. My reading of it is that the phrase "THE DEPARTMENT, TO BE USED TO ENFORCE THIS ACT," I read that as being conjoined, not separated, and that is why I am answering you the way I am, that if it were to be an officer designated or a department designated by the county that does not have that department of health, then the money would

be, the check, or, you know, the payment, would be made out to the county.

Mr. REICHLEY. Okay. Well, let me move on to another point within the same paragraph (F)(1). The language is, the enforcement officer may impose a penalty of \$250, \$500, \$1,000. It says "may" impose. Does that mean the enforcement officer can impose a civil penalty of \$5 for the first offense?

Mr. GERBER. Mr. Speaker, you have to repeat the question. There is a lot of noise in the chamber. I know the section you are referring to, but I did not hear the end of the question.

Mr. REICHLEY. Sure. In paragraph (F)(1), the top of page 18, it says, on the basis of a violation of the subsection, "...THE ENFORCEMENT OFFICER MAY IMPOSE A CIVIL PENALTY OF \$250 FOR THE FIRST OFFENSE, \$500 FOR THE SECOND OFFENSE AND \$1,000 FOR EACH SUBSEQUENT OFFENSE." My question is, when you say "may" impose, does that mean the enforcement officer may charge a violator \$5 for the first offense?

Mr. GERBER. No. I think this is permissive language saying that you may impose a penalty in these amounts. It does not speak to other amounts. It only speaks to these amounts, Mr. Speaker.

Mr. REICHLEY. Well, would not that be a "shall" impose a civil penalty of \$250, \$500, \$1,000?

Mr. GERBER. No. That would be mandating language. This is permissive language.

Mr. REICHLEY. My further question, Mr. Speaker, is, this enforcement officer, would he be performing a judicial function then by giving that enforcement officer the power to impose the penalty?

Mr. GERBER. No, Mr. Speaker. I think that like other situations, if a local police officer were to give a summons to someone and impose a penalty, the person upon whom it is being imposed could challenge it, and in that case, you would have some person in the judiciary that would make a determination based on that challenge. But this, I do not believe, puts an enforcement officer in any type of judicial capacity. It gives them the ability to enforce it and impose the penalty, and then if that imposition of the penalty would be challenged, then you would be engaged in litigation.

Mr. REICHLEY. All right. Mr. Speaker, let me be very clear about this. Now, you just raised the issue of a police officer pulling somebody over and you said the police officer can impose a civil penalty. That is factually, legally, and constitutionally incorrect. The police officer cannot impose the penalty. The police officer files the legal action by which a person may be cited for violation of a crime, but the police officer cannot tell the motorist, you now have to pay \$250 for this fine. A district judge, a judge of the court of common pleas, that person imposes the penalty.

Mr. GERBER. Mr. Speaker, with the reading of the language, this being a civil penalty, this is structured so that if you have a county board of health and there is a bar or a restaurant that is not complying, someone from that department could go out and give a citation under this language. But to clarify these types of issues, please remember that the Department of Health has the authority to establish rules and regulations under section 6, so that if there is a gap in the language or an ambiguity, under section 6, the department could promulgate and adopt rules and regulations that are necessary and reasonable to implement the provisions of this act. So while you and I may have a different reading of it, if there is actually

an ambiguity, that could be resolved by the department, and when I say the department, of course I mean the State Department of Health.

Mr. REICHLEY. The problem I am having, Mr. Speaker, is that if you were relying upon the Department of Health by regulatory means to correct what is an inconsistency of statutory authority, that is an invalid delegation of the power to the Department of Health. That would be a legislative function. You cannot have the Department of Health correcting errors within the legislation. Again, let me refer you to the language of section (F): "IF THE ENFORCEMENT OFFICER DETERMINES THAT A VIOLATION OF SUBSECTION (E) HAS OCCURRED, THE ENFORCEMENT OFFICER MAY IMPOSE A CIVIL PENALTY OF \$250...." Now, Mr. Speaker, can you cite me another part of Pennsylvania law where an enforcement officer has the ability to act as judge and jury and prosecutor of an enforcement action? Let us say it is a zoning code officer, a licensing inspector, a health inspector, that person may file the legal summons, the paperwork, the citation, to initiate a legal proceeding, but that is also held in front of a district judge. The enforcement officer does not have the power to say, I am accusing you of making this violation, I am also finding you guilty of it, so pay the fine.

Mr. GERBER. Mr. Speaker, I think you and I read this language differently. I do not see the problems with it that you see, and I think you are assuming conclusions in answering your question. I think the language is clear. I think that in the event that there is a gap in the language, the department would have the authority to promulgate rules to resolve that. But I do not think you and I are going to agree tonight. I read it the way I read it, it seems that you read it differently, but I think it is satisfactory in its current form.

Mr. REICHLEY. All right. Mr. Speaker, may I just ask for a little bit more quiet in the House, because I think, you know, this may be an arcane point but I think it is an important point for the members to understand.

The SPEAKER. The House will come to order. Conferences in the aisles will break up. Members will take their seats. Conferences in the back of the House will break up. The Chair asks the members to hold their conversations to a minimum.

The gentleman is in order and may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Now, Mr. Speaker, staying within that same paragraph, it says that "THE MONEY SHALL GO TO THE COUNTY BOARD OF HEALTH OR IN COUNTIES THAT DO NOT HAVE A BOARD OF HEALTH, THE DEPARTMENT, TO BE USED TO ENFORCE THIS ACT." The next sentence: "IN ADDITION, A COURT OF COMPETENT JURISDICTION MAY ORDER IMMEDIATE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION." Is "court of competent jurisdiction" defined anywhere within the bill, Mr. Speaker?

Mr. GERBER. I am sorry. Mr. Speaker, there are multiple conversations going here. Would you mind redirecting my attention to that sentence?

Mr. REICHLEY. Absolutely. At the top of page 18, the last sentence in paragraph(F)(1): "...A COURT OF COMPETENT JURISDICTION MAY ORDER IMMEDIATE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION." Is "court of competent jurisdiction" defined anywhere in the bill?

Mr. GERBER. No, Mr. Speaker, it is not.

Mr. REICHLEY. Can you explain to me what that means then?

Mr. GERBER. Any court authorized in the State of Pennsylvania, established by our statutes here in Pennsylvania.

Mr. REICHLEY. Does that mean that an enforcement officer can come into Commonwealth Court to file the citation?

Mr. GERBER. I do not believe that the Commonwealth Court would have jurisdiction over this.

Mr. REICHLEY. Why not? That is a court of competent jurisdiction.

Mr. GERBER. Because it is an appellate-level court, Mr. Speaker.

Mr. REICHLEY. It actually is a matter of original jurisdiction as well, Mr. Speaker.

Mr. GERBER. Yes, but as you know, on limited subject matters it has that authority, but this statute does not give the Commonwealth Court original jurisdiction. That is not provided for—

Mr. REICHLEY. Okay. Well, then tell me—

Mr. GERBER. Mr. Speaker, could I just finish my answer, please? I appreciate your thoroughness, but I just want you to give me a chance to finish my answers.

Mr. REICHLEY. Okay.

Mr. GERBER. This statute does not give original jurisdiction to the Commonwealth Court.

Mr. REICHLEY. Then what court does it give original jurisdiction to?

Mr. GERBER. A court of competent jurisdiction, and that is written in the language.

Mr. REICHLEY. And what does that mean?

Mr. GERBER. I would just—

The SPEAKER. The Chair would caution the gentleman to please ask a question and wait for the gentleman to respond.

Mr. REICHLEY. Okay.

Mr. GERBER. Go ahead, Mr. Speaker.

Mr. REICHLEY. And I am really not trying to be argumentative, but I am just concerned that it is a phrase that is thrown around but it has no definition, and it is not designated within the bill as to where the action would be filed.

Mr. GERBER. Thank you, Mr. Speaker.

My understanding of the language, when you say "court of competent jurisdiction," this would be something handled at a magistrate level and maybe to a court of common pleas, but not the Commonwealth Court with original jurisdiction. So that is what this language is intended to mean, Mr. Speaker.

Mr. REICHLEY. I understand that that may be the intention behind the language, Mr. Speaker, but we have to deal with the black and white of the actual words there, and in the absence of any clarification, I believe that it is not adequately defined whether the court of competent jurisdiction is with the district justice level or the court of common pleas. Let me follow that up with then, where is it defined in the—

The SPEAKER. The Chair will ask once again for members to hold the volume of their conversations to a minimum. It is impossible for the speakers to hear the interrogation.

Mr. GERBER. Mr. Speaker, if I could respond, and I know with your background, I think you understand where this is. A "court of competent jurisdiction" is a court that would have the authority to handle a summary civil penalty, a summary offense civil penalty, which would be a magistrate court or a court of common pleas in Pennsylvania. I think I have answered— There is no other way I can answer you on this

question. I think you understand the language, and I think with your background, I am assuming as a former district attorney you know that what we are dealing with here is a civil penalty, a summary offense civil penalty, and under Pennsylvania law, those types of penalties are handled at the magistrate level or the common pleas court level, Mr. Speaker.

Mr. REICHLEY. The concern I have, Mr. Speaker, is that we will not be having the benefit for an enforcement officer to be able to engage in this dialogue, and then without clarification, the enforcement officers are not going to know which court to go to to file the actions. But let me follow that up with the next question: If you are the defendant—

Mr. GERBER. Mr. Speaker—

Mr. REICHLEY. Wait a minute. If you are the defendant in the action and you disagree with the decision, where do you go to file the appeal then?

Mr. GERBER. Mr. Speaker, it is a two-part question. If I could just respond to the first part. If you look at section 6, if you look at section 6, Mr. Speaker, it directs the department to publish brochures and other types of materials to explain how this act should be enforced. I am looking at page 19, if you look at it.

So I understand your concern that a department of health would not understand or an officer designated in a county where there is not a department of health, but I think you and I both know that our local governments are very responsible local governments and those people are professionals, and I think they would understand this and they will understand how summary offenses and civil penalties are prosecuted or challenged, and I think that even if they were not to understand that, the department could publish brochures to make that crystal clear so that any ambiguity that you may be able to twist and spin and find in here could be resolved in such a brochure.

Mr. REICHLEY. Is there any description within the bill as to where the individual defendant would take a right of appeal?

Mr. GERBER. A court that would have jurisdiction, as we just discussed, over this type of civil penalty.

Mr. Speaker, if I may, and I think you know this, and as a fellow lawyer, not every law contains every aspect of Pennsylvania jurisprudence. By setting forth this is a civil penalty, a summary offense civil penalty, that dictates the courts that would be of competent jurisdiction. I do not think any further explanation is necessary for individuals that enforce or individuals who may find themselves being penalized under this legislation.

Mr. REICHLEY. Okay. One of the other members has asked me, just for purposes of expediting this, Mr. Speaker, is it described as to what would be the basis of the violation? If an enforcement officer walks into a bar and finds cigarette butts on the floor, is that going to be the basis for him to be able to assert as a violation of this ordinance?

Mr. GERBER. Mr. Speaker, if you turn to page 17, that is all set forth. Prohibited acts are described on page 17. If you look at, it is section (E)(1) and section (E)(2), and it is laid out there for you. In section (2), it is prohibited "FOR AN INDIVIDUAL TO SMOKE IN ANY AREA WHERE SMOKING IS PROHIBITED OR RESTRICTED UNDER THIS SECTION." If a cigarette butt is lying around but no one is actually smoking, there would be no violation, but if someone is smoking, there would be a violation.

Mr. REICHLEY. I understand what the nature of the violation would be, Mr. Speaker, and that there is an affirmative defense available, and it would be unusual, I would grant you, in a statute such as this to describe what the level of evidence would be, but it also seems to me to lack to describe what the burden of proof would be.

Mr. GERBER. Mr. Speaker, then that would have to be something resolved by a court that would be confronted with such a decision. But again, I point you to section (2). It says, "FOR AN INDIVIDUAL TO SMOKE IN ANY AREA...." You know as a former district attorney that when we have prohibited acts, not every statute that sets forth a prohibited act dictates to a court what that court may or may not consider as evidence. This is not designed to make evidentiary rulings that judges make; this is designed to prohibit acts. It prohibits smoking. If a cigarette butt is found somewhere, whether or not a fact-finder, whether that be a judge or a jury, would determine that to be a violation, that is up to them. That is not set forth here in the legislation. What is set forth here in the legislation in very, very plain English, Mr. Speaker, is that it is prohibited "FOR AN INDIVIDUAL TO SMOKE IN ANY AREA WHERE SMOKING IS PROHIBITED OR RESTRICTED UNDER THIS SECTION."

Mr. REICHLEY. I understand what you just said, Mr. Speaker, but is it also true that there is nowhere defined within this bill what the burden of proof is that the enforcement officer must satisfy, whether it is preponderance of the evidence or clear and convincing evidence, which are both used in civil proceedings as burdens of proof.

Mr. GERBER. I would agree with you that that is not dictated here in the statute but would surmise that it is not necessary to be in this statute.

Mr. REICHLEY. Well, how is a district judge evaluating the case supposed to know what burden of proof to apply if the bill itself does not indicate the level to which an enforcement officer must offer in terms of proof?

Mr. GERBER. Mr. Speaker, I think you know as a lawyer and former district attorney, courts are charged with making those determinations all the time. If any statute is silent on a particular issue, whether it be procedural or substantive, they have to make a determination. They look at precedent, whether it be from case law, other statutes, what is done in other jurisdictions. So that is how a question like the one you are asking would be resolved in the context of this statute, Mr. Speaker.

Mr. REICHLEY. I think that is the extent of the questions I have, Mr. Speaker. If I could just address the bill very briefly.

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

Mr. REICHLEY. Mr. Speaker, the gentleman from Montgomery has offered a number of answers which all too often, though, in the course of our dialogue here have been, well, that will be figured out by the courts later on; or, the department will promulgate regulations to take care of this later on; or, we will figure that out as we go, and unfortunately, with such a new barrier being imposed upon businesses, I think it would behoove us to be very clear to all those entities which are now going to be in a position to enforce this to tell them right off the bat what the burden of proof is that must be sustained in a court. Although I will concede to some degree that the gentleman may be correct that it is going to be a default that one would go into a district justice court for enforcement action of this, I do not believe that is necessarily true. There is a lack of

reference to any appeal procedure which would be available to a defendant on such an action who believes that he has been unfairly charged or judged. And I think the most grievous example of poor draftsmanship on this, Mr. Speaker, is that in paragraph (F)(1) it states that "IF THE ENFORCEMENT OFFICER DETERMINES THAT A VIOLATION OF SUBSECTION (E) HAS OCCURRED, THE ENFORCEMENT OFFICER MAY IMPOSE A CIVIL PENALTY OF \$250 FOR THE FIRST OFFENSE,..." and that is unlike any power granted to a zoning officer, to a licensing official, to a health inspector. In any situation involving those similar kinds of enforcement officers, an enforcement action, a civil penalty, a civil document, is filed by the enforcement officer, but the officer himself does not get to say, and now you are guilty of this; I have found that a violation, I suspected a violation occurred, and now I am finding you guilty of it and imposing a penalty, and so I think the bill as drafted has a grievous error to that effect.

This would be a situation in zoning: You have zoning appeal officers. Zoning boards can hear matters within their jurisdiction. A district judge would hear an allegation of a food inspector's report who believes that a certain statute was violated. A licensing inspector would have to go before a judge of the district judge level.

So I think the language in (F)(1) borders on being unconstitutional. I have seen examples of how we have dealt with this on earlier occasions, but I would warn the ladies and gentlemen of the Assembly tonight that by voting for this, we may very well be voting to enforce an unconstitutional application. Thank you.

The SPEAKER. Representative Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

My remarks tonight are in response largely to the comments a few minutes ago from the gentleman from Montgomery County. As someone who has operated my own business for over 25 years, I think I can speak to the small businessperson's perspective on this issue.

I still have a hard time understanding why we feel government must intrude in this area and regulate our behavior when we have the ability to regulate it ourselves. In my view, we are heading down a very slippery slope here when we allow government to regulate people, what people can and cannot do with a legal product on private property. Any business, any business in Pennsylvania has always had the ability to regulate what goes on in their business at any time. In my business, when we purchased a building in 1984, the first thing we did was put up a "No Smoking" sign in the lobby of that business. From that day forward, it has been a smoke-free facility. That was our choice, we were able to do it, and we felt it was in the best interests of our employees and our clients. Any business in Pennsylvania can make that same choice, make that same decision, and I am sure most business people would make that decision based on what is best for their business and what suits their clientele as they go forward.

If it is true, as the gentleman stated, that most people prefer a smoke-free environment and that business flourishes under a smoke-free environment, then I am sure most businesses would make that decision and become smoke-free. However, Colorado passed a smoke-free ban, a smoking ban, several years ago. Has it had the success that the gentleman from Montgomery indicated earlier? Not if you talk to some of the owners of small businesses in Colorado. As a matter of fact, James Vonfeldt,

the owner of Billy's Inn Bar in Colorado Springs, Colorado, says that to my knowledge, we have more than 22 bars which have closed since the ban was imposed and we have got over 400 people unemployed and "...if it weren't for the smokers, frankly I'd be out of business." You see, he does not abide by the smoking ban and allows people to smoke in his bar. He would rather pay the fine and keep his business open than close the doors entirely, and I have to wonder how those 400 people who are now unemployed, who used to work there, feel about this issue. Are they feeling overjoyed that the smoking ban passed in Colorado and they no longer have to work in a smoke environment, or would they rather have their old jobs back?

Thank you, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

This has been a difficult debate, a difficult debate in both caucuses. I do not care whether you stood for days discussing this in the Republican caucus room or the Democratic caucus room, what we see today is disagreements, and I think they run along issues of demography, they also run along issues of geography. In areas of the Commonwealth that are young and affluent, people really feel strongly about a smoking ban. In areas that are hardworking, small towns like Hazleton and McKeesport, Waynesburg and Uniontown, maybe it is not all consensus, but they are tough, hardworking people who have grown up in a tradition of smoking.

Now, we understand the science. We have heard all the debate about it; I am not even going to go back over that terrain, but let me say today that I think what we have seen is a movement of the culture in the Commonwealth, and I have to tell you that I still feel strongly that adults who wish to provide a smoking environment should have the right to do so.

Now, once again, I think we all concur that children should be safe from secondhand smoke, that businesses should be regulated in a way that protects the public from secondhand smoke, that public places, a variety of them, should be, but what we have had is a debate, and this General Assembly is a battle of ideas. We come here to try and reach consensus.

Now, we have not reached a 100-percent vote on this issue because the culture is divided, but we have had a debate about the issues. I do not necessarily agree with the final passage; as a matter of fact, I am going to vote my heart on this, but I think members have to have the latitude to be able to feel the way they feel on this and represent the places they represent. This has been a difficult debate. It has sometimes been personal, it is emotional, but this is where we come to decide the direction of the culture of the Commonwealth, and this debate we have had I think has been successful in defining the issues and to figuring out how those of us who represent the people of this Commonwealth feel about it, and those who prevailed today are clearly moving the culture.

Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. For the information of the members, and in order to comply with the 24-hour rule as contained in rule 21, the Chair intends to go over this bill temporarily since there are no other speakers and vote the bill approximately 7:30 p.m.

SUPPLEMENTAL CALENDAR C CONTINUED

CONSIDERATION OF HB 1530 CONTINUED

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

The SPEAKER. Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we have already gone over this bill several times to discuss what the Senate has done and what role it plays for western Pennsylvania and all of Pennsylvania, but I want to remind all the members that we will be asking for a concurrence vote on this bill, how important it is to the manufacturing base in western Pennsylvania, how important it will be for the future as rate caps come off across the State.

The SPEAKER. For the information of the members, the Chair has a list from the last time this bill was called up, and I will read the members who are listed for the general membership information: Preston, Turzai, Godshall, and the minority leader, Representative Smith.

The Chair recognizes Representative Preston.

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

I also rise to support concurrence on HB 1530. This has been a very important bill, not just for western Pennsylvania but I think in a sense across the State. And I was for the bill even in its previous stance with the amendments that were dealing with procurement before the Senate took them out, and I wish that had not been the case, but since it is the case, I think it is best.

But also, I guess since this issue is going to be very at the forefront in our special session, that along with my colleague, Representative Godshall, that this summer in dealing with the issue of utilities, procurement, the rate caps, that we are going to spend this summer acquainting the members of the Consumer Affairs Committee to be able to deal with a wide myriad of issues so that we can understand what is going to be happening with utilities in the future for the Commonwealth of Pennsylvania, and I look forward to be able to deal with those many issues that we have to deal with – the high transmission lines; to be able to review some of the chapter 14 issues that Curtis Thomas has raised, or the gentleman from Philadelphia – and we are going to be able to work together, I think, hopefully on a more bipartisan issue to be able to look at the future for utilities, utility rates, the rate-cap issue, in the Commonwealth of Pennsylvania for the future so that we can make the citizens much more favorable as far as what is going to happen to deal with economic development and the jobs that are going to be coming into the area, and I would encourage the members to concur on HB 1530. Thank you.

The SPEAKER. Representative Turzai.

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

I do rise to urge a "yes" vote on concurrence to the Senate amendments to HB 1530. As it has been stated a number of times, this bill really is quite important to keeping and expanding the manufacturing base, particularly in southwestern Pennsylvania where the rate caps have already come off. However, Mr. Speaker, there is one item that is not addressed in the version of HB 1530 before us at this point, and that is the energy procurement language. The parties, both the manufacturers and various interests in the energy industry, had all come together on a compromise, many of those in my office

early and I know they were in the Republican Leader Smith who got everybody together. Chairman Godshall, Leader McCall, Mr. Dermody, and a lot of people had gotten everybody together, and because of Secretary McGinty, that compromise was just pushed aside over in the Senate, and I think that is unfortunate.

When HB 1530 left, it was almost a unanimous vote. Nonetheless, everybody is still in agreement that we need to get this language passed to make sure that we save jobs in Pennsylvania and create newer jobs, and while the issue of how energy is procured should ultimately be left to the experts at the PUC, if the issue does resurface, I would strongly urge my colleagues to support energy procurement language for which we have already given nearly unanimous support.

Thank you very, very much, Mr. Speaker.

The SPEAKER. Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

As the Republican chair of the Consumer Affairs Committee, which is one committee that has worked along with our colleagues on the Democratic side tooth and nail, and not only on this issue but other issues, we are fortunate that we have been able to do that in the course of this legislative session and hopefully it will continue. We worked hard on this bill in committee. We worked hard on this bill when various interest groups decided that they could not live with certain provisions of the bill. We asked these groups to come together, and the groups did come together. The groups spent a lot of time getting together something that we could all live with, supposedly.

And I have a letter here that was sent to the Governor, signed by 40 members, 40 Democratic members, from Allegheny County pertaining to this bill asking for the bill to be signed as is, and in that letter it says, "The House passed the bill by a vote of 200 to 2, largely as a result of the pro-customer provisions contained in the legislation, for large industrial customers and for residential and small commercial customers." That is for large industrial customers and for residential and small commercial customers. "It will be very difficult for us to convince our members that we should delete the language protecting residential and small commercial customers because the Governor wants to address those issues in the fall." This was a letter sent just a couple days ago to the Governor's Office.

Now, I agree; I know that this issue is very important, you know, to western Pennsylvania, and I am not going to stand, I do not want to stand in the way. I could not anyway, because it will pass. But at the same time, you know, I am really disappointed that with all the effort and all the work that was put into this legislation, that we can have DEP (Department of Environmental Protection), apparently, calling the shots and saying to the Senate, we disregard your feelings on this issue, saying to the House of Representatives, by a vote of 200 to 2, that, you know, you do not know what you are talking about; we are going to let you come back in the fall. But this is exactly what is happening here and it is a shame, and it is not the way that I feel that the legislative body in Pennsylvania should be treated, and to that I would say, you know, we are going to vote for this bill tonight, and hopefully we will be able to remedy this long-term contract which we are in and the procurement issue in the fall.

Thank you.

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

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

Briefly, I think a lot of the points have been covered. Obviously, this legislation is very important, and I think I am a little bit disappointed that the procurement language was taken out, because I was impressed with, when faced with the controversy of this issue as it first came about through this House, I was impressed with the work product that all of the affected parties put together, whether it was some of the people in the electric-generating world or the utilities or the large utility users, all across that spectrum of directly affected parties, I was impressed with the effort they put into the language that was in HB 1530 when it left this House.

The thing that gets me the most though, Mr. Speaker, is that it was a compromise that was worked out, and almost everybody in this body was very comfortable, very happy with it. And quite frankly, Mr. Speaker, I do not think that there are too many people in the Senate that were not really happy with the language that was put into this bill by this House. There is only, to my knowledge, Mr. Speaker, there is only one person in this whole Capitol Complex who does not like the way HB 1530 was put together when it left the House, and that is the Secretary of DEP, Mr. Speaker. And I do not understand, Mr. Speaker, why this body has been led around by the nose by the Secretary of DEP other than that, I guess, the administration is afraid to stand up and say, the legislation, as it was, was good for Pennsylvania. It was good for jobs and it was good for the electric industry in Pennsylvania, and whether you like it or not, everybody burns electricity, and we need to keep that as a healthy industry in this Commonwealth.

I think it was a mistake, Mr. Speaker, for the administration to bend over the direction they did and force this issue out of this bill. I think it was a big mistake, Mr. Speaker. I hope that all of the parties that worked so hard to put this together, only to see it crumble halfway apart, I hope that they are committed to coming back this fall and, when we get into the energy issues, understand the importance and the delicacy of how these issues, like procurement, are balanced in this kind of a piece of legislation, Mr. Speaker, because they certainly took a vital piece away.

I am going to vote to concur because I realize not putting this bill on the Governor's desk is a detriment to the economic vitality and growth of good-paying jobs, especially in southwestern Pennsylvania. But, Mr. Speaker, let me just be clear, it was wrong how this came about. It was an affront, I believe, to the true intent of this legislative body, and I think that it should be noted on the record.

Thank you, Mr. Speaker.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Jobs, jobs, jobs. You know, recently, a couple years ago, there was campaign rhetoric, "It's the economy, stupid," and certainly that played then and it plays today in southwestern Pennsylvania. Our mills are doing well, and they are doing so well that they even want to expand. But they say very bluntly that if we cannot address the energy, the electric prices and address their concerns, they are going to be expanding out of the Commonwealth, and that is the last thing this State needs.

So I would urge my colleagues to concur, and unfortunately, the administration has done a few things that is not going to help us any, but let us take one thing at a time. Concur in this, get the bill as it now is, 1530, and then if we come back in September during our energy summit or energy session,

show the administration and show others that we mean business to protect jobs and make our State, not just southwestern Pennsylvania, grow and prosper. So I encourage your support.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to concur on HB 1530, and it was characterized by the previous speaker as a jobs bill for southwestern Pennsylvania, and that is precisely on point. This legislation simply allows for the largest industrial customers that utilize electricity to negotiate special contracts to secure lower priced electricity from utilities. The piece of the amendment that came out in the Senate was the procurement language, and that is the language that has the most controversy as contained in 1530.

I certainly want to thank all of the stakeholders who worked so diligently to help us fix this problem for those large industrial customers, but I think it is equally important that we have the debate on the procurement language. The language contained in that procurement language is very complex, and I think it is necessary for us as a body to debate that complex language as it relates to prevailing market prices and least cost when the PUC reviews contracts.

Mr. Speaker, I am committed to that. I think it is a debate that we need to have as a body, and I would ask the members to concur in the amendments that the Senate added to 1530, because it is vital to the economic vitality of southwestern Pennsylvania. I would thank Representative Dermody, certainly Minority Leader Smith, for all of their efforts to bring this debate to the floor. However, I think as we move to special session sometime in September and we start talking about energy, that this is one of the debates that we need to have as an institution.

Thank you, Mr. Speaker.

The SPEAKER. Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I will be very careful in that there is no reason whatsoever I would want to admonish anyone in this body. There are many of us that do things that at the moment we think are right, and unfortunately, as we go on, we find they were anything but right. The minority leader, who is a personal friend of mine and my neighbor, talked about some things. I would just like to insist that it was not the Rendell administration that voted for deregulation. In fact, it was echoed and pushed by Governor Ridge, who now lives in Maryland, and they suffered the same consequence and have overturned that deregulation.

Now, I believe there are a couple of things that we will do, and I believe that the majority whip has put forth his rationale, and I will be right there with him, but I am going to support this bill very wholeheartedly in that it does in fact allow for the contract and negotiations and commitment to provide long-term energy where an individual involved in needing to procure that energy will know not just in the next week but in the next year or two where they can go and where they have been. And the truth is that I am not going to say and mention to a point that I was simply lucky I did not vote for deregulation – 29 of us did not – and I would not dare to criticize those that did, and I believe everybody on the other side did, but I am going to defend them. I am going to defend the minority at that time in that they thought like many did, that the deregulation would do two things: that it would allow for cheaper electricity; that it would allow choice – choice – where those who felt they could

get a better deal would be allowed to do it. Now, that is all behind us. I do not see anybody talking about what we are going to do when December of 2010 comes around and then another month where the cap comes off.

Now, Mr. Speaker, I was fortunate enough and proud that I was the legislator that went over and brought suit against the Commonwealth Court to make this matter a little better that was absolutely skullduggery. So let us pass this and let us put ourselves in a point where we go about this in the months to come, not as Republican-Democrat, majority-minority: as individuals who were sold a bill of goods and were plenty mad about it, and the only thing we can do to adjudicate all is to do the right thing and change it.

This is a start. I urge you to vote for it. Thank you.

The SPEAKER. Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

There has been a lot said, laments about the Senate amendments and whatnot, but let us bring this back to the point at hand. A very, very large employer in western Pennsylvania is poised to erect a brand-new facility that will employ 3500 men paying a very good wage. We need this concurrence.

And, Mr. Speaker, I will tell you point-blank, this one is so close to me, I almost have to abstain. My father retired from Allegheny Ludlum as did my grandfather. My cousin is currently running a crane in Brackenridge. My great-uncle was an inspector in the West Leechburg hot mill for 35 years. Help us keep our standard of life alive. Please agree with us on this concurrence, and let us revisit in the fall.

Thank you, Mr. Speaker.

The SPEAKER. Representative Markosek.

Representative Dermody? Does anyone seek recognition? Representative Dermody waives off.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Rubley
Baker	Galloway	Marshall	Sabatina
Barrar	Geist	Marsico	Sainato
Bastian	George	McCall	Samuelson
Bear	Gerber	McGeehan	Santoni
Belfanti	Gergely	Mcl. Smith	Saylor
Benninghoff	Gibbons	McIlhattan	Scavello
Bennington	Gillespie	Melio	Schroder
Beyer	Gingrich	Mensch	Seip
Bianucci	Godshall	Metcalfe	Shapiro
Bishop	Goodman	Micozzie	Shimkus
Blackwell	Grell	Millard	Siptroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	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	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS-1

Ross

NOT VOTING-0

EXCUSED-1

Moul

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. The House will be at ease.

**MOTION TO RECONSIDER
THIRD CONSIDERATION OF SB 246**

The SPEAKER. The Chair is in receipt of a reconsideration motion filed by Representative Cruz and Representative Sabatina. It is moved that the vote that the Chair agreed to third consideration on SB 246, PN 1326, was agreed to on the 16th day of July be reconsidered.

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

The following roll call was recorded:

YEAS-70

Argall	Gabig	Metcalf	Scavello
Benninghoff	Godshall	Millard	Schroder
Beyer	Harhart	Mustio	Shapiro
Bishop	Helm	Myers	Smith, M.
Blackwell	Hennessey	O'Brien, M.	Smith, S.
Brooks	Hershey	Oliver	Solobay
Buxton	Hornaman	Pallone	Stevenson
Caltagirone	Hutchinson	Parker	Taylor, J.

Casorio	Keller, M.	Payne	Thomas
Civera	Keller, W.	Payton	Vereb
Clymer	Kenney	Perzel	Vulakovich
Cruz	Kirkland	Petrarca	Waters
Denlinger	Maher	Preston	White
DiGirolamo	Major	Pyle	Williams
Donatucci	Manderino	Raymond	Youngblood
Ellis	Marshall	Reichley	
Everett	Marsico	Rohrer	O'Brien, D., Speaker
Fairchild	McGeehan	Sabatina	

NAYS-132

Adolph	Freeman	Mackereth	Rock
Baker	Galloway	Mahoney	Roebuck
Barrar	Geist	Mann	Ross
Bastian	George	Mantz	Rubley
Bear	Gerber	Markosek	Sainato
Belfanti	Gergely	McCall	Samuelson
Bennington	Gibbons	McI. Smith	Santoni
Biancucci	Gillespie	McIlhattan	Saylor
Boback	Gingrich	Melio	Seip
Boyd	Goodman	Mensch	Shimkus
Brennan	Grell	Micozzie	Siptroth
Cappelli	Grucela	Miller	Smith, K.
Carroll	Haluska	Milne	Sonney
Causar	Hanna	Moyer	Staback
Cohen	Harhai	Mundy	Stairs
Conklin	Harkins	Murt	Steil
Costa	Harper	Nailor	Stern
Cox	Harris	Nickol	Sturla
Creighton	Hess	O'Neill	Surra
Curry	Hickernell	Pashinski	Swanger
Cutler	James	Peifer	Tangretti
Daley	Josephs	Perry	Taylor, R.
Dally	Kauffman	Petri	True
DeLuca	Kessler	Petrone	Turzai
DePasquale	Killion	Phillips	Vitali
Dermody	King	Pickett	Wagner
DeWeese	Kortz	Quigley	Walko
Eachus	Kotik	Quinn	Wansacz
Evans, D.	Kula	Ramaley	Watson
Evans, J.	Leach	Rapp	Wheatley
Fabrizio	Lentz	Readshaw	Wojnaroski
Fleck	Levdansky	Reed	Yewcic
Frankel	Longietti	Roae	Yudichak

NOT VOTING-0

EXCUSED-1

Moul

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

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF SB 246 CONTINUED

The SPEAKER. The Chair returns to final passage of SB 246.

On the question recurring,
Shall the bill pass finally?

VOTE CORRECTION

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

Mr. BASTIAN. Mr. Speaker, to correct the record.

The SPEAKER. The gentleman is in order.

Mr. BASTIAN. Okay. On HB 1203, concurrence vote, I wanted to be a "no," and my switch malfunctioned. So correct me as a "no."

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

CONSIDERATION OF SB 246 CONTINUED**BILL PASSED OVER TEMPORARILY**

The SPEAKER. This bill will go over temporarily.

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 1530, PN 2344

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.

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

CONSIDERATION OF SB 246 CONTINUED

The SPEAKER. The Chair returns to SB 246.

The Chair recognizes Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker. I promise I will be short. I rise as a nonsmoker to make a short comment on this bill.

I received an e-mail from a constituent of mine concerning the smoking bill, and I wanted to share it with my colleagues, and I quote: "Mr. Kortz, I want to thank you for your support..." against "the smoking ban bill. I am not against a non-smoking area in any establishment. It seems some representatives want to take my freedom of choice from me, of which, I fought for others to have that right to have freedom of choice" when I fought "in Vietnam. The exceptions in the bill such as casinos, should be extended to taverns and clubs," end quote. Dave S., West Mifflin, PA.

The key phrase, Mr. Speaker, is "freedom of choice." He fought in Vietnam for our right to choose, and all he is asking for is his right to choose and have a cigarette in a tavern. What is next? Coffee? Soda? Where are we going with all of this? Where is it going to end? If we pass this bill, we are going to legislate behavior. That has been brought up before, and I think we tread on dangerous grounds if we do that. I do not want to infringe on people's right to choose legal items, and smoking is legal. I want to emphasize that.

Mr. Speaker, we had the chance to put some common sense into this legislation several days ago with the Eachus amendment, but that failed.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

SUPPLEMENTAL CALENDAR B CONTINUED**CONSIDERATION OF HB 1295 CONTINUED**

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Dwight Evans, who moves to suspend the rules for the purpose of offering amendment A03153, which the clerk will read.

The clerk read the following amendment No. **A03153**:

Amend Bill, page 2, lines 40 and 41; pages 3 through 44, lines 1 through 30, page 45, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a section to read:

Section 1508. Use and Appropriation of Unused Commonwealth Funds.—(a) Whenever the Governor has declared a disaster emergency, the Governor may transfer any unused funds which may have been appropriated for the ordinary expenses of the State government in the General Fund to such Commonwealth agencies as the Governor may direct to be expended for relief of disaster in such manner as the Governor shall approve, and the funds are hereby appropriated to the Governor for such purposes. The total of the transfers under this subsection shall not exceed twenty million dollars (\$20,000,000) in any one fiscal year except by action of the General Assembly.

(b) Whenever the Governor shall have proclaimed a disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), the Governor shall have power to transfer any unused funds which may have been appropriated for the ordinary expenses of government in the General Fund to such Commonwealth agencies as he may direct to be expended for reimbursements as provided in 35 Pa.C.S. § 7705(a) and (b) (relating to special powers of local agencies). Such reimbursements shall be made in accordance with and to the extent permitted by regulations issued by such agency or agencies as the Governor may designate to administer the reimbursement programs established by 35 Pa.C.S. § 7705(a) and (b). The total of such transfers shall never exceed five million dollars (\$5,000,000) in any one fiscal year except by action of the General Assembly.

Section 1.1. The act is amended by adding an article to read:

ARTICLE XV-A
COMMONWEALTH EMPLOYEES
GROUP LIFE INSURANCE

Section 1501-A. Definitions.

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

"Annual pay rate." The base pay rate annualized and, in the case of hourly eligible employees, shall be computed on the basis of expected work hours.

"Department." The Department of General Services of the Commonwealth.

"Employees." A permanent, continuously scheduled employee of the executive, judicial or legislative branch of the Commonwealth, its commissions, boards, departments and authorities. The term shall include members of the General Assembly.

"Life insurance." Life insurance procured under this article.

"Secretary." The Secretary of General Services of the Commonwealth.

Section 1502-A. Group life insurance.

(a) Procurement by department.—Except as provided under subsection (b), the department, with the approval of the Governor and with the advice of the Insurance Commissioner, shall procure from one or more life insurance companies authorized to do business in this Commonwealth a policy or policies of group life insurance covering eligible employees.

(b) Legislative branch.—Upon written notice to the secretary, an individual agency of the General Assembly may procure life insurance for its eligible employees, including members of the General Assembly, in place of life insurance available under subsection (a). Any life insurance procured under this subsection shall, at a minimum, meet the requirements of sections 1503-A, 1504-A, 1505-A, 1506-A and 1508-A.

(c) Eligibility.—An employee under subsection (a) or (b) in active service shall be eligible for life insurance under this article if the employee has completed three months' continuous service as an employee under subsection (a) or (b). Temporary employees shall not be eligible.

Section 1503-A. Amount.

(a) Schedule.—The amount of life insurance for any eligible employee shall be based on the eligible employee's annual pay rate from the Commonwealth in accordance with a schedule to be submitted annually by the secretary for publication in the Pennsylvania Bulletin.

(b) Reduction.—The amount of life insurance for any eligible employees 70 years of age or older shall be one-half the amount of life insurance provided under the schedule published under subsection (a).

(c) Change in amount.—Any change in the amount of life insurance made necessary by a change in pay shall take effect on the next succeeding program anniversary.

Section 1504-A. Contributions.

(a) Eligible employee payment.—Except as provided under subsection (b), each eligible employee covered by life insurance shall pay, either directly or by means of a payroll deduction authorized by the employee, the cost of the insurance in an amount as may be determined from time to time on the basis of the actual total costs of the life insurance policy or policies contracted for by the Commonwealth.

(b) Commonwealth payment.—The Commonwealth may agree to pay all or any of the costs for life insurance.

Section 1505-A. Termination.

(a) Cessation.—Except as provided under subsection (b), life insurance shall, subject to any conversion privilege, cease upon the occurrence of any of the following:

(1) Termination of employment.

(2) Nonpayment of any contribution due from an eligible employee.

(3) After 12 continuous months of unpaid absence.

(b) Disability.—Life insurance shall be continued for employees who terminate after becoming permanently and totally disabled while covered under this program.

Section 1506-A. Automatic coverage.

(a) Provision for coverage.—Any policy of life insurance shall provide that all eligible employees shall be automatically covered commencing on the date they first become eligible.

(b) Notice.—An employee desiring not to be covered by life insurance shall give written notice, on a prescribed form, to the employee's employing office that the employee desires not to be insured. If the notice is received before the employee becomes insured under the policy, the employee shall not be insured. If the notice is

received after the employee becomes insured, the employee's insurance under the policy will cease effective with the end of the pay period during which the notice is received by the employing office.

Section 1507-A. Secretary to be agent.

(a) Agent.—Except for life insurance procured under section 1502-A(b), the secretary is exclusively authorized and shall have the duty to transact all business necessary for the purpose of contracting for insurance under this article.

(b) Commission.—The life insurance company or companies from whom life insurance is procured by the secretary shall compute commissions in accordance with their standard practice followed in other similar plans. The commissions shall be paid to the secretary to offset administrative and other expenses incurred in the administration of the insurance plan.

Section 1508-A. Applicability of insurance laws.

All life insurance shall be subject to the laws of this Commonwealth relating to insurance.

Section 2. Section 1737-B of the act, added July 5, 2006 (P.L.296, No.66), is amended to read:

Section 1737-B. State System of Higher Education.

[(Reserved).]

The following shall apply to executive authorizations from the Keystone Recreation, Park and Conservation Fund for the State System of Higher Education:

(1) Notwithstanding the provisions of section 12(b) of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, for Fiscal Year 2006-2007, the entire amount of the transfer under section 1106-C(d) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be paid to the State System of Higher Education.

(2) (Reserved).

Section 3. Section 1720-C(c) of the act, added July 5, 2006 (P.L.296, No.66), is repealed:

Section 1720-C. State Gaming Fund.

(c) Transfers for Volunteer Fire Company Grant Program.—Commencing with Fiscal Year 2006-2007 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated to the Volunteer Fire Company Grant Program on a continuing basis.]

Section 4. The act is amended by adding articles to read:

ARTICLE XVII-E

GENERAL BUDGET IMPLEMENTATION

SUBARTICLE A

PRELIMINARY PROVISIONS

Section 1701-E. Applicability.

This article applies to appropriations from every General Appropriation Act.

Section 1702-E. Definitions and abbreviations.

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

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant

Program.

"DFSC." Drug Free Schools and Communities Act.

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." Elementary and Secondary Education Act.
"FEMA." Federal Emergency Management Agency.
"FTA." Federal Transit Administration.
"HUD." Department of Housing and Urban Development.
"LIHEABG." Low-Income Home Energy Assistance Block

Grant.

"LSTA." Library Services and Technology Act.
"MCHSBG." Maternal and Child Health Services Block Grant.
"MHSBG." Mental Health Services Block Grant.
"MR." Mental Retardation.
"PAFE." Pennsylvania Agricultural Food Exposition.
"PHHSBG." Preventive Health and Health Services Block

Grant.

"RSAT." Residential Substance Abuse Treatment.
"SABG." Substance Abuse Block Grant.
"SCDBG." Small Communities Development Block Grant.
"SDA." Service Delivery Area.
"SSBG." Social Services Block Grant.
"TANF." Temporary Assistance for Needy Families.
"TANFBG." Temporary Assistance for Needy Families Block

Grant.

"TEFAP." Temporary Emergency Food Assistance Program.
"WIA." Workforce Investment Act.
"WIC." Women, Infants and Children Program.

Section 1703-E. Warrants.

(Reserved).

SUBARTICLE B
EXECUTIVE DEPARTMENT

Section 1711-E. Governor.

(Reserved).

Section 1712-E. Executive Offices.

The following shall apply to appropriations for the Executive Offices:

(1) Pennsylvania Commission on Crime and Delinquency. Funds remaining after application of section 202 of a General Appropriation Act for the appropriation for grants-in-aid for intermediate punishment programs shall be distributed to counties based on the following formula:

(i) Fifty percent shall be based on the proportion of offenders diverted from the county prison system to county intermediate punishment programs.

(ii) Fifty percent shall be based on the proportion of offenders diverted from the State correctional system to the county prison system.

(2) Grants for specialized probation services, including school-based, community-based, intensive supervision and aftercare services shall be provided in accordance with standards adopted by the Juvenile Court Judges Commission.

Section 1713-E. Lieutenant Governor.

(Reserved).

Section 1714-E. Attorney General.

(Reserved).

Section 1715-E. Auditor General.

The following shall apply to appropriations to the Auditor General:

(1) Funds appropriated to the Department of the Auditor General shall be for the purpose of performing postaudits in accordance with generally accepted government auditing standards.

(2) (Reserved).

Section 1716-E. Treasury Department.

The following shall apply to appropriations to the Treasury Department:

(1) Payments for the Commonwealth's portion of expenses of councils, commissions, conferences, boards, associations, coalitions and institutes shall be made only on requisition of the Governor on behalf of the organization, which shall file an accounting of expenses with the Auditor General.

(2) (Reserved).

Section 1716.1-E. Insurance Restructuring Restricted Receipt Account.

(a) Establishment.—There is established a restricted receipt account in the State Treasury to be known as the Insurance Restructuring Restricted Receipt Account. Interest earned on money in the account shall remain in the account.

(b) Deposit.—All net economic benefits, including proceeds, savings, funds and other money derived from the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation, which are to be used to fund any portion of a health care or health care-related program of or administered by, the Commonwealth shall be deposited into the account.

(c) Prohibition.—No contract or written agreement between the Commonwealth and a hospital plan corporation or professional health services plan corporation may be entered into relating to the disbursement or spending of the economic benefits, proceeds, savings, funds or other money resulting from the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation until funds are appropriated under subsection (d).

(d) Appropriation.—No fund or money may be transferred or paid from the account unless appropriated by the General Assembly for health-related purposes.

Section 1717-E. Department of Aging.

(Reserved).

Section 1718-E. Department of Agriculture.

The following shall apply to appropriations for the Department of Agriculture:

(1) No expenditures may be made from the appropriation for the payment to the State Farm Products Show Fund or from the State Farm Products Show Fund for any activities associated with the PAFE unless such activities take place on the premises of the Farm Show Complex, Harrisburg, Pennsylvania.

(2) The department may make allocations of appropriations for development and operation of an open livestock show, for planning and staging of an open dairy show and for promotion and holding of annual local, regional and State 4H clubs and Future Farmers of America dairy shows as it deems appropriate, to an association whose purposes are in accord with the purposes and intent of the appropriations. Allocations under this paragraph shall be used for the development and operation of Livestock, Dairy and Junior Dairy Shows in the Pennsylvania Farm Show Complex, provided, that the funds allocated by the department shall only be used for the specific items approved by the department in advance.

Section 1719-E. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

(1) No more than 20% of funds appropriated for grants under the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, shall be allocated to any one political subdivision.

(2) (Reserved).

Section 1720-E. Department of Conservation and Natural Resources.

(Reserved).

Section 1721-E. Department of Corrections.

(Reserved).

Section 1722-E. Department of Education.

(Reserved).

Section 1723-E. Department of Environmental Protection.

(Reserved).

Section 1724-E. Department of General Services.

(Reserved).

Section 1725-E. Department of Health.

(Reserved).

Section 1726-E. Insurance Department.

(Reserved).

Section 1727-E. Department of Labor and Industry.

(Reserved).

Section 1728-E. Department of Military and Veterans Affairs.

(Reserved).

Section 1729-E. Department of Public Welfare.

The following shall apply to appropriations for the Department of Public Welfare:

(1) Any rule, regulation or policy for the Federal or State appropriations for the cash assistance, outpatient, inpatient, capitation, behavioral health, long-term care and Supplemental Grants to the Aged, Blind and Disabled, Child Care and Attendant Care programs adopted by the Secretary of Public Welfare during the fiscal year which adds to the cost of any public assistance program shall be effective only from and after the date upon which it is approved as to the availability of funds by the Governor.

(2) Federal and State medical assistance payments. The following shall apply:

(i) (Reserved).

(ii) (Reserved).

(iii) (Reserved).

(iv) (Reserved).

(v) (Reserved).

(vi) (Reserved).

(vii) The following shall apply to eligibility determinations for services under medical assistance:

(A) Unless the custodial parent or legally responsible adult has provided to the department, at application or redetermination, information required by the department for inclusion in the annual report under clause (B), no funds from an appropriation for medical assistance shall be used to pay for medical assistance services for a child under 21 years of age:

(I) who has a Supplemental Security Income (SSI) level of disability; and

(II) whose parental income is not currently considered in the eligibility determination process.

(B) The department shall submit to the Public Health and Welfare Committee of the Senate and the Health and Human Services Committee of the House of Representatives an annual report including the following data:

(I) Family size.

(II) Household income.

(III) County of residence.

(IV) Length of residence in this Commonwealth.

(V) Third-party insurance information.

(VI) Diagnosis and type and cost of services paid for by the medical assistance program on behalf of each eligible and enrolled child described in clause (A).

Section 1730-E. Department of Revenue.

(Reserved).

Section 1731-E. Department of State.

(Reserved).

Section 1732-E. Department of Transportation.

(Reserved).

Section 1733-E. Pennsylvania State Police.

(Reserved).

Section 1734-E. State Civil Service Commission.

Funds appropriated to the State Civil Service Commission shall include any funds collected by the commission for the administration of the merit system for employees under the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

Section 1735-E. Pennsylvania Emergency Management Agency.

(Reserved).

Section 1736-E. Pennsylvania Fish and Boat Commission.

(Reserved).

Section 1737-E. State System of Higher Education.

(Reserved).

Section 1738-E. Pennsylvania Higher Education Assistance Agency.

(Reserved).

Section 1739-E. Pennsylvania Historical and Museum Commission.

(Reserved).

Section 1740-E. Pennsylvania Infrastructure Investment Authority.

(Reserved).

Section 1741-E. Environmental Hearing Board.

(Reserved).

Section 1742-E. Pennsylvania Board of Probation and Parole.

(Reserved).

Section 1743-E. Pennsylvania Public Television Network Commission.

(Reserved).

Section 1744-E. Pennsylvania Securities Commission.

(Reserved).

Section 1745-E. State Tax Equalization Board.

(Reserved).

Section 1746-E. Health Care Cost Containment Council.

(Reserved).

Section 1747-E. State Ethics Commission.

(Reserved).

Section 1748-E. State Employees' Retirement System.

(Reserved).

Section 1749-E. Thaddeus Stevens College of Technology.

(Reserved).

Section 1750-E. Pennsylvania Housing Finance Agency.

(Reserved).

Section 1751-E. LIHEABG.

The following shall apply to expenditures:

(1) The Department of Public Welfare may, upon approval of the secretary, make transfers of Federal funds appropriated to the Department of Community and Economic Development from LIHEABG for weatherization and administration if the transfer will not result in a deficit in any appropriation from which funds are transferred.

(2) Unexpended weatherization funds which would result in LIHEABG funds being returned to the Department of Health and Human Services may be spent for assistance grants at the discretion of the secretary.

(3) The secretary shall provide ten days' prior notification of a transfer under paragraph (1) or (2) to the chairman and the minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

Section 1752-E. Budget Stabilization Reserve Fund.

(Reserved).

SUBARTICLE C
LEGISLATIVE DEPARTMENT

Section 1761-E. Senate.

(Reserved).

Section 1762-E. House of Representatives.

(Reserved).

Section 1763-E. Legislative Reference Bureau.

(1) Notwithstanding any other provision of law to the contrary, including 62 Pa.C.S. (relating to procurement), the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications shall be printed under contracts entered into by the Legislative Reference Bureau and distributed as determined by the bureau. Money from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine; and that money shall be paid into the State Treasury to the credit of the General Fund. Money from sales is hereby appropriated from the General Fund to the Legislative Reference Bureau for the editing, printing and distribution of the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

(2) Contingent expenses connected with the work of the bureau shall be paid on warrants of the State Treasurer in favor of the director on the presentation of the director's requisitions.

(3) The director shall file an accounting of the contingent expenses, together with supporting documents whenever possible, in the office of the bureau.

Section 1764-E. Legislative Budget and Finance Committee.
(Reserved).Section 1765-E. Legislative Data Processing Committee.
(Reserved).Section 1766-E. Joint State Government Commission.
(Reserved).Section 1767-E. Local Government Commission.
(Reserved).Section 1768-E. Joint Legislative Air and Water Pollution Control and Conservation Committee.
(Reserved).Section 1769-E. Legislative Audit Advisory Commission.
(Reserved).Section 1770-E. Independent Regulatory Review Commission.
(Reserved).Section 1771-E. Capitol Preservation Committee.
(Reserved).Section 1772-E. Pennsylvania Commission on Sentencing.
(Reserved).Section 1773-E. Center for Rural Pennsylvania.
(Reserved).Section 1774-E. Commonwealth Mail Processing Center.
(Reserved).Section 1775-E. Chief Clerk of the Senate and Chief Clerk of the House of Representatives.
(Reserved).

SUBARTICLE D
JUDICIAL DEPARTMENT

Section 1781-E. Supreme Court.
(Reserved).Section 1782-E. Superior Court.
(Reserved).Section 1783-E. Commonwealth Court.
(Reserved).Section 1784-E. Courts of common pleas.
(Reserved).Section 1785-E. Community courts - magisterial district judges.
(Reserved).Section 1786-E. Philadelphia Traffic Court.
(Reserved).Section 1787-E. Philadelphia Municipal Court.
(Reserved).Section 1788-E. Judicial Conduct Board.
(Reserved).Section 1789-E. Court of Judicial Discipline.
(Reserved).Section 1790-E. Juror cost reimbursement.
(Reserved).Section 1791-E. County court reimbursement.
(Reserved).Section 1792-E. Senior judges.
(Reserved).Section 1793-E. Transfer of funds by Supreme Court.
(Reserved).

SUBARTICLE E
RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

Section 1799-E. State Gaming Fund.

(a) Transfers for Volunteer Fire Company and Volunteer Ambulance Service Grant Act.—Commencing with Fiscal Year 2007-2008 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated on a continuing basis to the Pennsylvania Emergency Management Agency for the purpose of making grants in accordance with Chapter 7 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. Annually the sum of \$22,000,000 shall be expended for the purpose of making grants to eligible volunteer fire companies pursuant to Chapter 3 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. Annually the sum of \$3,000,000 shall be expended for the purpose of making grants to eligible volunteer ambulance services pursuant to Chapter 5 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(b) (Reserved).

(c) Performance audit.—Notwithstanding section 408, a performance audit of the Pennsylvania Gaming Control Board commenced in 2007 by the Auditor General shall be paid for from funds appropriated to the Auditor General.

(d) Utilization.—The board shall not encumber or commit funds obtained from any source, including a commercial loan or the sale of gaming receipts, unless appropriated by the General Assembly.

ARTICLE XVII-F
2007-2008 BUDGET IMPLEMENTATION

SUBARTICLE A
PRELIMINARY PROVISIONS

Section 1701-F. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2007.

Section 1702-F. Definitions and abbreviations.

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

"General Appropriation Act." The act of _____, 2007 (P.L. No.), known as the General Appropriation Act of 2007.

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant Program.

"DFSC." Drug Free Schools and Communities Act.

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." Elementary and Secondary Education Act.

"FEMA." Federal Emergency Management Agency.

"FTA." Federal Transit Administration.

"HUD." Department of Housing and Urban Development.

"LIHEABG." Low-Income Home Energy Assistance Block Grant.

"LSTA." Library Services and Technology Act.
"MCHSBG." Maternal and Child Health Services Block Grant.
"MHSBG." Mental Health Services Block Grant.
"MR." Mental Retardation.
"PAFE." Pennsylvania Agricultural Food Exposition.
"PHHSBG." Preventive Health and Health Services Block

Grant.

"RSAT." Residential Substance Abuse Treatment.
"SABG." Substance Abuse Block Grant.
"SCDBG." Small Communities Development Block Grant.
"SDA." Service Delivery Area.
"SSBG." Social Services Block Grant.
"TANF." Temporary Assistance for Needy Families.
"TANFBG." Temporary Assistance for Needy Families Block

Grant.

"TEFAP." Temporary Emergency Food Assistance Program.
"WIA." Workforce Investment Act.
"WIC." Women, Infants and Children Program.

Section 1703-F. Warrants.

(Reserved).

SUBARTICLE B
EXECUTIVE DEPARTMENT

Section 1711-F. Governor.

(Reserved).

Section 1712-F. Executive Offices.

(Reserved).

Section 1713-F. Lieutenant Governor.

(Reserved).

Section 1714-F. Attorney General.

(Reserved).

Section 1715-F. Auditor General.

(Reserved).

Section 1716-F. Treasury Department.

(Reserved).

Section 1717-F. Department of Aging.

(Reserved).

Section 1718-F. Department of Agriculture.

(Reserved).

Section 1719-F. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development in the General Appropriation Act:

(1) Grants from funds appropriated for community revitalization and assistance shall be awarded only after program guidelines, schedules and application procedures are established by the department and published in the Pennsylvania Bulletin.

(2) Funds appropriated for small business development centers shall be allocated as follows:

(i) Small business development centers that received an allocation from the appropriation for small business development centers for Fiscal Years 2005-2006 and 2006-2007 shall be allocated an amount for fiscal year 2007-2008 which is not less than the amount received in Fiscal Year 2005-2006.

(ii) Small business development centers that did not receive an allocation from the appropriation for small business development centers for Fiscal Year 2005-2006 shall be allocated an amount for Fiscal Year 2007-2008 which is not less than the amount received from the appropriation for small business development centers for Fiscal Year 2006-2007.

(iii) The State director's office, including the energy management assistance program and the strategic initiative plans program shall be allocated in an amount which is not less than the amounts received from the appropriation for small business development centers for Fiscal Year 2005-2006.

Section 1720-F. Department of Conservation and Natural Resources.
(Reserved).

Section 1721-F. Department of Corrections.

The following shall apply to appropriations for the Department of Corrections in the General Appropriation Act:

(1) When making expenditures from appropriations for the operation of State correctional institutions, the Department of Corrections shall give consideration to minimum relief factor values calculated when determining staffing levels for corrections officers and food service instructors at each State correctional institution.

Section 1722-F. Department of Education.

The following shall apply to appropriations of the Department of Education in the General Appropriation Act:

(1) Annual payments from the appropriation to institutions of higher learning for defraying the expenses of deaf or blind students shall not exceed \$500 per student.

(2) Grants to engineering schools approved by the Accreditation Board of Engineering and Technology prorated based upon full-time equivalent student enrollment may only be used for the acquisition or upgrading of engineering instructional equipment. At least \$2 of private funds shall be required for each \$1 of grant funds.

Section 1723-F. Department of Environmental Protection.

(Reserved).

Section 1724-F. Department of General Services.

(Reserved).

Section 1725-F. Department of Health.

The following shall apply to appropriations for the Department of Health in the General Appropriation Act:

(1) Funds appropriated for lupus programs shall be distributed in the same proportion as distributed in Fiscal Year 2006-2007.

(2) Funds appropriated for arthritis outreach and education shall be equitably distributed among the central, western and eastern regions of this Commonwealth based on the ratio of population served in each region to the total population served in this Commonwealth.

Section 1726-F. Insurance Department.

(Reserved).

Section 1727-F. Department of Labor and Industry.

The following shall apply to appropriations for the Department of Labor and Industry in the General Appropriation Act:

(1) The appropriation for payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation includes \$2,584,000 for a Statewide professional service provider association for the blind to provide specialized services and prevention of blindness services.

(2) For the "Reed Act-Unemployment Insurance" and "Reed Act-Employment Services and Unemployment Insurance" appropriations, the total amount which may be obligated shall not exceed the limitations under section 903 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1103).

Section 1728-F. Department of Military and Veterans Affairs.

(Reserved).

Section 1729-F. Department of Public Welfare.

The following shall apply to appropriations for the Department of Public Welfare from the General Appropriation Act:

(1) Authorized transfers for child care services.

The following shall apply:

(i) The department, upon approval of the secretary, may transfer Federal funds appropriated for TANFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child care services to additional low income families if the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and

minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal funds appropriated for CCDFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child care services to additional low income families provided that the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(2) Federal and State medical assistance payments.

The following shall apply:

(i) When making payments for medical assistance outpatient or capitation services, the department shall not require a recipient to obtain a physician referral in order to receive chiropractic services.

(ii) No funds appropriated for approved capitation plans shall be used to pay a provider who fails to supply information in a form required by the department in order to facilitate claims for Federal financial participation for services rendered to general assistance clients.

(iii) For Fiscal Year 2007-2008, additional Federal and State inpatient funding is included to provide for Community Access Fund payments. Payments to hospitals for Community Access Fund Grants shall be distributed under the formulas utilized for these grants in Fiscal Year 2006-2007.

(iv) Qualifying State-related academic medical centers shall not receive any less funding than received for the Fiscal Year 2004-2005 State appropriation level if Federal funding for academic medical centers is not made available to those academic medical centers during Fiscal Year 2007-2008.

(v) Funds appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(3) (Reserved).

(4) Women's service programs. The following shall apply:

(i) Funds appropriated for women's service programs grants to nonprofit agencies whose primary function is to provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities which operate projects designed specifically to provide all or a portion of these services. Projects receiving funds referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Funds appropriated for women's service programs shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Federal funds appropriated for TANFBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(5) Behavioral health services. All available intergovernmental transfer funds appropriated to augment appropriations, including prior year carryover funds, shall be spent prior to Commonwealth funds.

(6) County children and youth programs. The following shall apply:

(i) No more than 50% of funds allocated from the State appropriation for county children and youth programs to each county shall be expended until each county submits to the department data for the prior State fiscal year, and updated quarterly, on the unduplicated caseloads, unduplicated services and number of caseworkers by county program. Data shall be submitted in a form acceptable to the department. A copy of the data shall be sent to the chairman and minority chairman of the Appropriations Committee of the Senate and to the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(ii) Reimbursement for children and youth services made pursuant to section 704.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not exceed the amount of State funds appropriated. It is the intent of the General Assembly that counties do not experience any adverse fiscal impact due to the department's maximization efforts.

(7) TANF transition. Funds appropriated for Child Welfare TANF transition may be disbursed by the department in accordance with section 205 of the Public Welfare Code as one time grants to county children and youth agencies. The department shall utilize guidelines adopted in consultation with the County Commissioners Association of Pennsylvania to govern eligibility for a grant and the nature and extent of other unfunded child welfare expenditures for which grants may be used. The maximum one time transition grant to a county in Fiscal Year 2007-2008 may be less than but shall not exceed the amount specified in a county's "State Transition Grant" revenue line as reflected in the Fiscal Year 2007-2008 Proposed Allocation for State Transition Grant letter from the Department of Public Welfare to the Secretary of the Budget dated July 14, 2007.

(8) Behavioral health services transition. The department, upon approval of the secretary, may transfer Federal and State funds appropriated for behavioral health services transition to counties to provide for children and youth programs, child abuse and neglect prevention or medical assistance capitation.

(9) Community-based family centers. No funds appropriated for community-based family centers may be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

Section 1730-F. Department of Revenue.

(Reserved).

Section 1731-F. Department of State.

(Reserved).

Section 1732-F. Department of Transportation.

(Reserved).

Section 1733-F. Pennsylvania State Police.

The following shall apply to appropriations for the Pennsylvania State Police from the General Appropriation Act:

(1) During Fiscal Year 2007-2008, the Pennsylvania State Police may not close a barracks until the Pennsylvania State Police conduct a public hearing and provide 30 days' notice, which shall be published in the Pennsylvania Bulletin and in at least two local newspapers.

(2) (Reserved).

Section 1734-F. State Civil Service Commission.

(Reserved).

Section 1735-F. Pennsylvania Emergency Management Agency.

The Pennsylvania Emergency Management Agency shall provide semiannual reports of all grants awarded by Pennsylvania Emergency Management Agency from Federal disaster assistance or relief funds, homeland security and defense funds, avian flu/pandemic preparedness or other public health emergency funds to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The reports shall include information relating to the entity receiving grant money from the Pennsylvania Emergency Management Agency, including the name and address of the entity, the amount of the grant, the date of issuance and the purpose of the grant. Reports shall be submitted on or before August 15 of each year for grants awarded during the period from January 1 through June 30 and on or before February 15 of each year for grants awarded during the period from July 1 through December 31.

Section 1736-F. Pennsylvania Fish and Boat Commission.

(Reserved).

Section 1737-F. State System of Higher Education.

(Reserved).

Section 1738-F. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency from the General Appropriation Act:

(1) Maximization of funds. The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for matching payments for student aid funds to maximize the receipt of Federal funds to the fullest extent possible.

(2) Limitation. No college, university or institution receiving a direct appropriation from the Commonwealth shall be eligible to participate in the institutional assistance grants program.

(3) Agricultural loan forgiveness. In distributing funds appropriated for agricultural loan forgiveness, the agency shall give preference to renewal applicants.

Section 1739-F. Pennsylvania Historical and Museum Commission.

(Reserved).

Section 1740-F. Pennsylvania Infrastructure Investment Authority.

(Reserved).

Section 1741-F. Environmental Hearing Board.

(Reserved).

Section 1742-F. Pennsylvania Board of Probation and Parole.

The following shall apply to the appropriation for the Pennsylvania Board of Probation and Parole from the General Appropriation Act:

(1) Work performed under the drug offenders' work program appropriation for the board shall in no case replace jobs protected by a collective bargaining unit.

(2) (Reserved).

Section 1743-F. Pennsylvania Public Television Network Commission.

(Reserved).

Section 1744-F. Pennsylvania Securities Commission.

(Reserved).

Section 1745-F. State Tax Equalization Board.

(Reserved).

Section 1746-F. Health Care Cost Containment Council.

The Health Care Cost Containment Council shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of

the Appropriations Committee of the House of Representatives specifying the amount and source of proceeds received from the sale of data by the council. Proceeds received from the sale shall be deposited in the General Fund and shall not be expended unless appropriated by the General Assembly. The report shall supplement the annual report of financial expenditures required under section 17.1 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

Section 1747-F. State Ethics Commission.

(Reserved).

Section 1748-F. State Employees' Retirement System.

(Reserved).

Section 1749-F. Thaddeus Stevens College of Technology.

(Reserved).

Section 1750-F. Pennsylvania Housing Finance Agency.

(Reserved).

Section 1751-F. LIHEABG.

(Reserved).

Section 1752-F. Budget Stabilization Reserve Fund.

(Reserved).

SUBARTICLE C
LEGISLATIVE DEPARTMENT

(RESERVED)

SUBARTICLE D
JUDICIAL DEPARTMENT

Section 1781-F. Supreme Court.

(a) Administrative Office.—Funds appropriated for the Administrative Office of Pennsylvania Courts may be used for the operation of the Pennsylvania Board of Law Examiners. Funds provided to the board shall be repaid in full to the office, without interest or charges, from revenues of the board.

(b) County court administrators.—No funds from any appropriation other than the appropriation for county court administrators for the Unified Judicial System may be used to supplement payments to county court administrators.

Section 1782-F. Superior Court.

(Reserved).

Section 1783-F. Commonwealth Court.

(Reserved).

Section 1784-F. Courts of common pleas.

The following shall apply to appropriations for the courts of common pleas in the General Appropriation Act.

(1) No payment may be made from the appropriation for salaries and expenses of courts of common pleas judges for printing, postage, telephone or supplies.

(2) No payment may be made for expenses of any kind relating to education.

Section 1785-F. Community courts: magisterial district judges.

All of the following apply to the appropriation in the General Appropriation Act for salaries and expenses of community court judges and magisterial district judges:

(1) Except for printing costs related to 42 Pa.C.S. § 3532 (relating to expenses), no other costs for printing, postage, telephone or supplies may be paid for from the appropriation.

(2) No expenses of any kind relating to education may be paid for from the appropriation.

Section 1786-F. Philadelphia Traffic Court.

(Reserved).

Section 1787-F. Philadelphia Municipal Court.

(Reserved).

Section 1788-F. Judicial Conduct Board.

(Reserved).

Section 1789-F. Court of Judicial Discipline.

(Reserved).

Section 1790-F. Juror cost reimbursement.

(Reserved).

Section 1791-F. County court reimbursement.

County court reimbursements shall be as follows:

(1) Reimbursement to counties for costs incurred in the administration and operation of courts of common pleas shall be paid as follows:

(i) For each common pleas court judge, filled or vacant, \$70,000 per authorized position.

(ii) Judicial districts comprising more than one county shall receive \$70,000 per authorized position. The amount payable to each county shall be determined by the proportion of the county's population in relation to the population of the entire judicial district.

(iii) No county shall be reimbursed for costs above the actual direct costs, excluding capital outlays, incurred to operate the courts of common pleas.

(iv) No county shall receive less than 77.5% of the actual reimbursement for court costs appropriated in Fiscal Year 1980-1981.

(v) Reimbursement shall be made to the county treasurer and, in cities of the first class coterminous with counties of the first class, to the city treasurer.

(2) (Reserved).

Section 1792-F. Senior judges.

(a) Health benefits.—Subject to subsection (b), appropriations for the Superior Court, Commonwealth Court, courts of common pleas, community courts, magisterial district judges, the Philadelphia Municipal Court and the Philadelphia Traffic Court may be used to pay for health benefits for senior judges working as active or senior judges for a minimum of 75 days in the prior calendar year.

(b) Limitation.—Senior judges of the courts of common pleas shall not be assigned unless adequate funds are appropriated to provide compensation. A senior judge assigned in excess of existing appropriations shall be compensated from the appropriation for the Supreme Court.

Section 1793-F. Transfer of funds by Supreme Court.

The Supreme Court may transfer to the Judicial Department during the fiscal year funds appropriated in sections 281, 282, 283, 284, 285, 286, 287, 290 and 291 of the General Appropriation Act among any of the line items contained within those sections. In order to avoid a deficit in any line items in those sections, the Supreme Court may also transfer funds deposited into the Judicial Computer System Augmentation Account to any line items in those sections. The Supreme Court may also transfer excess funds appropriated in those sections to the Judicial Computer System Augmentation Account during the month of June 2008. If the Supreme Court makes a transfer under this section, the Supreme Court shall give written notification to the secretary and chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives ten days prior to any transfer. This section shall not apply to the appropriation in section 291 of the General Appropriation Act for gun courts.

ARTICLE XVII-G

2007-2008 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

Section 1701-G. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2007.

Section 1702-G. State Lottery Fund.

(1) Funds appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

Section 1703-G. Energy Conservation and Assistance Fund.

No less than 75% of the appropriation for energy conservation programs under the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, shall be used for programs listed as priorities in section 7(b) of the Energy Conservation and Assistance Act.

Section 1704-G. Judicial Computer System Augmentation Account.

The Supreme Court and the Court Administrator of Pennsylvania are prohibited from augmenting the amount appropriated to the Judicial Computer System Augmentation Account by billings to other appropriations to the judicial branch for the Statewide Judicial Computer System or for any other purpose.

Section 1705-G. Emergency Medical Services Operating Fund.

(Reserved).

Section 1706-G. State Stores Fund.

(Reserved).

Section 1707-G. Motor License Fund.

(Reserved).

Section 1708-G. Hazardous Material Response Fund.

(Reserved).

Section 1709-G. Milk Marketing Fund.

(Reserved).

Section 1710-G. Home Investment Trust Fund.

(Reserved).

Section 1711-G. Tuition Payment Fund.

(Reserved).

Section 1712-G. Banking Department Fund.

(Reserved).

Section 1713-G. Firearm Records Check Fund.

(Reserved).

Section 1714-G. Ben Franklin Technology Development Authority Fund.

Funds allocated from the appropriation for the Ben Franklin Centers for Fiscal Year 2007-2008 shall not be less than the allocation for Fiscal Year 2006-2007.

Section 1715-G. Tobacco Settlement Fund.

(a) Deposits.—

(1) Notwithstanding sections 303(b)(3) and (4) and 306 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the following shall apply:

(i) For Fiscal Year 2007-2008, \$14,033,000 of the funds derived under section 303(b)(3) of the Tobacco Settlement Act shall be deposited into the Tobacco Settlement Fund. This subparagraph includes \$2,783,000 deposited in the fund under section 1715-C(a)(1)(i) but not appropriated in the act of July 2, 2006 (P.L. No.2A), known as the General Appropriation Act of 2006.

(ii) For Fiscal Year 2007-2008, \$48,062,000 of the funds derived under section 303(b)(4) of the Tobacco Settlement Act shall be deposited into the fund. This subparagraph includes \$8,062,000 deposited in the fund under section 1715-C(a)(1)(i) but not appropriated in the General Appropriation Act of 2006.

(iii) For Fiscal Year 2007-2008, one-fourth of the money appropriated under section 306(b)(1)(iii) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(iv) For Fiscal Year 2007-2008, one-third of the money appropriated under section 306(b)(1)(vi) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(2) Money deposited into the fund under paragraph (1) shall be appropriated for health-related purposes. If applicable, the amount appropriated under this paragraph shall be matched by appropriated Federal augmenting funds.

(b) Allocation.—Funding for local programs under section 708(b) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, shall be allocated as follows:

(1) Thirty percent of grant funding to primary contractors for local programs shall be allocated equally among each of the 67 counties.

(2) The remaining 70% of grant funding to primary contractors for local programs shall be allocated on a per capita basis of each county with a population greater than 60,000.

The per capita formula shall be applied only to that portion of the population that is greater than 60,000 for each county.

(3) Budgets shall be developed by each primary contractor to reflect service planning and expenditures in each county. Each primary contractor will ensure that services are available to residents of each county and must expend the allocated funds on a per-county basis pursuant to paragraphs (1) and (2).

(4) The Department of Health shall compile a detailed annual report of expenditures per county and the specific programs offered in each region. This report shall be made available on the Department of Health's publicly available Internet website 60 days following the close of each fiscal year.

(5) During the third quarter of the fiscal year, funds which have not been spent within a service area may be reallocated to support programming in the same region.

Section 1716-G. Community Health Reinvestment Restricted Account.

(a) Establishment.—There is established in the State Treasury a restricted receipts account in the Tobacco Settlement Fund to be known as the Community Health Reinvestment Restricted Account. Interest earned on money in the account shall remain in the account.

(b) Agreement on community health reinvestment.—Each calendar year, a corporation under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) that is a party to the Agreement on Community Health Reinvestment entered into February 2, 2005, by the Insurance Department and the Capital Blue Cross, Highmark, Inc., Hospital Service Association of Northeastern Pennsylvania and Independence Blue Cross, and published in the Pennsylvania Bulletin at 35 Pa.B. 4155 (July 23, 2005), shall pay to the account the amount calculated for such calendar year in section 5 of the agreement, published at 35 Pa.B. 4156.

(c) Appropriation.—The money in the account, including all interest earned, is appropriated to the Insurance Department to be used in accordance with the agreement on community health reinvestment described in subsection (b).

Section 1717-G. Health Care Provider Retention Account.

(Reserved).

Section 1718-G. (Reserved).

Section 1719-G. Restricted Receipt Accounts.

(a) General provisions.—The secretary may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.—The following restricted receipt accounts may be established for the Department of Community and Economic Development:

- (1) ARC Housing Revolving Loan Program.
- (2) (Reserved).

(c) Department of Conservation and Natural Resources.—The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

- (1) Federal Aid to Volunteer Fire Companies.
- (2) Federal Land and Water Conservation Fund Act.
- (3) National Forest Reserve Allotment.
- (4) Federal Land and Water Conservation Fund Act - Conservation and Natural Resources.

(d) Department of Education.—The following restricted receipt accounts may be established for the Department of Education:

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.—The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Health.—The following restricted receipt accounts may be established for the Department of Health:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.—The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.—The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.—The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act (Public Law 89-665, 80 Stat. 915).
- (2) (Reserved).

(j) Executive Offices.—The following restricted receipt accounts may be established for the Executive Offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.

Section 1720-G. State Gaming Fund.

(a) Deduction of certain appropriations.—Notwithstanding the provisions of section 504(c)(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, funds appropriated to the Pennsylvania Gaming Control Board from the State Gaming Fund shall be deducted from the amount transferred to the Property Tax Relief Reserve Fund under section 504(b) of the Taxpayer Relief Act and loaned to the Pennsylvania Gaming Control Board for payment of the board's administrative and operating expenses for the fiscal year commencing July 1, 2007. Funds loaned to the board under this section shall be repaid from the accounts established under 4 Pa.C.S. § 1401 (relating to slot machine licensee deposits) in accordance with subsection (b).

(b) Assessment for repayment.—Notwithstanding the provisions of 4 Pa.C.S. § 1901.1 (relating to repayments to State Gaming Fund), the Pennsylvania Gaming Control Board shall assess slot machine licensees for repayment of funds transferred and loaned to the board under subsection (a) from the State Gaming Fund in accordance with 4 Pa.C.S. § 1402 (relating to gross terminal revenue deductions) for repayment to the Property Tax Relief Reserve Fund at such time as at least 11 slot machine licenses have been issued and 11 slot machine licenses have been issued and 11 licensed gaming entities have commenced the operation of slot machines. The board shall adopt a repayment schedule that assesses to each slot machine licensee costs for the repayment of amounts appropriated under this section in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(c) Property tax relief.—

- (1) Notwithstanding the provisions of section 504 of the Taxpayer Relief Act, until the loan to the Pennsylvania Gaming Control Board under subsection (a) is repaid, the Secretary of the Budget is authorized to provide for property tax relief under

section 503(d) of the Taxpayer Relief Act, regardless of whether the amount deposited in the Property Tax Relief Reserve Fund is less than required by section 504 of the Taxpayer Relief Act.

(2) Notwithstanding the provisions of 4 Pa.C.S. § 1901.1, beginning January 1, 2011, if the Secretary of the Budget determines that the moneys in the Property Tax Relief Reserve Fund are needed for property tax relief, the secretary shall notify the Pennsylvania Gaming Control Board and upon notification, the board shall immediately assess each slot machine licensee for the repayment of the loan in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(d) Other appropriations solely from assessment.—

(1) All funds for the operation of the Pennsylvania State Police, Department of Revenue and Attorney General are appropriated solely from an assessment on gross terminal revenue from accounts under 4 Pa.C.S. § 1401 in an amount equal to that appropriated by the General Assembly for Fiscal Year 2007-2008. The Pennsylvania State Police, Attorney General or Department of Revenue shall not assess any charge, fee, cost of operations or other payment from a licensed gaming entity in excess of amounts appropriated for Fiscal Year 2007-2008, unless specifically authorized by law.

(2) This subsection shall not apply to any voluntary payment made by a new slot machine licensee in accordance with similar payments voluntarily made by existing licensees.

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article XV-A of the act.

(2) The act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law, is repealed.

(3) The General Assembly declares that the repeals under paragraph (4) are necessary to effectuate the addition of section 1508 of the act.

(4) The provisions of 35 Pa.C.S. §§ 7307 and 7705(c) are repealed.

Section 6. The addition of Article XV-A of the act is a continuation of the act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law. Except as otherwise provided under Article XV-A, all activities initiated under the State Employees Group Life Insurance Law shall continue and remain in full force and effect and may be completed under Article XV-A. Orders, regulations, rules and decisions which were made under the State Employees Group Life Insurance Law and which are in effect on the effective date of section 1.1 of this act shall remain in full force and effect until revoked, vacated or modified under Article XV-A. Contracts, obligations and collective bargaining agreements entered into under the State Employees Group Life Insurance Law are not affected nor impaired by the repeal of the State Employees Group Life Insurance Law.

Section 7. The amendment of section 1737-B of the act shall apply retroactively to July 1, 2006.

Section 8. This act shall take effect immediately.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion to suspend, the Chair recognizes Representative Evans.

Mr. D. EVANS. Mr. Speaker, I would like to make a motion for a suspension for the purpose of offering an amendment to the Fiscal Code to help complete the budget process. This is a bill that we need to complete to resolve the budget issues.

I hope that it can be a bipartisan effort. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will speak closer to the microphone.

Mr. D. EVANS. Mr. Speaker, I asked for a motion for a suspension of the rules for the purpose of the Fiscal Code. There is an amendment I would like to offer that will help complete the budget process. If the motion of suspension should pass, Mr. Speaker, I will then describe the amendment. The leaders on both sides of the aisle have heard the members raise the question about using certain funds. This issue will not address that issue. We will move that issue off the table and move it to the fall, but we want to complete the budget process. So this amendment that we are offering, and if it should be successful, I will then describe to you what is in the amendment, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, those wishing—

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

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

Mr. Speaker, I simply rise to support the gentleman from Philadelphia's motion to suspend the rules. I would urge the members to vote "yes."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—142

Adolph	Everett	Manderino	Samuelson
Argall	Fabrizio	Mann	Santoni
Baker	Fleck	Markosek	Scavello
Barrar	Frankel	Marshall	Seip
Bastian	Freeman	McCall	Shimkus
Belfanti	Geist	McGeehan	Siptroth
Bennington	George	McI. Smith	Smith, K.
Beyer	Gerber	Melio	Smith, M.
Bianucci	Gergely	Micozzie	Smith, S.
Bishop	Gibbons	Millard	Solobay
Blackwell	Godshall	Milne	Sonney
Boback	Goodman	Moyer	Staback
Brennan	Grucela	Mundy	Stern
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	O'Brien, M.	Surra
Cappelli	Harhai	Oliver	Tangretti
Casorio	Harkins	Pallone	Taylor, J.
Causar	Helm	Parker	Taylor, R.
Civera	Hennessey	Pashinski	Thomas
Cohen	Hershey	Payne	Vereb
Conklin	Hess	Payton	Vitali
Costa	Hornaman	Perzel	Wagner
Cruz	James	Petrarca	Walko
Curry	Josephs	Petrone	Wansacz
Daley	Keller, W.	Phillips	Waters
Dally	Kenney	Pickett	Watson
DeLuca	Kessler	Preston	Wheatley
Denlinger	Killion	Quinn	White
DePasquale	Kirkland	Ramaley	Williams
Dermody	Kortz	Raymond	Wojnaroski
DeWeese	Kotik	Readshaw	Yewcic
Donatucci	Leach	Reed	Youngblood
Eachus	Lentz	Roebuck	Yudichak
Ellis	Levdansky	Ross	
Evans, D.	Longietti	Sabatina	O'Brien, D.,
Evans, J.	Major	Sainato	Speaker

NAYS—60

Bear	Grell	McIlhattan	Reichley
Benninghoff	Harhart	Mensch	Roae
Boyd	Harper	Metcalfe	Rock
Brooks	Harris	Miller	Rohrer
Carroll	Hickernell	Murt	Rubley
Clymer	Hutchinson	Mustio	Saylor
Cox	Kauffman	Nailor	Schroder
Creighton	Keller, M.	Nickol	Shapiro
Cutler	King	O'Neill	Stairs
DiGirolamo	Kula	Peifer	Steil
Fairchild	Mackereth	Perry	Stevenson
Gabig	Maher	Petri	Swanger
Galloway	Mahoney	Pyle	True
Gillespie	Mantz	Quigley	Turzai
Gingrich	Marsico	Rapp	Vulakovich

NOT VOTING—0

EXCUSED—1

Moul

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

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

Mr. **D. EVANS** offered the following amendment No. **A03153**:

Amend Bill, page 2, lines 40 and 41; pages 3 through 44, lines 1 through 30, page 45, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a section to read:

Section 1508. Use and Appropriation of Unused Commonwealth Funds.—(a) Whenever the Governor has declared a disaster emergency, the Governor may transfer any unused funds which may have been appropriated for the ordinary expenses of the State government in the General Fund to such Commonwealth agencies as the Governor may direct to be expended for relief of disaster in such manner as the Governor shall approve, and the funds are hereby appropriated to the Governor for such purposes. The total of the transfers under this subsection shall not exceed twenty million dollars (\$20,000,000) in any one fiscal year except by action of the General Assembly.

(b) Whenever the Governor shall have proclaimed a disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), the Governor shall have power to transfer any unused funds which may have been appropriated for the ordinary expenses of government in the General Fund to such Commonwealth agencies as he may direct to be expended for reimbursements as provided in 35 Pa.C.S. § 7705(a) and (b) (relating to special powers of local agencies). Such reimbursements shall be made in accordance with and to the extent permitted by regulations issued by such agency or agencies as the Governor may designate to administer the reimbursement programs established by 35 Pa.C.S. § 7705(a) and (b). The total of such transfers shall never exceed five million dollars (\$5,000,000) in any one fiscal year except by action of the General Assembly.

Section 1.1. The act is amended by adding an article to read:

ARTICLE XV-A
COMMONWEALTH EMPLOYEES
GROUP LIFE INSURANCE

Section 1501-A. Definitions.

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

"Annual pay rate." The base pay rate annualized and, in the case of hourly eligible employees, shall be computed on the basis of expected work hours.

"Department." The Department of General Services of the Commonwealth.

"Employees." A permanent, continuously scheduled employee of the executive, judicial or legislative branch of the Commonwealth, its commissions, boards, departments and authorities. The term shall include members of the General Assembly.

"Life insurance." Life insurance procured under this article.

"Secretary." The Secretary of General Services of the Commonwealth.

Section 1502-A. Group life insurance.

(a) Procurement by department.—Except as provided under subsection (b), the department, with the approval of the Governor and with the advice of the Insurance Commissioner, shall procure from one or more life insurance companies authorized to do business in this Commonwealth a policy or policies of group life insurance covering eligible employees.

(b) Legislative branch.—Upon written notice to the secretary, an individual agency of the General Assembly may procure life insurance for its eligible employees, including members of the General Assembly, in place of life insurance available under subsection (a). Any life insurance procured under this subsection shall, at a minimum, meet the requirements of sections 1503-A, 1504-A, 1505-A, 1506-A and 1508-A.

(c) Eligibility.—An employee under subsection (a) or (b) in active service shall be eligible for life insurance under this article if the employee has completed three months' continuous service as an employee under subsection (a) or (b). Temporary employees shall not be eligible.

Section 1503-A. Amount.

(a) Schedule.—The amount of life insurance for any eligible employee shall be based on the eligible employee's annual pay rate from the Commonwealth in accordance with a schedule to be submitted annually by the secretary for publication in the Pennsylvania Bulletin.

(b) Reduction.—The amount of life insurance for any eligible employees 70 years of age or older shall be one-half the amount of life insurance provided under the schedule published under subsection (a).

(c) Change in amount.—Any change in the amount of life insurance made necessary by a change in pay shall take effect on the next succeeding program anniversary.

Section 1504-A. Contributions.

(a) Eligible employee payment.—Except as provided under subsection (b), each eligible employee covered by life insurance shall pay, either directly or by means of a payroll deduction authorized by the employee, the cost of the insurance in an amount as may be determined from time to time on the basis of the actual total costs of the life insurance policy or policies contracted for by the Commonwealth.

(b) Commonwealth payment.—The Commonwealth may agree to pay all or any of the costs for life insurance.

Section 1505-A. Termination.

(a) Cessation.—Except as provided under subsection (b), life insurance shall, subject to any conversion privilege, cease upon the occurrence of any of the following:

(1) Termination of employment.

(2) Nonpayment of any contribution due from an eligible employee.

(3) After 12 continuous months of unpaid absence.

(b) Disability.—Life insurance shall be continued for employees who terminate after becoming permanently and totally disabled while covered under this program.

Section 1506-A. Automatic coverage.

(a) Provision for coverage.—Any policy of life insurance shall provide that all eligible employees shall be automatically covered commencing on the date they first become eligible.

(b) Notice.—An employee desiring not to be covered by life insurance shall give written notice, on a prescribed form, to the employee's employing office that the employee desires not to be insured. If the notice is received before the employee becomes insured under the policy, the employee shall not be insured. If the notice is received after the employee becomes insured, the employee's insurance under the policy will cease effective with the end of the pay period during which the notice is received by the employing office.

Section 1507-A. Secretary to be agent.

(a) Agent.—Except for life insurance procured under section 1502-A(b), the secretary is exclusively authorized and shall have the duty to transact all business necessary for the purpose of contracting for insurance under this article.

(b) Commission.—The life insurance company or companies from whom life insurance is procured by the secretary shall compute commissions in accordance with their standard practice followed in other similar plans. The commissions shall be paid to the secretary to offset administrative and other expenses incurred in the administration of the insurance plan.

Section 1508-A. Applicability of insurance laws.

All life insurance shall be subject to the laws of this Commonwealth relating to insurance.

Section 2. Section 1737-B of the act, added July 5, 2006 (P.L.296, No.66), is amended to read:

Section 1737-B. State System of Higher Education.

[Reserved.]

The following shall apply to executive authorizations from the Keystone Recreation, Park and Conservation Fund for the State System of Higher Education:

(1) Notwithstanding the provisions of section 12(b) of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, for Fiscal Year 2006-2007, the entire amount of the transfer under section 1106-C(d) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be paid to the State System of Higher Education.

(2) (Reserved).

Section 3. Section 1720-C(c) of the act, added July 5, 2006 (P.L.296, No.66), is repealed:

Section 1720-C. State Gaming Fund.

* * *

(c) Transfers for Volunteer Fire Company Grant Program.—Commencing with Fiscal Year 2006-2007 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated to the Volunteer Fire Company Grant Program on a continuing basis.]

* * *

Section 4. The act is amended by adding articles to read:

ARTICLE XVII-E

GENERAL BUDGET IMPLEMENTATION

SUBARTICLE A

PRELIMINARY PROVISIONS

Section 1701-E. Applicability.

This article applies to appropriations from every General Appropriation Act.

Section 1702-E. Definitions and abbreviations.

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

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant

Program.

"DFSC." Drug Free Schools and Communities Act.

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." Elementary and Secondary Education Act.

"FEMA." Federal Emergency Management Agency.

"FTA." Federal Transit Administration.

"HUD." Department of Housing and Urban Development.

"LIHEABG." Low-Income Home Energy Assistance Block Grant.

"LSTA." Library Services and Technology Act.

"MCHSBG." Maternal and Child Health Services Block Grant.

"MHSBG." Mental Health Services Block Grant.

"MR." Mental Retardation.

"PAFE." Pennsylvania Agricultural Food Exposition.

"PHHSBG." Preventive Health and Health Services Block Grant.

"RSAT." Residential Substance Abuse Treatment.

"SABG." Substance Abuse Block Grant.

"SCDBG." Small Communities Development Block Grant.

"SDA." Service Delivery Area.

"SSBG." Social Services Block Grant.

"TANF." Temporary Assistance for Needy Families.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

"TEFAP." Temporary Emergency Food Assistance Program.

"WIA." Workforce Investment Act.

"WIC." Women, Infants and Children Program.

Section 1703-E. Warrants.

(Reserved).

SUBARTICLE B

EXECUTIVE DEPARTMENT

Section 1711-E. Governor.

(Reserved).

Section 1712-E. Executive Offices.

The following shall apply to appropriations for the Executive Offices:

(1) Pennsylvania Commission on Crime and Delinquency. Funds remaining after application of section 202 of a General Appropriation Act for the appropriation for grants-in-aid for intermediate punishment programs shall be distributed to counties based on the following formula:

(i) Fifty percent shall be based on the proportion of offenders diverted from the county prison system to county intermediate punishment programs.

(ii) Fifty percent shall be based on the proportion of offenders diverted from the State correctional system to the county prison system.

(2) Grants for specialized probation services, including school-based, community-based, intensive supervision and aftercare services shall be provided in accordance with standards adopted by the Juvenile Court Judges Commission.

Section 1713-E. Lieutenant Governor.

(Reserved).

Section 1714-E. Attorney General.

(Reserved).

Section 1715-E. Auditor General.

The following shall apply to appropriations to the Auditor General:

(1) Funds appropriated to the Department of the Auditor General shall be for the purpose of performing postaudits in accordance with generally accepted government auditing standards.

(2) (Reserved).

Section 1716-E. Treasury Department.

The following shall apply to appropriations to the Treasury Department:

(1) Payments for the Commonwealth's portion of expenses of councils, commissions, conferences, boards, associations, coalitions and institutes shall be made only on requisition of the Governor on behalf of the organization, which shall file an accounting of expenses with the Auditor General.

(2) (Reserved).

Section 1716.1-E. Insurance Restructuring Restricted Receipt Account.

(a) Establishment.—There is established a restricted receipt account in the State Treasury to be known as the Insurance Restructuring Restricted Receipt Account. Interest earned on money in the account shall remain in the account.

(b) Deposit.—All net economic benefits, including proceeds, savings, funds and other money derived from the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation, which are to be used to fund any portion of a health care or health care-related program of, or administered by, the Commonwealth shall be deposited into the account.

(c) Prohibition.—No contract or written agreement between the Commonwealth and a hospital plan corporation or professional health services plan corporation may be entered into relating to the disbursement or spending of the economic benefits, proceeds, savings, funds or other money resulting from the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation until funds are appropriated under subsection (d).

(d) Appropriation.—No fund or money may be transferred or paid from the account unless appropriated by the General Assembly for health-related purposes.

Section 1717-E. Department of Aging.

(Reserved).

Section 1718-E. Department of Agriculture.

The following shall apply to appropriations for the Department of Agriculture:

(1) No expenditures may be made from the appropriation for the payment to the State Farm Products Show Fund or from the State Farm Products Show Fund for any activities associated with the PAFE unless such activities take place on the premises of the Farm Show Complex, Harrisburg, Pennsylvania.

(2) The department may make allocations of appropriations for development and operation of an open livestock show, for planning and staging of an open dairy show and for promotion and holding of annual local, regional and State 4H clubs and Future Farmers of America dairy shows as it deems appropriate, to an association whose purposes are in accord with the purposes and intent of the appropriations. Allocations under this paragraph shall be used for the development and operation of Livestock, Dairy and Junior Dairy Shows in the Pennsylvania Farm Show Complex, provided, that the funds allocated by the department shall only be used for the specific items approved by the department in advance.

Section 1719-E. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

(1) No more than 20% of funds appropriated for grants under the act of May 20, 1949 (P.L.1633, No.493), known as the

Housing and Redevelopment Assistance Law, shall be allocated to any one political subdivision.

(2) (Reserved).

Section 1720-E. Department of Conservation and Natural Resources.

(Reserved).

Section 1721-E. Department of Corrections.

(Reserved).

Section 1722-E. Department of Education.

(Reserved).

Section 1723-E. Department of Environmental Protection.

(Reserved).

Section 1724-E. Department of General Services.

(Reserved).

Section 1725-E. Department of Health.

(Reserved).

Section 1726-E. Insurance Department.

(Reserved).

Section 1727-E. Department of Labor and Industry.

(Reserved).

Section 1728-E. Department of Military and Veterans Affairs.

(Reserved).

Section 1729-E. Department of Public Welfare.

The following shall apply to appropriations for the Department of Public Welfare:

(1) Any rule, regulation or policy for the Federal or State appropriations for the cash assistance, outpatient, inpatient, capitation, behavioral health, long-term care and Supplemental Grants to the Aged, Blind and Disabled, Child Care and Attendant Care programs adopted by the Secretary of Public Welfare during the fiscal year which adds to the cost of any public assistance program shall be effective only from and after the date upon which it is approved as to the availability of funds by the Governor.

(2) Federal and State medical assistance payments. The following shall apply:

(i) (Reserved).

(ii) (Reserved).

(iii) (Reserved).

(iv) (Reserved).

(v) (Reserved).

(vi) (Reserved).

(vii) The following shall apply to eligibility determinations for services under medical assistance:

(A) Unless the custodial parent or legally responsible adult has provided to the department, at application or redetermination, information required by the department for inclusion in the annual report under clause (B), no funds from an appropriation for medical assistance shall be used to pay for medical assistance services for a child under 21 years of age:

(I) who has a Supplemental Security Income (SSI) level of disability; and

(II) whose parental income is not currently considered in the eligibility determination process.

(B) The department shall submit to the Public Health and Welfare Committee of the Senate and the Health and Human Services Committee of the House of Representatives an annual report including the following data:

(I) Family size.

(II) Household income.

(III) County of residence.

(IV) Length of residence in this Commonwealth.

(V) Third-party insurance information.

(VI) Diagnosis and type and cost of services paid for by the medical assistance program on behalf of each eligible and enrolled child described in clause (A).

Section 1730-E. Department of Revenue.

(Reserved).

Section 1731-E. Department of State.

(Reserved).

Section 1732-E. Department of Transportation.

(Reserved).

Section 1733-E. Pennsylvania State Police.

(Reserved).

Section 1734-E. State Civil Service Commission.

Funds appropriated to the State Civil Service Commission shall include any funds collected by the commission for the administration of the merit system for employees under the act of August 5, 1941 (P.L. 752, No. 286), known as the Civil Service Act.

Section 1735-E. Pennsylvania Emergency Management Agency.

(Reserved).

Section 1736-E. Pennsylvania Fish and Boat Commission.

(Reserved).

Section 1737-E. State System of Higher Education.

(Reserved).

Section 1738-E. Pennsylvania Higher Education Assistance Agency.

(Reserved).

Section 1739-E. Pennsylvania Historical and Museum Commission.

(Reserved).

Section 1740-E. Pennsylvania Infrastructure Investment Authority.

(Reserved).

Section 1741-E. Environmental Hearing Board.

(Reserved).

Section 1742-E. Pennsylvania Board of Probation and Parole.

(Reserved).

Section 1743-E. Pennsylvania Public Television Network Commission.

(Reserved).

Section 1744-E. Pennsylvania Securities Commission.

(Reserved).

Section 1745-E. State Tax Equalization Board.

(Reserved).

Section 1746-E. Health Care Cost Containment Council.

(Reserved).

Section 1747-E. State Ethics Commission.

(Reserved).

Section 1748-E. State Employees' Retirement System.

(Reserved).

Section 1749-E. Thaddeus Stevens College of Technology.

(Reserved).

Section 1750-E. Pennsylvania Housing Finance Agency.

(Reserved).

Section 1751-E. LIHEABG.

The following shall apply to expenditures:

(1) The Department of Public Welfare may, upon approval of the secretary, make transfers of Federal funds appropriated to the Department of Community and Economic Development from LIHEABG for weatherization and administration if the transfer will not result in a deficit in any appropriation from which funds are transferred.

(2) Unexpended weatherization funds which would result in LIHEABG funds being returned to the Department of Health and Human Services may be spent for assistance grants at the discretion of the secretary.

(3) The secretary shall provide ten days' prior notification of a transfer under paragraph (1) or (2) to the chairman and the minority chairman of the

Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

Section 1752-E. Budget Stabilization Reserve Fund.

(Reserved).

SUBARTICLE C

LEGISLATIVE DEPARTMENT

Section 1761-E. Senate.

(Reserved).

Section 1762-E. House of Representatives.

(Reserved).

Section 1763-E. Legislative Reference Bureau.

(1) Notwithstanding any other provision of law to the contrary, including 62 Pa.C.S. (relating to procurement), the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications shall be printed under contracts entered into by the Legislative Reference Bureau and distributed as determined by the bureau. Money from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine; and that money shall be paid into the State Treasury to the credit of the General Fund. Money from sales is hereby appropriated from the General Fund to the Legislative Reference Bureau for the editing, printing and distribution of the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

(2) Contingent expenses connected with the work of the bureau shall be paid on warrants of the State Treasurer in favor of the director on the presentation of the director's requisitions.

(3) The director shall file an accounting of the contingent expenses, together with supporting documents whenever possible, in the office of the bureau.

Section 1764-E. Legislative Budget and Finance Committee.

(Reserved).

Section 1765-E. Legislative Data Processing Committee.

(Reserved).

Section 1766-E. Joint State Government Commission.

(Reserved).

Section 1767-E. Local Government Commission.

(Reserved).

Section 1768-E. Joint Legislative Air and Water Pollution Control and Conservation Committee.

(Reserved).

Section 1769-E. Legislative Audit Advisory Commission.

(Reserved).

Section 1770-E. Independent Regulatory Review Commission.

(Reserved).

Section 1771-E. Capitol Preservation Committee.

(Reserved).

Section 1772-E. Pennsylvania Commission on Sentencing.

(Reserved).

Section 1773-E. Center for Rural Pennsylvania.

(Reserved).

Section 1774-E. Commonwealth Mail Processing Center.

(Reserved).

Section 1775-E. Chief Clerk of the Senate and Chief Clerk of the House of Representatives.

(Reserved).

SUBARTICLE D

JUDICIAL DEPARTMENT

Section 1781-E. Supreme Court.

(Reserved).

Section 1782-E. Superior Court.

(Reserved).

Section 1783-E. Commonwealth Court.

(Reserved).

Section 1784-E. Courts of common pleas.

(Reserved).

Section 1785-E. Community courts - magisterial district judges.

(Reserved).

Section 1786-E. Philadelphia Traffic Court.

(Reserved).

Section 1787-E. Philadelphia Municipal Court.

(Reserved).

Section 1788-E. Judicial Conduct Board.

(Reserved).

Section 1789-E. Court of Judicial Discipline.

(Reserved).

Section 1790-E. Juror cost reimbursement.

(Reserved).

Section 1791-E. County court reimbursement.

(Reserved).

Section 1792-E. Senior judges.

(Reserved).

Section 1793-E. Transfer of funds by Supreme Court.

(Reserved).

SUBARTICLE E

RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

Section 1799-E. State Gaming Fund.

(a) Transfers for Volunteer Fire Company and Volunteer Ambulance Service Grant Act.—Commencing with Fiscal Year 2007-2008 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated on a continuing basis to the Pennsylvania Emergency Management Agency for the purpose of making grants in accordance with Chapter 7 of the act of July 31, 2003 (P.L. 73, No. 17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. Annually the sum of \$22,000,000 shall be expended for the purpose of making grants to eligible volunteer fire companies pursuant to Chapter 3 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. Annually the sum of \$3,000,000 shall be expended for the purpose of making grants to eligible volunteer ambulance services pursuant to Chapter 5 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(b) (Reserved).

(c) Performance audit.—Notwithstanding section 408, a performance audit of the Pennsylvania Gaming Control Board commenced in 2007 by the Auditor General shall be paid for from funds appropriated to the Auditor General.

(d) Utilization.—The board shall not encumber or commit funds obtained from any source, including a commercial loan or the sale of gaming receipts, unless appropriated by the General Assembly.

ARTICLE XVII-F

2007-2008 BUDGET IMPLEMENTATION

SUBARTICLE A

PRELIMINARY PROVISIONS

Section 1701-F. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2007.

Section 1702-F. Definitions and abbreviations.

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

"General Appropriation Act." The act of _____, 2007 (P.L. No.), known as the General Appropriation Act of 2007.

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant Program.

"DFSC." Drug Free Schools and Communities Act.

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." Elementary and Secondary Education Act.

"FEMA." Federal Emergency Management Agency.

"FTA." Federal Transit Administration.

"HUD." Department of Housing and Urban Development.

"LIHEABG." Low-Income Home Energy Assistance Block

Grant.

"LSTA." Library Services and Technology Act.

"MCHSBG." Maternal and Child Health Services Block Grant.

"MHSBG." Mental Health Services Block Grant.

"MR." Mental Retardation.

"PAFE." Pennsylvania Agricultural Food Exposition.

"PHHSBG." Preventive Health and Health Services Block

Grant.

"RSAT." Residential Substance Abuse Treatment.

"SABG." Substance Abuse Block Grant.

"SCDBG." Small Communities Development Block Grant.

"SDA." Service Delivery Area.

"SSBG." Social Services Block Grant.

"TANF." Temporary Assistance for Needy Families.

"TANFBG." Temporary Assistance for Needy Families Block

Grant.

"TEFAP." Temporary Emergency Food Assistance Program.

"WIA." Workforce Investment Act.

"WIC." Women, Infants and Children Program.

Section 1703-F. Warrants.

(Reserved).

SUBARTICLE B

EXECUTIVE DEPARTMENT

Section 1711-F. Governor.

(Reserved).

Section 1712-F. Executive Offices.

(Reserved).

Section 1713-F. Lieutenant Governor.

(Reserved).

Section 1714-F. Attorney General.

(Reserved).

Section 1715-F. Auditor General.

(Reserved).

Section 1716-F. Treasury Department.

(Reserved).

Section 1717-F. Department of Aging.

(Reserved).

Section 1718-F. Department of Agriculture.

(Reserved).

Section 1719-F. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development in the General Appropriation Act:

(1) Grants from funds appropriated for community revitalization and assistance shall be awarded only after program guidelines, schedules and application procedures are established by the department and published in the Pennsylvania Bulletin.

(2) Funds appropriated for small business development centers shall be allocated as follows:

(i) Small business development centers that received an allocation from the appropriation for small business development centers for Fiscal Years 2005-2006 and 2006-2007 shall be allocated an amount for fiscal year 2007-2008 which is not less than the amount received in Fiscal Year 2005-2006.

(ii) Small business development centers that did not receive an allocation from the appropriation for small business development centers for Fiscal Year 2005-2006

shall be allocated an amount for Fiscal Year 2007-2008 which is not less than the amount received from the appropriation for small business development centers for Fiscal Year 2006-2007.

(iii) The State director's office, including the energy management assistance program and the strategic initiative plans program shall be allocated in an amount which is not less than the amounts received from the appropriation for small business development centers for Fiscal Year 2005-2006.

Section 1720-F. Department of Conservation and Natural Resources.
(Reserved).

Section 1721-F. Department of Corrections.

The following shall apply to appropriations for the Department of Corrections in the General Appropriation Act:

(1) When making expenditures from appropriations for the operation of State correctional institutions, the Department of Corrections shall give consideration to minimum relief factor values calculated when determining staffing levels for corrections officers and food service instructors at each State correctional institution.

Section 1722-F. Department of Education.

The following shall apply to appropriations of the Department of Education in the General Appropriation Act:

(1) Annual payments from the appropriation to institutions of higher learning for defraying the expenses of deaf or blind students shall not exceed \$500 per student.

(2) Grants to engineering schools approved by the Accreditation Board of Engineering and Technology prorated based upon full-time equivalent student enrollment may only be used for the acquisition or upgrading of engineering instructional equipment. At least \$2 of private funds shall be required for each \$1 of grant funds.

Section 1723-F. Department of Environmental Protection.
(Reserved).

Section 1724-F. Department of General Services.
(Reserved).

Section 1725-F. Department of Health.

The following shall apply to appropriations for the Department of Health in the General Appropriation Act:

(1) Funds appropriated for lupus programs shall be distributed in the same proportion as distributed in Fiscal Year 2006-2007.

(2) Funds appropriated for arthritis outreach and education shall be equitably distributed among the central, western and eastern regions of this Commonwealth based on the ratio of population served in each region to the total population served in this Commonwealth.

Section 1726-F. Insurance Department.
(Reserved).

Section 1727-F. Department of Labor and Industry.

The following shall apply to appropriations for the Department of Labor and Industry in the General Appropriation Act:

(1) The appropriation for payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation includes \$2,584,000 for a Statewide professional service provider association for the blind to provide specialized services and prevention of blindness services.

(2) For the "Reed Act-Unemployment Insurance" and "Reed Act-Employment Services and Unemployment Insurance" appropriations, the total amount which may be obligated shall not exceed the limitations under section 903 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1103).

Section 1728-F. Department of Military and Veterans Affairs.
(Reserved).

Section 1729-F. Department of Public Welfare.

The following shall apply to appropriations for the Department of Public Welfare from the General Appropriation Act:

(1) Authorized transfers for child care services. The following shall apply:

(i) The department, upon approval of the secretary, may transfer Federal funds appropriated for TANFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child care services to additional low income families if the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal funds appropriated for CCDFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child care services to additional low income families provided that the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(2) Federal and State medical assistance payments. The following shall apply:

(i) When making payments for medical assistance outpatient or capitation services, the department shall not require a recipient to obtain a physician referral in order to receive chiropractic services.

(ii) No funds appropriated for approved capitation plans shall be used to pay a provider who fails to supply information in a form required by the department in order to facilitate claims for Federal financial participation for services rendered to general assistance clients.

(iii) For Fiscal Year 2007-2008, additional Federal and State inpatient funding is included to provide for Community Access Fund payments. Payments to hospitals for Community Access Fund Grants shall be distributed under the formulas utilized for these grants in Fiscal Year 2006-2007.

(iv) Qualifying State-related academic medical centers shall not receive any less funding than received for the Fiscal Year 2004-2005 State appropriation level if Federal funding for academic medical centers is not made available to those academic medical centers during Fiscal Year 2007-2008.

(v) Funds appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(3) (Reserved).

(4) Women's service programs. The following shall apply:

(i) Funds appropriated for women's service programs grants to nonprofit agencies whose primary function is to provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities which operate projects

designed specifically to provide all or a portion of these services. Projects receiving funds referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Funds appropriated for women's service programs shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Federal funds appropriated for TANFBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(5) Behavioral health services. All available intergovernmental transfer funds appropriated to augment appropriations, including prior year carryover funds, shall be spent prior to Commonwealth funds.

(6) County children and youth programs. The following shall apply:

(i) No more than 50% of funds allocated from the State appropriation for county children and youth programs to each county shall be expended until each county submits to the department data for the prior State fiscal year, and updated quarterly, on the unduplicated caseloads, unduplicated services and number of caseworkers by county program. Data shall be submitted in a form acceptable to the department. A copy of the data shall be sent to the chairman and minority chairman of the Appropriations Committee of the Senate and to the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(ii) Reimbursement for children and youth services made pursuant to section 704.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not exceed the amount of State funds appropriated. It is the intent of the General Assembly that counties do not experience any adverse fiscal impact due to the department's maximization efforts.

(7) TANF transition. Funds appropriated for Child Welfare TANF transition may be disbursed by the department in accordance with section 205 of the Public Welfare Code as one time grants to county children and youth agencies. The department shall utilize guidelines adopted in consultation with the County Commissioners Association of Pennsylvania to govern eligibility for a grant and the nature and extent of other unfunded child welfare expenditures for which grants may be used. The maximum one time transition grant to a county in Fiscal Year 2007-2008 may be less than but shall not exceed the amount specified in a county's "State Transition Grant" revenue line as reflected in the Fiscal Year 2007-2008 Proposed Allocation for State Transition Grant letter from the Department of Public Welfare to the Secretary of the Budget dated July 14, 2007.

(8) Behavioral health services transition. The department, upon approval of the secretary, may transfer Federal and State funds appropriated for behavioral health services transition to counties to provide for children and youth programs, child abuse and neglect prevention or medical assistance capitation.

(9) Community-based family centers. No funds appropriated for community-based family centers may be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

Section 1730-F. Department of Revenue.

(Reserved).

Section 1731-F. Department of State.

(Reserved).

Section 1732-F. Department of Transportation.

(Reserved).

Section 1733-F. Pennsylvania State Police.

The following shall apply to appropriations for the Pennsylvania State Police from the General Appropriation Act:

(1) During Fiscal Year 2007-2008, the Pennsylvania State Police may not close a barracks until the Pennsylvania State Police conduct a public hearing and provide 30 days' notice, which shall be published in the Pennsylvania Bulletin and in at least two local newspapers.

(2) (Reserved).

Section 1734-F. State Civil Service Commission.

(Reserved).

Section 1735-F. Pennsylvania Emergency Management Agency.

The Pennsylvania Emergency Management Agency shall provide semiannual reports of all grants awarded by Pennsylvania Emergency Management Agency from Federal disaster assistance or relief funds, homeland security and defense funds, avian flu/pandemic preparedness or other public health emergency funds to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The reports shall include information relating to the entity receiving grant money from the Pennsylvania Emergency Management Agency, including the name and address of the entity, the amount of the grant, the date of issuance and the purpose of the grant. Reports shall be submitted on or before August 15 of each year for grants awarded during the period from January 1 through June 30 and on or before February 15 of each year for grants awarded during the period from July 1 through December 31.

Section 1736-F. Pennsylvania Fish and Boat Commission.

(Reserved).

Section 1737-F. State System of Higher Education.

(Reserved).

Section 1738-F. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency from the General Appropriation Act:

(1) Maximization of funds. The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for matching payments for student aid funds to maximize the receipt of Federal funds to the fullest extent possible.

(2) Limitation. No college, university or institution receiving a direct appropriation from the Commonwealth shall be eligible to participate in the institutional assistance grants program.

(3) Agricultural loan forgiveness. In distributing funds appropriated for agricultural loan forgiveness, the agency shall give preference to renewal applicants.

Section 1739-F. Pennsylvania Historical and Museum Commission.

(Reserved).

Section 1740-F. Pennsylvania Infrastructure Investment Authority.

(Reserved).

Section 1741-F. Environmental Hearing Board.

(Reserved).

Section 1742-F. Pennsylvania Board of Probation and Parole.

The following shall apply to the appropriation for the Pennsylvania Board of Probation and Parole from the General Appropriation Act:

(1) Work performed under the drug offenders' work program appropriation for the board shall in no case replace jobs protected by a collective bargaining unit.

(2) (Reserved).

Section 1743-F. Pennsylvania Public Television Network Commission.

(Reserved).

Section 1744-F. Pennsylvania Securities Commission.
(Reserved).

Section 1745-F. State Tax Equalization Board.
(Reserved).

Section 1746-F. Health Care Cost Containment Council.
The Health Care Cost Containment Council shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives specifying the amount and source of proceeds received from the sale of data by the council. Proceeds received from the sale shall be deposited in the General Fund and shall not be expended unless appropriated by the General Assembly. The report shall supplement the annual report of financial expenditures required under section 17.1 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

Section 1747-F. State Ethics Commission.
(Reserved).

Section 1748-F. State Employees' Retirement System.
(Reserved).

Section 1749-F. Thaddeus Stevens College of Technology.
(Reserved).

Section 1750-F. Pennsylvania Housing Finance Agency.
(Reserved).

Section 1751-F. LIHEABG.
(Reserved).

Section 1752-F. Budget Stabilization Reserve Fund.
(Reserved).

SUBARTICLE C
LEGISLATIVE DEPARTMENT

(RESERVED)

SUBARTICLE D
JUDICIAL DEPARTMENT

Section 1781-F. Supreme Court.

(a) Administrative Office.—Funds appropriated for the Administrative Office of Pennsylvania Courts may be used for the operation of the Pennsylvania Board of Law Examiners. Funds provided to the board shall be repaid in full to the office, without interest or charges, from revenues of the board.

(b) County court administrators.—No funds from any appropriation other than the appropriation for county court administrators for the Unified Judicial System may be used to supplement payments to county court administrators.

Section 1782-F. Superior Court.
(Reserved).

Section 1783-F. Commonwealth Court.
(Reserved).

Section 1784-F. Courts of common pleas.
The following shall apply to appropriations for the courts of common pleas in the General Appropriation Act.

(1) No payment may be made from the appropriation for salaries and expenses of courts of common pleas judges for printing, postage, telephone or supplies.

(2) No payment may be made for expenses of any kind relating to education.

Section 1785-F. Community courts; magisterial district judges.
All of the following apply to the appropriation in the General Appropriation Act for salaries and expenses of community court judges and magisterial district judges:

(1) Except for printing costs related to 42 Pa.C.S. § 3532 (relating to expenses), no other costs for printing, postage, telephone or supplies may be paid for from the appropriation.

(2) No expenses of any kind relating to education may be paid for from the appropriation.

Section 1786-F. Philadelphia Traffic Court.
(Reserved).

Section 1787-F. Philadelphia Municipal Court.
(Reserved).

Section 1788-F. Judicial Conduct Board.
(Reserved).

Section 1789-F. Court of Judicial Discipline.
(Reserved).

Section 1790-F. Juror cost reimbursement.
(Reserved).

Section 1791-F. County court reimbursement.
County court reimbursements shall be as follows:

(1) Reimbursement to counties for costs incurred in the administration and operation of courts of common pleas shall be paid as follows:

(i) For each common pleas court judge, filled or vacant, \$70,000 per authorized position.

(ii) Judicial districts comprising more than one county shall receive \$70,000 per authorized position. The amount payable to each county shall be determined by the proportion of the county's population in relation to the population of the entire judicial district.

(iii) No county shall be reimbursed for costs above the actual direct costs, excluding capital outlays, incurred to operate the courts of common pleas.

(iv) No county shall receive less than 77.5% of the actual reimbursement for court costs appropriated in Fiscal Year 1980-1981.

(v) Reimbursement shall be made to the county treasurer and, in cities of the first class coterminous with counties of the first class, to the city treasurer.

(2) (Reserved).

Section 1792-F. Senior judges.

(a) Health benefits.—Subject to subsection (b), appropriations for the Superior Court, Commonwealth Court, courts of common pleas, community courts, magisterial district judges, the Philadelphia Municipal Court and the Philadelphia Traffic Court may be used to pay for health benefits for senior judges working as active or senior judges for a minimum of 75 days in the prior calendar year.

(b) Limitation.—Senior judges of the courts of common pleas shall not be assigned unless adequate funds are appropriated to provide compensation. A senior judge assigned in excess of existing appropriations shall be compensated from the appropriation for the Supreme Court.

Section 1793-F. Transfer of funds by Supreme Court.

The Supreme Court may transfer to the Judicial Department during the fiscal year funds appropriated in sections 281, 282, 283, 284, 285, 286, 287, 290 and 291 of the General Appropriation Act among any of the line items contained within those sections. In order to avoid a deficit in any line items in those sections, the Supreme Court may also transfer funds deposited into the Judicial Computer System Augmentation Account to any line items in those sections. The Supreme Court may also transfer excess funds appropriated in those sections to the Judicial Computer System Augmentation Account during the month of June 2008. If the Supreme Court makes a transfer under this section, the Supreme Court shall give written notification to the secretary and chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives ten days prior to any transfer. This section shall not apply to the appropriation in section 291 of the General Appropriation Act for gun courts.

ARTICLE XVII-G

2007-2008 RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

Section 1701-G. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2007.

Section 1702-G. State Lottery Fund.

(1) Funds appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

Section 1703-G. Energy Conservation and Assistance Fund.

No less than 75% of the appropriation for energy conservation programs under the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, shall be used for programs listed as priorities in section 7(b) of the Energy Conservation and Assistance Act.

Section 1704-G. Judicial Computer System Augmentation Account.

The Supreme Court and the Court Administrator of Pennsylvania are prohibited from augmenting the amount appropriated to the Judicial Computer System Augmentation Account by billings to other appropriations to the judicial branch for the Statewide Judicial Computer System or for any other purpose.

Section 1705-G. Emergency Medical Services Operating Fund.

(Reserved).

Section 1706-G. State Stores Fund.

(Reserved).

Section 1707-G. Motor License Fund.

(Reserved).

Section 1708-G. Hazardous Material Response Fund.

(Reserved).

Section 1709-G. Milk Marketing Fund.

(Reserved).

Section 1710-G. Home Investment Trust Fund.

(Reserved).

Section 1711-G. Tuition Payment Fund.

(Reserved).

Section 1712-G. Banking Department Fund.

(Reserved).

Section 1713-G. Firearm Records Check Fund.

(Reserved).

Section 1714-G. Ben Franklin Technology Development Authority Fund.

Funds allocated from the appropriation for the Ben Franklin Centers for Fiscal Year 2007-2008 shall not be less than the allocation for Fiscal Year 2006-2007.

Section 1715-G. Tobacco Settlement Fund.

(a) Deposits.—

(1) Notwithstanding sections 303(b)(3) and (4) and 306 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the following shall apply:

(i) For Fiscal Year 2007-2008, \$14,033,000 of the funds derived under section 303(b)(3) of the Tobacco Settlement Act shall be deposited into the Tobacco Settlement Fund. This subparagraph includes \$2,783,000 deposited in the fund under section 1715-C(a)(1)(i) but not appropriated in the act of July 2, 2006 (P.L. No.2A), known as the General Appropriation Act of 2006.

(ii) For Fiscal Year 2007-2008, \$48,062,000 of the funds derived under section 303(b)(4) of the Tobacco Settlement Act shall be deposited into the fund. This subparagraph includes \$8,062,000 deposited in the fund under section 1715-C(a)(1)(i) but not appropriated in the General Appropriation Act of 2006.

(iii) For Fiscal Year 2007-2008, one-fourth of the money appropriated under section 306(b)(1)(iii) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(iv) For Fiscal Year 2007-2008, one-third of the money appropriated under section 306(b)(1)(vi) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(2) Money deposited into the fund under paragraph (1) shall be appropriated for health-related purposes. If applicable, the amount appropriated under this paragraph shall be matched by appropriated Federal augmenting funds.

(b) Allocation.—Funding for local programs under section 708(b) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, shall be allocated as follows:

(1) Thirty percent of grant funding to primary contractors for local programs shall be allocated equally among each of the 67 counties.

(2) The remaining 70% of grant funding to primary contractors for local programs shall be allocated on a per capita basis of each county with a population greater than 60,000. The per capita formula shall be applied only to that portion of the population that is greater than 60,000 for each county.

(3) Budgets shall be developed by each primary contractor to reflect service planning and expenditures in each county. Each primary contractor will ensure that services are available to residents of each county and must expend the allocated funds on a per-county basis pursuant to paragraphs (1) and (2).

(4) The Department of Health shall compile a detailed annual report of expenditures per county and the specific programs offered in each region. This report shall be made available on the Department of Health's publicly available Internet website 60 days following the close of each fiscal year.

(5) During the third quarter of the fiscal year, funds which have not been spent within a service area may be reallocated to support programming in the same region.

Section 1716-G. Community Health Reinvestment Restricted Account.

(a) Establishment.—There is established in the State Treasury a restricted receipts account in the Tobacco Settlement Fund to be known as the Community Health Reinvestment Restricted Account. Interest earned on money in the account shall remain in the account.

(b) Agreement on community health reinvestment.—Each calendar year, a corporation under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) that is a party to the Agreement on Community Health Reinvestment entered into February 2, 2005, by the Insurance Department and the Capital Blue Cross, Highmark, Inc., Hospital Service Association of Northeastern Pennsylvania and Independence Blue Cross, and published in the Pennsylvania Bulletin at 35 Pa.B. 4155 (July 23, 2005), shall pay to the account the amount calculated for such calendar year in section 5 of the agreement, published at 35 Pa.B. 4156.

(c) Appropriation.—The money in the account, including all interest earned, is appropriated to the Insurance Department to be used in accordance with the agreement on community health reinvestment described in subsection (b).

Section 1717-G. Health Care Provider Retention Account.

(Reserved).

Section 1718-G. (Reserved).Section 1719-G. Restricted Receipt Accounts.

(a) General provisions.—The secretary may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.—The following restricted receipt accounts may be established for the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.—The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

(2) Federal Land and Water Conservation Fund Act.

(3) National Forest Reserve Allotment.

(4) Federal Land and Water Conservation Fund Act - Conservation and Natural Resources.

(d) Department of Education.—The following restricted receipt accounts may be established for the Department of Education:

(1) Education of the Disabled - Part C.

(2) LSTA - Library Grants.

(3) The Pennsylvania State University Federal Aid.

(4) Emergency Immigration Education Assistance.

- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.—The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Health.—The following restricted receipt accounts may be established for the Department of Health:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.—The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.—The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.—The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act (Public Law 89-665, 80 Stat. 915).
- (2) (Reserved).

(j) Executive Offices.—The following restricted receipt accounts may be established for the Executive Offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.

Section 1720-G. State Gaming Fund.

(a) Deduction of certain appropriations.—Notwithstanding the provisions of section 504(c)(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, funds appropriated to the Pennsylvania Gaming Control Board from the State Gaming Fund shall be deducted from the amount transferred to the Property Tax Relief Reserve Fund under section 504(b) of the Taxpayer Relief Act and loaned to the Pennsylvania Gaming Control Board for payment of the board's administrative and operating expenses for the fiscal year commencing July 1, 2007. Funds loaned to the board under this section shall be repaid from the accounts established under 4 Pa.C.S. § 1401 (relating to slot machine licensee deposits) in accordance with subsection (b).

(b) Assessment for repayment.—Notwithstanding the provisions of 4 Pa.C.S. § 1901.1 (relating to repayments to State Gaming Fund), the Pennsylvania Gaming Control Board shall assess slot machine licensees for repayment of funds transferred and loaned to the board under subsection (a) from the State Gaming Fund in accordance with 4 Pa.C.S. § 1402 (relating to gross terminal revenue deductions) for repayment to the Property Tax Relief Reserve Fund at such time as at least 11 slot machine licenses have been issued and 11 slot machine licenses have been issued and 11 licensed gaming entities have commenced the operation of slot machines. The board shall adopt a repayment schedule that assesses to each slot machine licensee costs for the repayment of amounts appropriated under this section in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(c) Property tax relief.—

(1) Notwithstanding the provisions of section 504 of the Taxpayer Relief Act, until the loan to the Pennsylvania Gaming Control Board under subsection (a) is repaid, the Secretary of the Budget is authorized to provide for property tax relief under section 503(d) of the Taxpayer Relief Act, regardless of whether the amount deposited in the Property Tax Relief Reserve Fund is less than required by section 504 of the Taxpayer Relief Act.

(2) Notwithstanding the provisions of 4 Pa.C.S. § 1901.1, beginning January 1, 2011, if the Secretary of the Budget determines that the moneys in the Property Tax Relief Reserve Fund are needed for property tax relief, the secretary shall notify the Pennsylvania Gaming Control Board and upon notification, the board shall immediately assess each slot machine licensee for the repayment of the loan in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(d) Other appropriations solely from assessment.—

(1) All funds for the operation of the Pennsylvania State Police, Department of Revenue and Attorney General are appropriated solely from an assessment on gross terminal revenue from accounts under 4 Pa.C.S. § 1401 in an amount equal to that appropriated by the General Assembly for Fiscal Year 2007-2008. The Pennsylvania State Police, Attorney General or Department of Revenue shall not assess any charge, fee, cost of operations or other payment from a licensed gaming entity in excess of amounts appropriated for Fiscal Year 2007-2008, unless specifically authorized by law.

(2) This subsection shall not apply to any voluntary payment made by a new slot machine licensee in accordance with similar payments voluntarily made by existing licensees.

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article XV-A of the act.

(2) The act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law, is repealed.

(3) The General Assembly declares that the repeals under paragraph (4) are necessary to effectuate the addition of section 1508 of the act.

(4) The provisions of 35 Pa.C.S. §§ 7307 and 7705(c) are repealed.

Section 6. The addition of Article XV-A of the act is a continuation of the act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law. Except as otherwise provided under Article XV-A, all activities initiated under the State Employees Group Life Insurance Law shall continue and remain in full force and effect and may be completed under Article XV-A. Orders, regulations, rules and decisions which were made under the State Employees Group Life Insurance Law and which are in effect on the effective date of section 1.1 of this act shall remain in full force and effect until revoked, vacated or modified under Article XV-A. Contracts, obligations and collective bargaining agreements entered into under the State Employees Group Life Insurance Law are not affected nor impaired by the repeal of the State Employees Group Life Insurance Law.

Section 7. The amendment of section 1737-B of the act shall apply retroactively to July 1, 2006.

Section 8. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment that I am offering deals with the Fiscal Code, but the first thing I would like to state very clearly, what is not in this amendment.

In our caucus, like I know in your caucus, there has been a lot of discussion about the hazardous waste cleanup, and there have been a number of proposals suggested about how to resolve that issue. After talking to the leadership on this side and talking to the leadership on that side, and not speaking for your leadership, we have concluded that that is not an issue that we can resolve here tonight, and we do not believe we can resolve it tonight, not that we do not have to resolve it, but we do not believe we can resolve it tonight and stand in the way of the budget. So both leaderships have agreed that we would move that issue completely off and deal with that issue in September.

In this amendment, which I will talk a little bit about, we deal with issues such as the Tobacco Fund for long-term care, the increase for authorization for disaster relief, to transfer money for volunteer fire companies, and the implementation of many pieces of the budget act. So we need this amendment attached to HB 1295 for the purpose of the implementation of the budget.

Both sides recognize that we need to do something about the hazardous waste issue, and we are clear about that. So we do not think that this solves the problem, but we are saying to you we also know we need to get a budget resolved. So the Fiscal Code basically outlines some of the things that I have described to you that we need to do so we can move this process, because in an hour from now, it will be 24 hours and then we can vote the budget.

So we know we need to pass this simultaneously while we pass the budget. So our view is, we can pass this now, send it to the Senate, and the next thing we can do is, we can do the budget. And then there is only one or two other pieces that are out there. So we come to you, we – and I am speaking on this side and the leader on that side can say – we come to you unfortunately with an amendment which I do not know if you had a lot of time to look at it – it has been posted for the last couple of hours – but we come to you to ask you to support us in this effort to move this budget through the process. I have spent a lot of time talking to the Republican chairman and the Republican leader about trying to solve this issue, and we believe we should move on with it.

So I ask that you would support this amendment, Mr. Speaker. Thank you.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, as the majority chairman has indicated, this problem has come up I guess late yesterday into today; a lot of scuttlebutt on the House floor, because it is a very most important issue in how we address the hazardous waste cleanup sites. It is an issue that none of us in this Assembly can ignore. Unfortunately with the way the pace was going on, the solutions that we came up with partially evidently did not work to clarify it and make a clear indication what our intentions were to be tonight and tomorrow and when we adopt the budget and the Fiscal Code.

So I stand here tonight somewhat confused to a point, but I do agree with the majority chairman that at this point if we were to do something in haste, make a decision that not everybody is aware of in the Senate as far as what we do in the

House, I believe that it will give us some time, and when we come back in the fall, I think that a direct, a direct measure of adopting this issue and addressing this issue so we do not have to come back and look at it again needs to be looked at and a formula has to be set up where we can then put this to rest once and for all.

So rather than make a mistake that we might have to alter in the fall, I do agree with the majority chairman of the Appropriations that we should adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I guess my first question is, maybe this is not in order, but did we caucus on this one, because I was out of caucus for a lot of the day and I may have very well missed that. Has this been caucused?

Mr. D. EVANS. Yes, Mr. Speaker. We did caucus on 1295.

Mr. VITALI. So your answer is, we did caucus on this amendment?

Mr. D. EVANS. Mr. Speaker, what we did caucus on, we caucused on some of the various concepts that are in this amendment. For example, the disaster emergency, we talked about that issue in there, we talked about the Tobacco Fund in the caucus, and we talked about the implementation of pieces. So we talked about in concept. We did not talk about the specifics because of the hazardous waste cleanup, which was an issue that we were trying to resolve, and since we felt that we could not resolve it, and this is where we had talked about the aspect of putting it in this particular House bill, we just concluded, after listening to members on both sides of the aisle, that we could not resolve those issues but we also needed this for the purposes of implementing the budget act.

Mr. VITALI. Okay. I heard your answer. I am just trying to understand it.

Were all the concepts in this amendment caucused on?

Mr. D. EVANS. When you say that, I do not understand the question, Mr. Speaker.

Mr. VITALI. I do not mean to be a smart mouth, but what part of the question did you not understand? I am just trying to—

Mr. D. EVANS. What I said, Mr. Speaker, is, the concepts have been discussed.

Mr. VITALI. Mr. Speaker, I want to go to page 3. There is a reference in here to the Keystone Fund and diverting that to the Department of Higher Ed. It is on page 3. Let me get the line. I am working from the computer.

The SPEAKER. The gentleman will suspend.

For what purpose does the minority leader, Representative Smith, rise?

Mr. S. SMITH. Mr. Speaker, if the gentleman would yield, I have been informed— If I might have an interrogatory with the—

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

Mr. S. SMITH. Perhaps we could do it sidebar.

The SPEAKER. The House will be at ease.

(Conference held at Speaker's podium.)

REPUBLICAN CAUCUS

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

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

Mr. Speaker, I was informed that while we had caucused on the actual bill, we did not caucus on the amendments because at that time we thought we were nonconcurring on this legislation. Therefore, our caucus did not go through the various components of this bill, and I would respectfully request a short caucus for that purpose, Mr. Speaker.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, if the Republican leader finds this appropriate, maybe, say, 8 o'clock we will be back on the floor?

Mr. S. SMITH. That would be fine. Thank you, Mr. Speaker.

Mr. D. EVANS. Okay. Eight o'clock; announce that we will go to caucus and be back by 8.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome the guest of Representative Curry, Shirley Curry, who is seated to the left of the Speaker. Would you please stand and be recognized. Welcome to the hall of the House.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will immediately caucus in the majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. The House will stand in recess till 8 p.m.

AFTER RECESS

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

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members he has given permission to James Romeo from WGAL to videotape with audio.

The Chair wishes to advise members that he has given permission to Eric Semmel, WHTM-TV, channel 27, to videotape with audio.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes Representative Moul's presence on the floor. His name will be added to the master roll.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1295 will be over temporarily.

SUPPLEMENTAL CALENDAR A CONTINUED**CONSIDERATION OF SB 246 CONTINUED**

The SPEAKER. The Chair returns to SB 246.

The gentleman, Representative Moul, has already been added to the master roll call.

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.)

Mr. CIVERA. Mr. Speaker? Mr. Speaker? Mr. Speaker, could you strike the vote, please? We just got on the floor. We just came down from caucus. The Republicans were not on the floor, Mr. Speaker.

The SPEAKER. The bill is SB 246 for the information of—

Mr. CIVERA. Mr. Speaker, I am well aware of what the bill is. Could you redo the vote again? We just got on the floor.

The SPEAKER. The Chair had intended to leave the vote open for time enough for the members to get to the floor.

For what purpose does Representative Denlinger rise?

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, has permission been given for television cameras to be roaming around the floor?

The SPEAKER. The Chair has announced that it has given permission. The Chair will repeat those announcements if the gentleman so desires.

Mr. DENLINGER. Please; yes; thank you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair will advise the television stations that are on the floor, you are not permitted to photograph the voting board. You are permitted to take audio and video on the floor, but you are not allowed to film the actual vote.

The Chair had advised the members that he had given permission to James Romeo of WGAL and Eric Semmel from WHTM-TV to film on the floor. The Chair will remind those cameramen they are not permitted to take pictures of the voting board.

CONSIDERATION OF SB 246 CONTINUED

On the question recurring,

Shall the bill pass finally?

The following roll call was recorded:

YEAS—141

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McGeehan	Sabatina
Barrar	Gerber	McI. Smith	Samuelson
Bear	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Micozzie	Scavello
Biancucci	Grell	Miller	Shapiro
Bishop	Grucela	Milne	Shimkus
Blackwell	Harper	Moul	Siptroth
Boback	Harris	Moyer	Smith, K.
Boyd	Helm	Mundy	Smith, M.
Brennan	Hennessey	Murt	Sonney
Brooks	Hershey	Myers	Steil
Cappelli	Hess	Nailor	Stern
Carroll	Hickernell	Nickol	Swanger
Civera	Hornaman	O'Brien, M.	Tangretti
Clymer	James	O'Neill	Taylor, J.
Cohen	Josephs	Oliver	Taylor, R.
Conklin	Kauffman	Parker	Thomas
Costa	Keller, M.	Payne	True
Cruz	Keller, W.	Payton	Turzai
Curry	Kenney	Peifer	Vereb
Cutler	Kessler	Petri	Vitali
Daley	Killion	Phillips	Wagner
Dally	King	Pickett	Walko
DeLuca	Kirkland	Quigley	Waters
DePasquale	Leach	Quinn	Watson
Dermody	Lentz	Ramaley	Wheatley
DiGirolamo	Levdansky	Raymond	Williams
Donatucci	Mackereth	Readshaw	Youngblood
Evans, D.	Major	Reichley	Yudichak
Evans, J.	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman	Markosek	Rohrer	

NAYS—62

Bastian	George	McCall	Sainato
Belfanti	Gergely	Mensch	Schroder
Benninghoff	Godshall	Metcalfe	Seip
Buxton	Goodman	Millard	Smith, S.
Caltagirone	Haluska	Mustio	Solobay
Casorio	Hanna	Pallone	Staback
Causar	Harhai	Pashinski	Stairs
Cox	Harhart	Perry	Stevenson
Creighton	Harkins	Perzel	Sturla
Denlinger	Hutchinson	Petrarca	Surra
DeWeese	Kortz	Petrone	Vulakovich
Eachus	Kotik	Preston	Wansacz
Ellis	Kula	Pyle	White
Everett	Longietti	Rapp	Wojnaroski
Fabrizio	Maher	Reed	Yewcic
Fairchild	Mahoney		

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. Members will please take their seats.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF HB 1295 CONTINUED

The SPEAKER. The Chair returns to HB 1295, PN 2239, the Evans amendment, 3153.

On the question recurring,

Will the House agree to the amendment?

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

For what purpose does Representative Marsico rise?

Mr. MARSICO. Mr. Speaker, if I can have the attention of the members. This amendment, A03153, was presented to the House approximately about an hour or so ago, and we did caucus on this some. There were a lot of questions in the caucus.

The SPEAKER. Will the gentleman suspend.

For what purpose does the gentleman rise?

Mr. MARSICO. I would like to make a point of personal privilege, please; unanimous consent.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. MARSICO. Well, once again, I have not had enough time to read this amendment. It is an amendment that has major, major consequences with the funding for, which could possibly raid – well, it looks like it will raid the Property Tax Relief Fund.

The SPEAKER. The gentleman will suspend.

Mr. MARSICO. I need more time.

The SPEAKER. The gentleman is not stating a point of personal privilege.

Mr. MARSICO. I need more time to study this amendment, Mr. Speaker, and I demand more time.

The SPEAKER. The gentleman's remarks will be spread upon the record. The Chair had already recognized Representative Evans.

Mr. D. EVANS. Mr. Speaker? Mr. Speaker, may I get some order, please; get some order, Mr. Speaker?

The SPEAKER. Will the members please take their seats. Members will clear the aisles. Conferences will break up. Members will take their seats.

Mr. D. EVANS. Mr. Speaker, you know, in a perfect world, Mr. Speaker, I wish that we had all the time to look at every aspect of what we do here. However, Mr. Speaker, we have a budget to pass tonight. It is virtually impossible, Mr. Speaker, to pass that budget tonight without what you call the trailer bill, which is the Fiscal Code.

This Fiscal Code, Mr. Speaker, allows the implementation of the budget, and one of the things I talked about, Mr. Speaker, is the transfer of money for volunteer fire companies. Because we cannot put substantive language in the budget, this language—

The SPEAKER. Will the gentleman suspend.

Members are indicating they cannot hear the gentleman's remarks. The Chair will ask all members to take their seats. Sergeants at Arms will clear the aisles. Conversations will be held to a minimum.

The gentleman is in order.

Mr. D. EVANS. Mr. Speaker, what I said is that this is what you call the trailer bill, and it has all the various substantive

language in that allows the implementation of the budget bill. When we pass a budget bill, we also need this to address substantive issues. I personally want to apologize to all members of the House for not having all the adequate time that they need to look at every word and every sentence, but this is not a perfect process.

I will say to you that what we tried to do, and I talked to your leader and your chair of Appropriations, is we had a negotiating process going on. Most of the language in this bill, there was somebody from your side, the House Republicans, the House Democrats, the Senate Republicans, and the Senate Democrats at the table. We tried to negotiate an agreement around this area. However, Mr. Speaker, what occurred was, the greatest challenge we had was about dealing with the hazardous waste fund, and we could not come to an agreement, Mr. Speaker, because the Governor had one proposal on the table, which there was not any support there. They talked about using Key '93, and a number of you on both sides of the aisle had basically said that that was not an acceptable approach either. We talked about something that one of your colleagues said that we should use some of the surplus, and we tried to use that and that was not acceptable either.

So we had a number of ideas on both sides and we basically could not come to an agreement. So after talking to my side and your side and the Governor's Office, we basically said, let us remove that issue, let us remove that issue till September and discuss it during the energy special session. So basically I made that recommendation, and we agreed, at least among the leadership, to remove that issue.

All of the items that are in this Fiscal Code are items that have been discussed over the last 2 weeks from my various Representatives on all different sides. Now, again, if it was a perfect world, ideally we had talked about doing a nonconurrence and doing it in conference committee, but because we were trying to save time and we knew that we had to get this done because of the budget and implementing the budget, we basically took exactly from the discussions that we had and said that we would take this and amend HB 1295.

Now, I know there are some concerns, and I recognize those concerns, Mr. Speaker, but, Mr. Speaker, in the caucus we just had, we had a discussion with our members. Our members asked questions. We had the staff people go over these particular issues. I mentioned to you earlier about the Tobacco Settlement Fund for long-term care, increased authorization authority for the disaster relief, transfer money for the volunteer fire companies, and implementing many pieces of the budget act.

So, Mr. Speaker, what I have here is something that we need to do for the budget, because if we should pass the budget, the budget will not be balanced. The budget will not be balanced if we do not pass this particular document, and if the budget is not balanced, then basically what happens is, the Governor has to make decisions around line-item veto.

So based on where we are at this particular point, Mr. Speaker, with this much time left in the day, and the Senate passed the budget 46 to 2 and the Senate is waiting on this right now, the Senate is waiting on us to pass this particular piece of legislation, so knowing that we have got to pass the budget, knowing that the Senate is waiting on this, understanding the concerns that some of you have raised, even on my side people have raised a concern, we believe, Mr. Speaker, with all our staffs being at the table, they have gone through this, they have

vetted it, they have digested it, and we believe that we need to do this.

So I would hope, Mr. Speaker, that we would get support on both sides of the aisle with this amendment to HB 1295, and I would ask that we get a "yes" vote on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for just a few questions?

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

Ms. HARPER. Thank you very much, Mr. Speaker.

As many of you know, I have been very concerned about protecting the Keystone Park and Recreation Fund from being raided for any other purpose than it was originally designated — to take care of parks and libraries and environmental projects. Does this amendment protect the Keystone Park and Recreation Fund from the raid on it, Mr. Speaker?

Mr. D. EVANS. Yes, it does protect the fund.

Ms. HARPER. Now, Mr. Speaker, the amendment, which we just got, seems to move an awful lot of money around from here and there. The first page has \$22 million going to the Governor of unutilized funds, and there are other transfers from the Tobacco Settlement Fund and the Property Tax Relief Fund and gaming as well. I would like to ask the maker of the amendment whether this amendment funds the Hazardous Sites Cleanup Fund?

Mr. D. EVANS. No, Mr. Speaker.

Ms. HARPER. So there is no funding whatsoever for the Hazardous Sites Cleanup Fund in this bill?

Mr. D. EVANS. No, Mr. Speaker.

Ms. HARPER. Not in the amendment; not in the bill?

Mr. D. EVANS. No, Mr. Speaker. And what I would like to say to you, when you raise issues like Tobacco Settlement Fund, it is the language that is enabling language to deal with long-term care first. It transfers money for the volunteer fire companies. That is what it does. And number three, it increases the executive authorization authority for increasing for disaster relief, which needs a declaration under Title 35. Under Title 35, there is a section that describes the declaration of disaster emergency, and I could give you this—

Ms. HARPER. Okay.

Mr. D. EVANS. —Mr. Speaker, that explains exactly what has to happen with the Governor in terms of emergency.

Ms. HARPER. Thank you very much, Mr. Speaker, but that raises the issue of— That means then that the \$22 million that is being moved on page 1 of this amendment, which ironically is exactly the amount of money that we need to fund hazardous sites cleanup this year, that money cannot be used to fund hazardous sites cleanup?

Mr. D. EVANS. Repeat your question.

Ms. HARPER. On page 1 of the amendment, we are giving the Governor authorization to move about \$22 million, which the gentleman just explained was only for disasters. So I am asking whether that means that that money cannot be used to fund Hazardous Sites Cleanup Act funds?

Mr. D. EVANS. Correct, it cannot be used.

Ms. HARPER. Okay. Mr. Speaker, then my next question, if the gentleman knows, if we are not— And I first want to say I appreciate, I appreciate that the amendment protects the

Keystone park, recreation, and library fund. I do appreciate that. But I want to ask the gentleman whether the Hazardous Sites Cleanup Fund is funded anywhere in the amendment, in the bill, or in some other bill that we are going to see tonight?

Mr. D. EVANS. No, Mr. Speaker.

Ms. HARPER. On the amendment, Mr. Speaker?

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

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's efforts in protecting the Keystone Park and Recreation Fund from a raid on its assets, because it does such important work throughout the Commonwealth. But I believe, Mr. Speaker, that this General Assembly is failing an essential duty if it does not fully fund the Hazardous Sites Cleanup Fund.

Mr. Speaker, there are literally dozens and dozens of hazardous sites throughout the Commonwealth of Pennsylvania – from Adams County to York County, in every corner of this Commonwealth. These are active sites, Mr. Speaker, that are not being funded this year in the budget. Although the gentleman has made a commendable effort to protect the Keystone Park and Recreation Fund from a raid on its assets, if we leave here, Mr. Speaker, without taking care of funding these active, active hazardous sites, we are leaving the people that we represent without clean air and without clean water, and that is wrong.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER. The Chair recognizes Representative Maher.
Mr. MAHER. Thank you, Mr. Speaker.

I would like to speak on the amendment, but before doing so, I do have a parliamentary inquiry.

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

Mr. MAHER. Thank you, Mr. Speaker. I did not want you to think that I was neglecting you tonight.

On page 22, is this bill divisible between lines 24 and 25 on page 22?

The SPEAKER. The gentleman is talking about the amendment, not the bill?

Mr. MAHER. On the amendment, Mr. Speaker. Page 22 of the amendment between lines 24 and 25, would the amendment be divisible at that point?

The SPEAKER. The amendment is not divisible at that point.

Mr. MAHER. Is the amendment divisible on page 23 between lines 26 and 27?

The SPEAKER. No, the amendment is not divisible between those lines.

Mr. MAHER. Thank you.

Could the Chair provide me guidance? Is there any way that this amendment might be divisible so that the gaming and property tax sections could be excised to be considered separately?

The SPEAKER. The Chair cannot be interrogated about the bill.

Mr. MAHER. I am sorry.

The SPEAKER. The gentleman would have to continue to ask the Chair if the bill was divisible, and the Chair would respond.

Mr. MAHER. Well, I will take one last stab then, Mr. Speaker. Is it possible to divide the amendment by separating into amendment A and amendment B, with amendment B being the contents of page 22, line 25, through page 23, line 26?

The SPEAKER. The gentleman will state that again.

Mr. MAHER. May this amendment be divided into amendment A and amendment B by establishing as amendment B the contents from page 22, line 25, through page 23, line 26?

The SPEAKER. The amendment is not divisible at that point.

Mr. MAHER. Thank you, Mr. Speaker.

May I speak on the amendment?

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

Mr. MAHER. Mr. Speaker, I know a lot of people worked very hard to get to the point that we are at this evening. Nonetheless, many members on this side of the aisle – in fact, I am led to understand that every member on this side of the aisle was surprised to have this amendment pop up at this stage on this bill. So we have done our very best to work our way through and gain understanding in the very short period of time that the opportunity has been presented to ourselves. I hasten to add that I suspect very few Pennsylvanians have enjoyed the opportunity to consider this or offer their point of view to us, which seems to be quite contrary to our mission of reform – transparency and openness.

And there is a lot that is not terribly troubling in this amendment, but there is a part I want to make sure I understand, and if the maker of the amendment would be so gracious as to answer a couple of questions, just to make sure I am not misunderstanding what is before us.

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

Mr. MAHER. Thank you, Mr. Speaker.

Some very basic questions: Is it correct that this amendment would permit borrowing from the property tax relief funds by the Gaming Board?

Mr. D. EVANS. From the reserve fund, Mr. Speaker, not from the relief fund.

Mr. MAHER. I am sorry. Which reserve fund is that, Mr. Speaker?

Mr. D. EVANS. The reserve fund that is set aside in the—

Mr. MAHER. For property tax relief?

Mr. D. EVANS. No; no; you are putting words— Please listen to me. Okay? There is the relief aspect, and there is the reserve. From the reserve, Mr. Speaker.

Mr. MAHER. All right, Mr. Speaker.

In the heading of that section that says property tax, is that because this is a property tax reserve fund?

Mr. D. EVANS. Yes.

Mr. MAHER. Thank you, Mr. Speaker.

And if I understand correctly, the purpose of this is so that the Gaming Board can continue to operate without levying additional assessments on the existing licensees. Is that correct?

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. MAHER. Thank you.

Mr. Speaker, that concludes my questions. I do have a couple of observations.

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

Mr. MAHER. When this chamber agreed together with the Senate and the Governor amidst a great deal of controversy some years ago to approve casinos, it was with the overt and primary purpose of providing property tax relief. Now, the years have gone by and school districts have yet to receive a nickel to use for property tax relief for their residents from the slots; not one nickel. And they will not get a nickel again this fiscal year. I hope, but I am not convinced, they may be looking at fiscal year '09 or '10 that it will happen, but this much is clear: This amendment – and it is important that you understand this – you are being asked to vote so that casinos will not pay an assessment. You are being asked to vote to reach into property tax relief funds to relieve casinos from facing tax. You might call this amendment the casino tax relief amendment. And if you think that your constituents are going to be happy to know that you put the tax concerns of the casinos ahead of the property tax relief concerns of your constituents, if you think that is a good idea, then you vote for this amendment.

Now, you may have noticed I did my level best to try to carve out this element from this amendment, but the amendment was written in such a way that apparently that is not possible. So you are left with this terrible choice, and the terrible choice boils down to this: Are you going to act today for casino tax relief and, to do so, reach in to the property tax funds?

Thank you, Mr. Speaker.

The SPEAKER. Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker. I rise to speak on this amendment and then make a motion.

First of all, I find it amazing that we were going to secretly tonight – "secretly" was the real key word here – vote to raid the funds of the people of Pennsylvania, money that was set aside for property relief funds. That was what we were going to do. Nobody in this House is going to know it. You were not going to know it. We were not going to know it. Okay? We are going to go back to our taxpayers in Pennsylvania and we are going to tell them for 2 years now we could not give them property tax relief but we can give a loan to the casinos so that they can continue to operate without paying a fair assessment. If you want to go back and tell your property owners that you are willing to take a loan out of the property relief funds, the reserve funds for their property tax relief, you go ahead and you make this vote tonight, because you will be seeing that many, many times in your newspapers and everywhere else, and you know that.

This is amazing that the leadership of this House was going to pull something on all of us tonight. This was something that when the person rose to make this amendment and asked for a suspension, he obviously did not do what he usually does, is he tells us what is in the amendment. Tonight that was not done.

The SPEAKER. The gentleman will suspend.

Members will take their seats. The gentleman is entitled to be heard.

The gentleman is in order and may proceed.

Mr. SAYLOR. Thank you, Mr. Speaker.

This gentleman rose tonight without giving us an explanation and hiding the fact this was raiding the property tax relief funds. The gentleman is very smart and very much a gentleman, and I do not mean to impugn his reputation, but as we all have known that have been around this House and this Capitol for a long time, we find it amazing how we vote for legislation here

and find out 2 weeks later what is in it. Well, you are getting a chance tonight to know what is in this amendment, and that is, it is going to raid the property relief funds that are meant for our taxpayers and we are going to send it to the casinos.

MOTION TO RESCIND SUSPENSION OF RULES

Mr. SAYLOR. I now rise to make the motion to rescind the vote by which the House voted to suspend the rules for consideration of this amendment, Mr. Speaker. Mr. Speaker, I rise to make a motion to rescind the vote by which this House suspended the rules to consider this amendment.

The SPEAKER. The gentleman moves to rescind the vote by which the rules were suspended to immediately consider amendment 3153. The members are informed that the motion to rescind requires the same vote as would be required to repeal the act for which it sought to rescind. This will require a two-thirds majority to be successful.

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

The following roll call was recorded:

YEAS—102

Adolph	Gabig	Marsico	Rapp
Argall	Galloway	Mensch	Raymond
Baker	Geist	Metcalfe	Reed
Barrar	Gillespie	Micozzie	Reichley
Bastian	Gingrich	Millard	Roae
Bear	Godshall	Miller	Rock
Benninghoff	Grell	Milne	Rohrer
Beyer	Haluska	Moul	Rublely
Boback	Harhart	Moyer	Samuelson
Boyd	Harper	Murt	Saylor
Brooks	Harris	Mustio	Scavello
Carroll	Helm	Nailor	Schroder
Causer	Hennessey	Nickol	Sonney
Civera	Hershey	O'Neill	Stairs
Clymer	Hess	Payne	Steil
Cox	Hickernell	Peifer	Stern
Creighton	Hutchinson	Perry	Stevenson
Cutler	Kauffman	Perzel	Swanger
Dally	Keller, M.	Petrarca	Tangretti
Denlinger	Killion	Petri	True
DiGirolo	Kula	Phillips	Turzai
Ellis	Mackereth	Pickett	Vereb
Evans, J.	Maher	Pyle	Vulakovich
Everett	Major	Quigley	Watson
Fairchild	Mantz	Quinn	Yewcic
Fleck	Marshall		

NAYS—101

Belfanti	George	Markosek	Siptroth
Bennington	Gerber	McCall	Smith, K.
Biancucci	Gergely	McGeehan	Smith, M.
Bishop	Gibbons	McI. Smith	Smith, S.
Blackwell	Goodman	McIlhattan	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Hanna	Mundy	Sturla
Caltagirone	Harhai	Myers	Surra
Cappelli	Harkins	O'Brien, M.	Taylor, J.
Casorio	Hornaman	Oliver	Taylor, R.
Cohen	James	Pallone	Thomas
Conklin	Josephs	Parker	Vitali
Costa	Keller, W.	Pashinski	Wagner

Cruz	Kenney	Payton	Walko
Curry	Kessler	Petrone	Wansacz
DeLuca	King	Preston	Waters
DePasquale	Kirkland	Ramaley	Wheatley
Dermody	Kortz	Readshaw	White
DeWeese	Kotik	Roebuck	Williams
Donatucci	Leach	Ross	Wojnaroski
Eachus	Lentz	Sabatina	Youngblood
Evans, D.	Levdansky	Sainato	Yudichak
Fabrizio	Longietti	Santoni	
Frankel	Mahoney	Seip	O'Brien, D., Speaker
Freeman	Manderino	Shapiro	
	Mann	Shimkus	

NOT VOTING—0

EXCUSED—0

Less than the two-thirds majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. Would the gentleman, Representative Saylor, like to continue his remarks?

Mr. SAYLOR. Yes, Mr. Speaker.

Again, I remind you, if you pass, if you pass this amendment tonight, I hope you can figure out a way to tell the people of Pennsylvania how you cannot give them property tax relief but you can casinos, give them a loan. I just find it amazing, one, that we stand here as members of this House in a new era of reform and we try to sneak by the members this kind of shenanigans.

This is not reform. This is not reform by a long shot. This is the same way we used to do business before we passed the reforms in this House. We sneaked things through and hid them in bills. That is what that did tonight. All the good it does for talking about reforming this chamber when we had the same shenanigans played on all of us tonight. Shame on all of us for letting this happen.

You know, it just amazes me how I will see over the next several months people continuing to talk about the progress we made in opening up this House to the public and making it the people's House again. Well, we did not. Apparently by tonight's vote, all we did is go back to our old ways. We do not care about what the public needs to know. We are going to hide it in bills and amendments. Shame on us, shame on us for letting it happen.

How tonight you can stand on this House floor and vote to pass an amendment that was of the old style and the old ways, you cannot talk about reform when you have allowed this amendment to continue on its way.

I ask for a "no" vote because I do not believe casinos deserve relief before our property owners get it as well. Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I understand the emotion of the moment, and certainly as one who has been a very strong advocate of property tax relief, I would do nothing, nothing to stop property tax relief from happening in this Commonwealth. As a matter

of fact, HB 1295 as it came back from the Senate had this identical language in HB 1295 as passed by the Senate and as contained in this bill before us right now. This language will have no impact, let us be clear about this, this language will have no impact on the timing nor the amounts of property tax relief in the Commonwealth of Pennsylvania.

When we created the act, we created two funds – the Property Tax Reserve Fund and the Property Tax Relief Fund. The Property Tax Reserve Fund was established in the Taxpayer Relief Act. HB 1295 does in fact contain the language providing for this loan to be in effect a loan receivable. It is actually in the accounts receivable contained in the act as an asset. So the money is an asset to that reserve fund, to the Property Tax Reserve Fund. So it is not going to reduce in any way the amount of property tax relief being paid for if the Secretary of the Budget says there is enough money in the reserve fund to provide for that property tax relief. The bottom line is that the loan of the \$22.6 million being made in HB 1295 and in this amendment to the Gaming Board will count toward the minimum balance requirement in the Property Tax Relief Reserve Fund.

The other aspect of the language in this bill, when all 11 facilities are up operational, the Gaming Board must assess, must assess all of the 11 licensees for the money that is paid out for this reserve fund, the money that is paid out by this reserve account. So all 11 licensees will be obligated through assessment to pay this money back immediately once they are licensed, and in 4 years, that 11, that number of 11 casinos becomes inconsequential. If there are only six or seven licensees, they would have to pay the assessment back into the reserve fund to pay for any loan that is made out of this act, but in no way, in no way will it affect the timing nor the amount of property tax relief in this Commonwealth.

I would ask for an affirmative vote on the amendment.

The SPEAKER. Representative Cappelli. The gentleman waives off.

Representative Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of this amendment, please.

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

Mr. READSHAW. Mr. Speaker, I am sure everyone sitting on the floor this evening has a grave concern about what may happen tomorrow to 24,000 or 26,000 State workers, and since that is on our mind, that leads me to this question: Does this amendment in any way, will it in any way affect the decision of furloughing those State workers?

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. READSHAW. I am sorry. I did not hear you, sir.

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. READSHAW. Could you describe how it would?

Mr. D. EVANS. Mr. Speaker, I have been trying to explain clearly that this is the bill that has a lot to do with implementing the budget, and, Mr. Speaker, if we should not pass this particular bill, which is the corresponding bill with the budget, I have tried to say consistently that the budget will not be balanced, and there is no way that I can recommend that we pass a budget that is not balanced.

Now, Mr. Speaker, I have tried to indicate that that does not leave the Governor a lot of choices, and if we do not pass this particular budget tonight, Mr. Speaker, with this bill, with this

amendment, the bottom line is we will be in the same condition we were last Monday.

You may have read in the Patriot newspaper where there was a story, was the issue around Monday, was the issue with the State Treasury, but the issue was never Monday. It is Tuesday that faces the question around the State workers.

So, Mr. Speaker, here we have the trailer bill in conjunction with the budget. We need to pass the trailer bill in conjunction with the budget. Now, I have tried to say that, Mr. Speaker, and I understand the concerns that people have raised, but if you are talking about the furloughed workers, the State currently at this particular point does not have the authority to pay anyone; the State does not have the authority to pay anyone. That is exactly where we are at this particular point, Mr. Speaker.

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment?

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

Mr. READSHAW. Mr. Speaker, ever since we began this conversation and we caucused on this subject, I had that question in mind, and as I said, it certainly is probably on everyone's mind, and with the thought of 24,000 or 26,000 State employees being furloughed, State parks being closed, I would have to beseech everyone to please vote for this. I do not think we want any State employees furloughed.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Adolph. The gentleman waives off.

Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my interrogation—

The SPEAKER. The gentleman will suspend.

The members will please keep their conversations to a minimum.

Mr. CLYMER. Mr. Speaker, may I interrogate the maker of the amendment?

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

Mr. CLYMER. Mr. Speaker, in the budget that we got, the budget outline in sequence 1249.75, it has housing and redevelopment assistance for \$34 million. Now, in your amendment that we just got here, let me read what it says about this: "No more than 20% of funds appropriated for grants under the act of May 20, 1949..., known as the Housing and Redevelopment Assistance Law, shall be allocated to any one political subdivision." Could you define "political subdivision," and we are talking about the same issue — right? — the \$34 million that is in the proposed budget and the language that is in your amendment?

Mr. D. EVANS. Mr. Speaker, if I heard the question correctly, this has been standard language that has historically been a part of the trailer bill, and basically what it does is it limits specifically Allegheny and Philadelphia.

Mr. CLYMER. Say that last. It is money for where?

Mr. D. EVANS. It is basically a part of the Community and Economic Development Fund, and basically what it does is it limits the amount of money that Philadelphia or Allegheny County can provide. As a matter of fact, Mr. Speaker, I recall specifically the gentleman put this in for Senator Jubelirer.

Mr. CLYMER. So we are talking about money that is defined only for the city of Philadelphia, for Philadelphia County and Allegheny County?

Mr. D. EVANS. It limits the amount of money that Philadelphia or Pittsburgh can receive, and the rest of the money is for the rest of the State.

Mr. CLYMER. So what you are saying is that each of them can get 20 percent of this \$34 million — that is, Philadelphia and Pittsburgh, Allegheny County, can each get 20 percent of this \$34 million — and then the other 60 percent is divided among the other counties. Is that what you are telling me?

Mr. D. EVANS. Mr. Speaker, as I was just expressing, it is a cap on what those two counties can receive and then the rest of the money goes to the rest of the State.

Mr. CLYMER. It says, "political subdivision." So what you are saying is that the political subdivision, as you are defining it, applies 20 percent for Allegheny County and 20 percent for Philadelphia County. It does not say more than one political subdivision. It does not say that you combine the two. It says that — let me read it again — it "...shall be allocated to any one political subdivision"; very clear. So as you are defining "political subdivision" — and there may be people who are more knowledgeable than myself in defining a political subdivision — that would be very helpful.

Mr. D. EVANS. Mr. Speaker, I may be reading something different than you are reading, but basically what it does is ensures that neither Philadelphia nor Allegheny County gets all of the money, and it makes sure that the rest of the State gets their share of the money, Mr. Speaker.

Mr. CLYMER. Mr. Speaker, could I have a sidebar for about one minute?

Thank you, Mr. Speaker.

(Conference held.)

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have another question. In Allegheny County could there be more than one political subdivision? In Allegheny County could you have more than one political subdivision?

Mr. D. EVANS. Yes; yes, Mr. Speaker.

Mr. CLYMER. Okay. The answer is yes.

Okay. Mr. Speaker, that concludes my interrogation. Mr. Speaker, that concludes my interrogation.

The SPEAKER. The gentleman is recognized. He may proceed.

Mr. CLYMER. Thank you.

Mr. Speaker, I trust the members were listening to my interrogation here, but we have in this budget \$34 million that is under the classification of housing and redevelopment assistance, and I have a suspicion that it is going to go to Pittsburgh and Allegheny County; \$34 million. If someone tells me I am wrong, I would like to hear from them. Otherwise, this is something that we missed in this amendment that was put before us. None of us knew that this was in here until we read it, and I have a problem with that.

Thirty-four million dollars? Mr. Speaker, I think that is not right. It is wrong for all this money to go to two counties, and I am definitely going to be a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the fact that the prime sponsor of this amendment stated that the amendment will not directly be taking moneys that have been allocated to the Keystone '93 program. Before coming to Harrisburg, I worked in the environmental field, and I have witnessed the widespread benefits that our communities throughout Pennsylvania have received from this program.

I also know, however, the importance of the Hazardous Sites Cleanup Fund and how important it is to the protection of our environment, and there is nothing in this amendment that will address its funding crisis. Abandoned waste sites continue to need the funding from this program to stop ongoing contamination of water and groundwater. These funds are also used to clean up chemical and waste spills on our highways. Spills are unavoidable. Where will the moneys come from to clean them up once this fund has been depleted?

It is unconscionable to think that in a \$27.5 billion budget and with a \$650 million surplus that we cannot find a viable alternative to fund the Hazardous Sites Cleanup Fund without raiding the Keystone '93 program or our Growing Greener fund. I urge that we find some assurance of a plan within this budget that includes funding for the Hazardous Sites Cleanup Fund.

Thank you.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, after caucusing on the Evans amendment and the property tax situation—

The SPEAKER. Will the gentleman suspend.

Members will please hold their conversations to a minimum. It is entirely too loud.

Representative Civera.

Mr. CIVERA. The property tax issue was raised, even though Representative McCall very eloquently pointed out that it would not be interrupted. I rise to withdraw my support for amendment A3153.

The SPEAKER. Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Evans amendment to this Fiscal Code bill. The vast majority of this language has been in the last couple budgets. Now, there have been a few changes, Mr. Speaker, but the fact of the matter is, there have been a lot of things stated on this House floor and we cannot be so entrenched that we do not listen.

This will not reduce the Property Tax Relief Fund; it will not. There is a relief fund and a reserve fund, and I am not sure why that is complicated, but the relief fund is the one that will lower property taxes for the homeowners in Pennsylvania. It will not affect that money at all. In fact, this language was passed by the Senate without the HSCA language. We need to pass this.

This also provides funding for our volunteer fire companies, and that is something that is important to all of us. The \$25 million program, the funding mechanism for all of that is in this amendment, Mr. Speaker.

It takes the HSCA situation out of this budget debate and allows us to work on that in the fall. Now, everybody, the vast majority of members, are supportive of finding a funding mechanism for HSCA, but we are not the only ones at the table, Mr. Speaker. The Senate refuses to go into the surplus any further. Many of you refuse to put an increase in a tipping fee, where most of that money comes from New York and

New Jersey. We cannot even tax New York and New Jersey. So if you are serious about coming up with an additional funding source, we will talk about that later in the year and get this budget passed.

It keeps Key '93 whole, Growing Greener whole, and our libraries whole. Now, I think that does what all of us want to do. The bottom line is this: We need to pass a budget, but if you are interested in keeping our workers on the job like we all say we are, we can do this, but to do it, we need to pass the Fiscal Code bill. It does not take money, contrary to what you have been told, it does not take money out of the Property Tax Relief Fund. It funds the volunteer fire companies. It takes the problem out of Growing Greener, Key '93, and our libraries.

Now, if you want to pass a budget and keep our State parks open and keep our State employees on the job, let us be honest with each other about what we are trying to do. There is nobody trying to fool anybody here. Mr. Speaker, it is the middle of July. I am afraid when I go home and I walk in my house, my dog is going to bite me.

Let us work together and try to get this done, and then we will fix the HSCA problem in the fall. I encourage you all to rethink about where you are entrenched. It does not take the money out of the relief fund; it does not. I will say it one more time; it does not. So let us get this done for our State employees, for our State parks, and for the good of this Commonwealth like we have all been sent down here to do.

Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Very briefly, I hope the members understand, and I am going to give you a different spin on this and it is a very true and legitimate spin, that if we do not pass this language to this amendment, you may be the ones who are going to stop property tax relief from happening in this Commonwealth.

We passed the loan bill yesterday, HB 1287, because the board does not have any more money. They cannot pay their employees either. If we do not give them this money, this board is going to have to go to the commercial market to get a loan. To go to that commercial market may take 60 days. In 60 days they will not have any more money to operate. They are going to have to close down and they are going to have to close the facilities that we are getting the money for the Property Tax Relief Fund. As a matter of fact, when they go to that commercial market and wait those 60 days, the possibility exists that they will not get the money because they do not have the money coming in to make the payments on their loan. So in effect, if you do not pass this language and provide for the money, we could in fact create a situation where we are going to close them down because they are out of money.

In all sincerity, the money that is used in this language is treated as an asset to the fund, which means it is in the accounts receivable column, which means it is not subtracted from the amount of money that is in the reserve account. So it is in there as an asset. The reserve account has nothing to do with the relief. The reserve account is just there to trigger the property tax relief in a completely separate and distinct account.

Please do not be fooled by this. This is a very, very important amendment, and all of you, all of my friends on the other side of the aisle who have come to me and talked to me about the HSCA legislation, the reason why we are here is because your leaders heard you. You told us you do not want us to impose any type of a rate on the Keystone Recreation account, the

Key '93 account. We heard what you said to us. Representative Evans drafted this amendment so we could take HSCA out of the debate, so we would not be debating about taking money out of Key '93. We heard what you said on both sides of the aisle.

If this amendment fails, we are back to square one. The Senate is insisting that we pass SB 913. That is what they want as part of their deal. It was this legislature that took the money away from Key '93 in 2002, not with my vote, but with a lot of your votes over there, and when you took the money away, you did not provide for the funding for this fund. Now we have a problem and we have to fix it, and you are going to turn your backs on it?

I say to you, it is very important for all of us, not only for the State employees but for all of us, to pass the Evans amendment. It is a very important point in the negotiations and what we have to do to finally pass a budget, and I am urging all of you to vote for it. It is that important.

Thank you, Mr. Speaker.

The SPEAKER. Representative Metcalfe. The gentleman waives off.

Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, we are concentrated somewhat on this end dealing with the gaming and the reserve fund, which I am very interested in as well. I think we all have great interest in what happens to these dollars and what happens to property tax, and numerous colleagues have stood up on this, and I think the points have been well taken.

I do have a question or two in further clarification before I would make some comments of the gentleman, the author of the amendment, if I could.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. ROHRER. I do not believe it has been said, Mr. Speaker, but how many dollars are we talking about being transferred as a result of this section?

Mr. D. EVANS. Mr. Speaker, about \$22 1/2 million.

Mr. ROHRER. How much?

Mr. D. EVANS. About \$22 1/2 million, Mr. Speaker.

Mr. ROHRER. About \$22 1/2 million?

Mr. D. EVANS. Yes.

Mr. ROHRER. There is a date that I read in there that says, "...beginning January 1, 2011, if the Secretary of the Budget determines that the moneys in the Property Tax Relief Reserve Fund are needed for property tax relief..." Now, it seems odd to me the wording of that since that is the very purpose for the entire thing to begin with. Why do we have January 1, 2011, and why is it put in the context of "if" when this is the very purpose for these moneys?

Mr. D. EVANS. Mr. Speaker, I think you are referring to page 23, line No. 4. I think that basically what it says specifically is that that date is set for the Secretary to basically demand to ensure that he can provide the property tax relief first.

Secondly, Mr. Speaker, as you know, the reserve is set there for the purpose to ensure that property tax relief can be provided evenly. So it does say, Mr. Speaker, specifically it lays out that the Secretary can determine the moneys in the fund and ensure that property tax relief takes place. That is the way I read it, Mr. Speaker.

Mr. ROHRER. All right. I am not so sure I fully understood exactly what you said.

Mr. D. EVANS. It is on page 23. I assume that is what you are reading from.

Mr. ROHRER. I did read that.

Mr. D. EVANS. And then basically what it says, Mr. Speaker, as indicated to me, is that on January 1, 2011, that the Secretary of the Budget can determine the moneys in the Property Tax Relief Reserve Fund that are needed for property tax relief. So as you recall, there is the Property Tax Reserve Fund and there is the Property Tax Relief Fund. The reserve fund is there to ensure, Mr. Speaker, that the property tax relief can be provided evenly each year.

Mr. ROHRER. I understand. Thank you.

Mr. Speaker, comments here.

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

Mr. ROHRER. Mr. Speaker, I think the problem that we have here is this: The entire Property Tax Relief Fund is the pot that collects all of the money that comes in from the gaming entities. The reserve fund is the piece that has to house a certain reserve amount that triggers disbursements for property tax relief. That amount has not yet been reached. Therefore, we have been waiting all these days, these years. There has been no triggering; there has been no relief.

The requirements on the reserve fund are in such a way that there has to be certain amounts in there before there is any triggering. Now, to say that this in no way affects moneys that could be driven to property tax, I do not see how in the world that is physically, fiscally possible, because if these funds transferring to whatever amount they are come out of the reserve fund, it lowers the trigger point and therefore either the timing or the ability to be able to deliver next year or the year after.

This reserve fund should not be, in my opinion, subject to any other demands placed upon it. There are already demands enough placed upon this reserve fund, and we know for sure that the Governor through other mechanisms is already taking plenty of money out of the entire gaming returns, which have already made the determination of why there is not the money to be triggered here.

I just cannot believe and I do not fully understand that we can take money from here and stretch this out to 2011, which adds uncertainty and therefore unpredictability and adds additional weight on the trigger points of the reserve fund. I say it is not possible that we can borrow from this without affecting the ability to deliver property tax relief, and as a result of that, Mr. Speaker, that and other reasons contained within here, I believe this is too much, too much big stuff with too many far-reaching impacts here at the last minute for us to deal with, and I do not intend to vote in favor of this amendment either.

Thank you, Mr. Speaker.

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

Mr. DeWEESE. I would like to yield momentarily to Chairman Evans, who has a point to make, Mr. Speaker, if that is agreeable.

The SPEAKER. Representative Evans may proceed.

Mr. D. EVANS. Mr. Speaker, to the last speaker, if he looks on page 22, "Notwithstanding the provisions of section 504 of the Taxpayer Relief Act..." and the section that he is referring to in terms of affecting the bottom line when he talks about the loan specifically is section 504, which indicates, Mr. Speaker, that it will not affect the number that he is referring to, which is \$600 million in there. So if you look on page 22 at the bottom,

page 22, and you read from that paragraph to the end of that other particular paragraph, Mr. Speaker, that will answer your question relating to what you asked around the issue of what effect that will have. So that last paragraph will answer your question, Mr. Speaker.

I yield back to Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker. I will only take 60 seconds. I would really enjoy the evening's debate and we would get more work accomplished if everybody would just take 60 seconds.

This language has been a part of HB 1295 since June 30, Robert E. Lee's wedding anniversary, I might add parenthetically.

And yesterday, notwithstanding the cachinnations of one of my carrot-thatched friends on the other side of the aisle, the State Senate passed this language, passed this language 50 to nothing. So Eichelbergers and Folmers and other conservatives voted unanimously for this language, Mr. Speaker. This is much ado about nothing.

The SPEAKER. Representative Watson.

Mrs. WATSON. I am known to speak fast, Mr. Speaker. I would like to speak on the amendment, and I will try to do what the dapper majority leader says and be very quick about it.

I did not see this language as of June 30. I would suggest to all of those that I have listened to the discussion. I have read this about seven times, and I see an incongruity between (c)(1) and (c)(2), and I think there are problems with the language.

I would suggest to you that to the average person you are saying to them, I am not taking money from your checking account; I am taking it from your savings account, but you are still fiscally fine. I am not sure that the average person – myself and all those that I represent – would agree. I certainly care about State workers. I care about HSCA. I understand that. I care about the firemen and all of that.

But what I would suggest here is this is Solomon again, and the idea is, here is the baby; what are you going to do with it? Had we been able to divide this section off, I think you would have lots of good votes and then you could have dealt with just this one section by itself.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

The timing and amount of property tax; the timing and amount of property tax. We are told on this House floor that this legislation will not affect the timing and amount of property tax. The people of Pennsylvania have been waiting and waiting to know, what is the timing and amount of property tax from this Governor's gaming, organized gaming scheme?

I will take a little time to refresh the recollection of the people regarding the timing and amount of property tax relief that the people of Pennsylvania have been waiting for, were promised.

I will take you back to the year 2002 during a campaign in which a gubernatorial candidate said that after I am elected, within 6 months, standing on my head, I will reduce property tax for Pennsylvanians by 30 percent, 30 percent within 6 months after being elected.

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

The gentleman will please and all members will please confine their remarks to the amendment before the House.

Mr. GABIG. Thank you, Mr. Speaker.

I was trying to interpret some of the rhetoric that I heard from my dear friend from Carbon County. Some people say Jim Thorpe, but I know better. It is Summit Hill, Carbon County.

The timing and amount of property tax relief, it is always going to be 6 months. I thought the standing on the head was a rhetorical comment. I have never seen the Governor stand on the head. So maybe he was being literal in that condition.

I will say that in July of 2004 this House and the Senate and the Governor signed a bill— And by the way, that 30 percent was going to be based on the four racinos. We might need two more racinos. Instead, he was given 16, I think, casinos all across this State.

The SPEAKER. The gentleman will suspend.

The Chair will remind the gentleman again he should speak to the amendment before the House.

Mr. GABIG. What I am trying to get at is we were told that this will not affect the timing and amount of property tax relief. And if you do not vote for this, we were told by others, if you do not vote for this – or maybe it was by the same gentleman for that matter – if you do not vote for this and vote for it right now as is, take it or leave it, shove it down your throat without us even knowing what is in it, will not tell us what is in it when they are asking for the suspension of a vote – what type of skullduggery was that, I ask you? – will not tell us what was in it, but now we are told that the lock box, the lock box that preserves the people of Pennsylvania, who have been waiting for this property tax relief with bated breath for years and years, we are told that we are going to raid that in order to help the casino gamblers because they do not have enough money to run their operations. They have not planned; they have not managed well enough, and so we have to come and bail them out at the last second. Take it or leave it. And guess what? If you do not go with us—

Now, by the way, they have 103 votes over there I thought. They are in the majority. Why are they looking over here asking us for votes? We are in the minority over here. I do not get that. I do not get why somebody is sticking their finger and yelling at us and saying, we are going to shut down State government, furlough State employees—

The SPEAKER. The gentleman will suspend.

The gentleman will stick to the amendment.

Mr. GABIG. Now, we were told, Mr. Speaker—

Mr. DeWEESE. Mr. Speaker?

Mr. GABIG. I will.

Mr. DeWEESE. Mr. Speaker, how many times does the gentleman need admonished? That is the third time. I would think he should relinquish the microphone.

Mr. GABIG. Am I in order, Mr. Speaker?

The SPEAKER. The gentleman will be reminded again, please stick to the amendment.

Mr. GABIG. I will say it softer. Maybe I am being too loud on this night. I will be calmer.

There is an amendment that I was given several pages of that I am looking at here, and it is in a lot of legalese, and it says that they are going to transfer money from something that was created in this gaming bill called the Property Tax Relief Reserve Fund, the Property Tax Relief Reserve Fund, from moneys that are needed for property tax relief. I am quoting directly, as I think I heard someone else quote, and I have not had a chance to study this. On page 23, the Property Tax Relief

Reserve Fund, they are going to take money needed for property tax relief and they are going to give it to casinos. They are taking it out of this statutorily created fund, which we are trying to get money for so that we can finally get some money out for property tax relief, and they take it away from there. So there are some concerns over here.

Now, the argument was made that you have to do this or you do not care about the State employees. Now, I do not live far from here, this Capitol, and guess what? In my district I have a number of State employees, and that is why on June 30 I supported – I heard about some of these votes on here from the Senate – I supported a budget that would have gone directly to the Governor's desk on June 30, and do you know—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman will confine his remarks to the amendment before the House.

Mr. GABIG. All right; I will. The point is, I will tie this in.

The SPEAKER. The amendment before the House, Mr. Gabig.

Mr. GABIG. I get this. But we were told we have to do it right now and we have to do it at 10 o'clock tonight or the whole place is going to shut down and you are going to send these people home. And my point is, my point is, I find those arguments fallacious, incredible, not believable when I have seen the actions when they opposed us to send a budget on June 30 to the Governor's desk that was passed by the Senate – guess what? – 49 to 1. That budget was passed 49 to 1. It was rejected by these same Democratic leaders that are now—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman is out of order.

Mr. GABIG. Thank you very much.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative Smith.

Mr. DeWEESE. I yield to the gentleman from Jefferson.

Mr. S. SMITH. Well, I would hope that we could bring this amendment to a vote sooner than later. I would have to say that I do believe the majority party opened up this area of debate by their comments – they have placed the issue of a budget passing on time and the impact of this, they have placed the impact of what this means to workers of the Commonwealth, they have placed the issue of property tax by their own arguments into the domain – and I would suggest perhaps, if we could, like I said, I would hope we could move forward, but I have got to say, I do not think the gentleman has gone any further astray than what some on the majority side have, Mr. Speaker; my point of view.

The SPEAKER. The Chair will listen to all the members, and the Chair will ask all members from this point forward to stay strictly within the debate and the language within the amendment before us.

Representative Stern. The gentleman waives off.

Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If I could ask the chairman a quick question?

The SPEAKER. The gentleman stands for interrogation. The gentleman is in order and may proceed.

Mr. BENNINGHOFF. Thank you.

Most of my questions have already been asked, but I am just curious, this is a loan to the Gaming Control Board. How many times have we had to do this as a Commonwealth since they have been established, and to what total amount of money have we loaned them?

Mr. D. EVANS. Mr. Speaker, twice. First with the original law and this time now, Mr. Speaker.

Mr. BENNINGHOFF. Do we know what the total amount that was?

Mr. D. EVANS. Mr. Speaker, the first time, \$25 million; the second time, this time, \$22 million, Mr. Speaker.

Mr. BENNINGHOFF. Thank you.

One last question, if I may.

Mr. Speaker, is this some type of demand note? I guess my concern is, if we borrow \$25 million and borrow another \$22 million, is this going to be paid under demand or can this just go out in perpetuity forever? Not to get into property tax debate, but all of us have concerns about this loan could go out forever.

Mr. D. EVANS. Mr. Speaker, when the other casinos come online, the Budget Secretary will basically make an assessment upon all of those casinos that come online, but if you go back to the language that I mentioned to you about the trigger effect, the Secretary of the Budget wanting to implement property tax relief could put the demand on those that are in existence and then call in the loan.

Mr. BENNINGHOFF. So if not all 11 go online, we could still possibly see this happen?

Mr. D. EVANS. Correct, Mr. Speaker.

Mr. BENNINGHOFF. Thank you.

On the amendment, briefly.

The SPEAKER. The gentleman is in order.

Mr. BENNINGHOFF. I thank the chairman for his comments.

I, too, rise with great reservation and will probably not be able to support this amendment only because of the concern about the timeliness and whether or not we will ever see those dollars repaid, and even waiting to the date in this legislation, it says 2011. I think that is a long time to ask our taxpayers back home to wait to see any property tax relief, and therefore I will be voting "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair again will ask the members to please hold their conversations to a minimum.

Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I finally have had ample time to read the amendment.

I do have a few questions. I would like to interrogate the maker of the amendment.

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

Mr. MARSICO. How many employee positions does the gaming commission have, sir? Well, if you do not know, it is 227. I am sorry; I am sorry, Mr. Speaker.

Let me ask you a question. How many times in the future do you think the General Assembly is going to finance the gaming commission? We have been financing them now for a couple of years. The previous speaker asked you the question about that. How long is this going to go on? Do you have any idea?

Mr. D. EVANS. No, Mr. Speaker.

Mr. MARSICO. Have you ever thought of and has the administration ever thought of trimming the fat of the fat bureaucracy of the Gaming Board? The reason I say that is, we keep giving them money. It is a big bureaucracy. It has become a bureaucracy in State government. We have gaming commissioners making \$140,000 a year plus benefits and car, we have the executive director making \$185,000 a year,

we have 227 employees, and there is no income, no revenue coming in. Do you have any idea how long it is going to take for us to keep financing them? It is going on and on and on.

Mr. D. EVANS. No, Mr. Speaker. Basically, as you know—
Mr. MARSICO. Do you have any suggestions, sir?

Mr. D. EVANS. No, Mr. Speaker. I can only say to you that, as you know for yourself, as the gaming institutions come online, that obviously will meet the objective that we would like to meet, Mr. Speaker.

Mr. MARSICO. Mr. Speaker, the majority leader and the Appropriations chair mentioned that this House did see this amendment or this bill before. Were there any new provisions in this amendment added for when we supposedly voted on this bill before?

Mr. D. EVANS. Basically, Mr. Speaker, the only thing that is primary is the Governor's authorization for the authority around disaster relief and then some tweaking.

As you know, Mr. Speaker, I have said consistently that every year when we pass a budget, this is the exact same language. To give you an example, Mr. Speaker, when Mr. Clymer was questioning me, Mr. Speaker, and questioning me relating to Allegheny and Philadelphia, that language has been in the budget for over a decade. So basically if you look at this language, you will find that the vast majority of this language has been a part of the budget debate. Literally I have been chairman for 17 years. It has been there for an awful long time, Mr. Speaker.

Mr. MARSICO. But we had not seen this before. Is that true, sir? Any of the gaming provisions that were added or the other things that you had mentioned, we had not seen those before tonight. Is that correct?

Mr. D. EVANS. When you say "we," whom are you referring to, Mr. Speaker?

Mr. MARSICO. I am talking about the members of the House – the Republican Caucus, the Democrat Caucus.

Mr. D. EVANS. Mr. Speaker, the way we have been working through the process is that we have had representation at the table, staff; you have had staff at the table; the other caucuses have had staff at the table.

Mr. MARSICO. Mr. Speaker, I am sorry. I cannot hear; I cannot hear.

Mr. D. EVANS. We each, Mr. Speaker, have had representation at the table who have gone through various aspects of this language, Mr. Speaker.

Mr. MARSICO. You are saying that the staff saw it but the members of the House did not see it until tonight. Is that correct?

Mr. D. EVANS. Mr. Speaker, the various leaders of each caucus who have staff at the table who represent them were negotiating, and I assume they made recommendations to the leaders, and then the leaders in return go to the caucus.

Mr. MARSICO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make some comments on the amendment.

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

Mr. MARSICO. This stealth amendment was shoved in the members' faces tonight at the last minute, and I think that is a problem. I think that is wrong. That is wrong for the leadership on that side of the aisle and it is wrong for the administration, and after reviewing this amendment in its entirety, I ask for a "no" vote.

Thank you.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I want to respond to my honorable friend.

Approximately 7:30 we broke for caucus. We have had 2 1/2 hours to digest this amendment. We are not going to retell history about other depredations of the process in olden days, but this language has been around for a long, long time. It has been around for days and days and days. The State Senate voted on it yesterday. It passed unanimously. The most archconservative, hardcore, right-wing Republican Senate cohorts voted in favor of it.

We have to pass a budget in the next 63 minutes, and I would like some cooperation. I really think that some of these objections are very, very shallow. I hope we can continue at a faster pace, and thank you for your indulgence, Mr. Speaker.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

If I may interrogate briefly on the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. MUSTIO. I guess it was about 1 1/2 hours ago one of the colleagues from Allegheny County raised a question about the furloughs, and the answer that I heard was different than the understanding of the answer we received in caucus. So I just wanted to kind of reiterate or reask the question.

What I understood the maker of the amendment saying was that if we do not pass the budget and the Fiscal Code, there would be furloughs, or did I misunderstand that, including this amendment?

Mr. D. EVANS. Mr. Speaker, what I have said is that we have to pass the budget. The Fiscal Code is a part of the budget. If we do not pass the Fiscal Code, which allows the implementation of the budget, I indicated to you that it would be an unbalanced budget. So obviously, you need to pass the Fiscal Code in conjunction with the budget in order to have the budget be balanced, in order not to have an unbalanced budget. So when the gentleman asked me the question, I related the trailer bill to the aspect of the full implementation of the budget. Like, for example, we have to pass an education code tonight.

Mr. MUSTIO. Right.

Mr. D. EVANS. The Education Code allows the distribution of the education money. So we have got to pass a fiscal code; we have got to pass the Education Code; we have to pass a tax code. We have to pass those things. All those things are a part of the implementation of the budget.

Mr. MUSTIO. Yes, I believe I understand that piece of it, but I think I am specifically asking about the furloughs, and it was our understanding in caucus that the Senate had passed language that decoupled the Fiscal Code and the budget, so that we could pass the budget and the furloughs would not take place. That was my understanding, and are you stating something differently than that?

Mr. D. EVANS. What I am stating, Mr. Speaker, yes, is that the budget would be unbalanced.

Mr. MUSTIO. No, I know the budget will be unbalanced, but my question relates to the furloughs.

Mr. D. EVANS. Mr. Speaker, there have been statements raised and there was a story – do not take my word – there was a story in the Patriot newspaper. I think it was on Wednesday—

Mr. MUSTIO. No, I am not talking about the Patriot-News. I am asking a specific question to you, and I want a specific answer. Will the furloughs take place?

Mr. D. EVANS. Mr. Speaker, I am trying to answer that question.

Mr. MUSTIO. No, I think you are quoting the Patriot-News.

Mr. D. EVANS. Mr. Speaker, I am quoting the Patriot-News because there was some question of, does the State Treasurer have the authority, the appropriation authority? Since we have not passed a budget, that has constantly been a question. So I am stating to you, Mr. Speaker, if we do not pass the budget in conjunction with the additional things that are a part of it, Mr. Speaker, from my understanding, we will not have the necessary authority to run the State government. So that does mean, Mr. Speaker, that there could be furloughs. So I am only stating, Mr. Speaker, that we are here with the opportunity of trying to pass the budget and the Fiscal Code, the Education Code, and all the other things that are connected to it, Mr. Speaker.

Mr. MUSTIO. Thank you. That is a different answer than we received in our caucus. What we were told in our caucus was that the Senate had put language in that decoupled the budget and the Fiscal Code, and clearly what you said earlier about there being an unbalanced situation would happen. However, the Governor had two options: One, he could blue-line; or two, revise his revenue estimate, which I believe has been underestimated for the past few years. So—

Mr. D. EVANS. But, Mr. Speaker—

Mr. MUSTIO. Am I incorrect there?

Mr. D. EVANS. Let me say this: Mr. Speaker, it is not an accident for why we are trying to pass this document prior to the budget.

Now, Mr. Speaker, I spoke to your leaders and we have had conversation all day about this, and the reason I spoke to your leaders about this particular bill was because we could not build a consensus with the Senate. And we tried to build a consensus with the Senate, and since we could not get a consensus with the Senate, we had to make a decision. We had to make a decision. The Senate is waiting for the Fiscal Code bill. The Senate needs to do the Fiscal Code bill. They need to do this bill.

Now, although they have voted the budget, they have not done the Fiscal Code. So, Mr. Speaker, it is not an accident that the Senate, who wanted to leave, because the Senate knows they have to do the Fiscal Code. So even though you have indicated that they say they have disconnected, why is the Senate waiting to do this bill? Why is the Senate— I need somebody to answer the question for me. Why is the Senate waiting for the Fiscal Code?

Mr. MUSTIO. I think that is irrelevant to my original point for standing up and following on the gentleman from Allegheny County. His question related to the furloughing of the employees, and I guess I have made my point, that they do not have to be furloughed if we pass the budget. Thank you.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, is it possible to step this bill aside to vote the budget bill, 1286, then bring this right back? You know, I am concerned that we do not need, as was just pointed out, we do not need to pass this to run the budget bill, so that we could delay the furloughs. Is there any way that the majority leader could put this amendment and this bill to the side, let us vote 1286, and then just bring this right back? This way we know that the budget has been—

The SPEAKER. The gentleman will yield.

The only issue before the House is the issue on the board, the amendment. Does the gentleman wish to speak on the amendment?

Mr. SCAVELLO. Well, I will move to table and just to bring 1286 up, if I can do that. Either that, or if the chairman of the Appropriations Committee would be willing to do that.

I am going to support the amendment; I am going to tell you right now, although I do not agree with the timing and everything, but I would like to see 1286 come up. Let us vote that, let us get it off the table so the furloughs are done, and then bring the bill back.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, I know the gentleman, and he is a very honorable gentleman. I know him extremely well. The Senate is not waiting for the budget, they did the budget already; they are waiting for the Fiscal Code. So, Mr. Speaker, what we are trying to do tonight is to do the Fiscal Code with the budget. They already voted on the budget. What they need, Mr. Speaker, is for us to vote on the Fiscal Code. That is what the Senate needs. The Senate already voted on the budget this afternoon 46 to 2. What they want from us, Mr. Speaker, is this Fiscal Code. That is what they want from us, Mr. Speaker, and that is why we made this decision to remove the Hazardous Cleanup Fund, because of the concerns that had been raised by members on both sides of the aisle. Because it was controversial, we decided to move it out of the way so we can get right to this and to the budget, Mr. Speaker.

The SPEAKER. For the information of the members, there are four members currently seeking recognition.

The gentleman is in order for comments.

MOTION TO TABLE

Mr. SCAVELLO. Mr. Speaker, I would like to move to table this amendment and bill to bring up 1286, and then we will come back to this bill. If we do not pass that 1286, then we have a problem tomorrow. Rather than stall this, let us bring this back right after 1286.

The SPEAKER. The gentleman moves that HB 1295 be tabled, along with the amendment.

On the question,

Will the House agree to the motion?

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

Mr. DeWEESE. Respectfully to my honorable friend from the Poconos, if the next four speakers – I am told we only have four more speakers from the Grand Old Party – if they will limit their remarks to 2 or 3 minutes each, we can have this vote at 10:15 and get on with business, and I would ask for a "no" vote to table and a "yes" vote in our heart of hearts to expedite the system.

The SPEAKER. On the motion to table, those in favor will vote "aye"; those opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—29

Boback	Hutchinson	Moul	Rapp
Brooks	Kauffman	Nailor	Roae
Creighton	Mantz	Nickol	Saylor
Everett	Marsico	Payne	Scavello
Gabig	Metcalfe	Peifer	Schroder
Gillespie	Millard	Perzel	Swanger
Gingrich	Miller	Petri	Vulakovich
Helm			

NAYS—174

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

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. The Chair recognizes Representative Quinn.

Ms. QUINN. Thank you, and I will just be a moment.

As the Representative for the 143d District, the host to four active hazardous waste sites, I want to just bring up how imperative it is that we take up this issue and fund these — \$22 million. We just spent 4 days debating smoking because it is a health hazard. These are called hazardous sites because they are a health and environmental hazard. It is a different chemical, different carcinogen, but it still has the same effect, and we are not imposing on civil rights or liberties. These are the same innocent people that are going to be affected by these chemicals that are by smoking.

So please, if it is going to be tabled, postponed until the fall, let us make it a serious effort that first week we are back. Thank you.

The SPEAKER. Representative Kauffman.

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

I would never want to challenge the facts laid out by the gentleman from Greene County, but I think it is imperative that we have the facts here in this House and the folks watching on PCN (Pennsylvania Cable Network) also hear the facts, and the way I— Thank you. I appreciate that.

The way I understand it is HB 1295 was passed 50 to 0 in the Senate, but this, as I understand it, is a gut-and-replace amendment that the Senate, those bold conservatives that my friend from Greene County was talking about, never would have had the opportunity to vote on this language and this amendment, and I think those bold conservatives would have stood up and said the exact same thing that we are saying here this evening, and I just want to make sure that the facts are truly heard by both sides of the aisle and at home rather than the interesting way of interpreting the facts by the majority leader.

Thank you.

The SPEAKER. The Chair recognizes Representative Maher for the second time. The gentleman waives off.

The Chair recognizes Representative Saylor for the second time.

Mr. SAYLOR. Sorry, guys, but you are going to hear it anyway.

What I find interesting is that, and we see it on page 23, is that the Secretary of the Budget on January 1 of 2011 is going to decide whether this needs to be repaid at that time or not, and earlier the gentleman from Centre County mentioned the fact and the Appropriations chairman from the Democratic side of the aisle said that we have now, with this amendment, loaned the Gaming Board \$45 million. Based upon my calculations, had we not lent that money — and I am not sure if we are ever going to get it repaid — to the casinos, we probably would have about \$20 million of interest by year 2011 had it stayed in our investment accounts. I wonder if we are ever going to get that interest money either that the taxpayers of Pennsylvania are giving away to the casinos.

The bottom line is, this amendment could have done a number of things. We waited until the last minute to put this amendment forward. I am going to be opposing it, because I do not believe that by not voting this amendment we have to lay off, furlough workers in Pennsylvania, but more importantly, I am glad that on this House floor the Appropriations chairman, the honorable man that he is, finally told the people of Pennsylvania what the Governor lied about, and that is, it was not until tomorrow that the State workers needed to be laid off or furloughed.

Thank you, Mr. Speaker.

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

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. I just think the record should show that the honorable gentleman from the 94th District called the Governor a liar. I just want the record to show that. I am not going to argue, but I do know, I do know—

Mr. S. SMITH. Mr. Speaker, we will move the previous question to that.

The SPEAKER. Let me just warn the members, this certainly is beyond the parameters of debate.

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

The following roll call was recorded:

YEAS—125

Adolph	Gergely	McGeehan	Shapiro
Belfanti	Gibbons	McI. Smith	Shimkus
Bennington	Godshall	McIlhattan	Siptroth
Biancucci	Goodman	Melio	Smith, K.
Bishop	Grucela	Micozzie	Smith, M.
Blackwell	Haluska	Milne	Smith, S.
Brennan	Hanna	Moyer	Solobay
Buxton	Harhai	Mundy	Staback
Caltagirone	Harkins	Murt	Steil
Cappelli	Harper	Myers	Sturla
Carroll	Hennessey	O'Brien, M.	Surra
Casorio	Hornaman	O'Neill	Tangretti
Cohen	James	Oliver	Taylor, J.
Conklin	Josephs	Pallone	Taylor, R.
Costa	Keller, W.	Parker	Thomas
Cruz	Kenney	Pashinski	Vereb
Curry	Kessler	Payton	Vitali
Daley	Killion	Petrarca	Wagner
DeLuca	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Preston	Wheatley
DeWeese	Kotik	Ramaley	White
DiGirolamo	Kula	Raymond	Williams
Donatucci	Leach	Readshaw	Wojnaroski
Eachus	Lentz	Roebuck	Yewcic
Evans, D.	Levdansky	Ross	Youngblood
Fabrizio	Longietti	Sabatina	Yudichak
Frankel	Mahoney	Sainato	
Freeman	Manderino	Samuelson	
Galloway	Mann	Santoni	O'Brien, D., Speaker
George	Markosek	Scavello	
Gerber	McCall	Seip	

NAYS—78

Argall	Everett	Mantz	Quinn
Baker	Fairchild	Marshall	Rapp
Barrar	Fleck	Marsico	Reed
Bastian	Gabig	Mensch	Reichley
Bear	Geist	Metcalfe	Roae
Benninghoff	Gillespie	Millard	Rock
Beyer	Gingrich	Miller	Rohrer
Boback	Grell	Moul	Rubley
Boyd	Harhart	Mustio	Saylor
Brooks	Harris	Nailor	Schroder
Causar	Helm	Nickol	Sonney
Civera	Hershey	Payne	Stairs
Clymer	Hess	Peifer	Stern
Cox	Hickernell	Perry	Stevenson
Creighton	Hutchinson	Perzel	Swanger

Cutler	Kauffman	Petri	True
Dally	Keller, M.	Pickett	Turzai
Denlinger	Mackereth	Pyle	Vulakovich
Ellis	Maher	Quigley	Watson
Evans, J.	Major		

NOT VOTING—0

EXCUSED—0

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

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

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

The following roll call was recorded:

YEAS—131

Adolph	Freeman	Mann	Scavello
Barrar	Galloway	Markosek	Seip
Belfanti	George	Marshall	Shapiro
Bennington	Gerber	McCall	Shimkus
Beyer	Gergely	McGeehan	Siptroth
Biancucci	Gibbons	McI. Smith	Smith, K.
Bishop	Godshall	McIlhattan	Smith, M.
Blackwell	Goodman	Melio	Smith, S.
Brennan	Grucela	Micozzie	Solobay
Buxton	Haluska	Milne	Sonney
Caltagirone	Hanna	Mundy	Staback
Cappelli	Harhai	Myers	Steil
Carroll	Harhart	O'Brien, M.	Sturla
Casorio	Harkins	Oliver	Surra
Causar	Hornaman	Pallone	Tangretti
Civera	James	Parker	Taylor, J.
Cohen	Josephs	Pashinski	Taylor, R.
Conklin	Keller, W.	Payton	Thomas
Costa	Kenney	Perzel	Vitali
Cruz	Kessler	Petrarca	Wagner
Curry	Killion	Petrone	Walko
Daley	King	Phillips	Wansacz
Dally	Kirkland	Preston	Waters
DeLuca	Kortz	Ramaley	Wheatley
DePasquale	Kotik	Raymond	White
Dermody	Kula	Readshaw	Williams
DeWeese	Leach	Reichley	Wojnaroski
DiGirolamo	Lentz	Roebuck	Yewcic
Donatucci	Levdansky	Ross	Youngblood
Eachus	Longietti	Sabatina	Yudichak
Evans, D.	Mahoney	Sainato	
Evans, J.	Major	Samuelson	O'Brien, D., Speaker
Fabrizio	Manderino	Santoni	
Frankel			

NAYS—72

Argall	Geist	Mensch	Quinn
Baker	Gillespie	Metcalfe	Rapp
Bastian	Gingrich	Millard	Reed
Bear	Grell	Miller	Roae
Benninghoff	Harper	Moul	Rock
Boback	Harris	Moyer	Rohrer
Boyd	Helm	Murt	Rubley
Brooks	Hennessey	Mustio	Saylor
Clymer	Hershey	Nailor	Schroder
Cox	Hess	Nickol	Stairs
Creighton	Hickernell	O'Neill	Stern

Cutler	Hutchinson	Payne	Stevenson
Denlinger	Kauffman	Peifer	Swanger
Ellis	Keller, M.	Perry	True
Everett	Mackereth	Petri	Turzai
Fairchild	Maher	Pickett	Vereb
Fleck	Mantz	Pyle	Vulakovich
Gabig	Marsico	Quigley	Watson

NOT VOTING—0

EXCUSED—0

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

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

CALENDAR CONTINUED

REPORT OF COMMITTEE OF CONFERENCE

Mr. D. EVANS called up for consideration the following report of the committee of conference on **HB 1286, PN 2346**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2007, to June 30, 2008, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2007, to June 30, 2008; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2007, to June 30, 2008, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Pharmaceutical Assistance Contract for the Elderly Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

On the question,

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

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

Mr. D. EVANS. Mr. Speaker, this is the General Fund budget, and I know I started out back in February giving the olive branch to my good friend on the other side of the aisle, and there is no way, Mr. Speaker, that I thought when I gave the

olive branch that we would be 16 or 17 days past the deadline. I do not believe, Mr. Speaker, that this has been anyone's particular fault, because it is easy to point fingers. You know, we can point fingers at the House Republicans; the House Republicans can point to the House Democrats. We can blame the Senate; we can blame the Governor. And everybody had all these different opinions, but what I believe, Mr. Speaker, that we tried to do for the sake of this State is to do a budget that would try to meet the needs of the State.

I know, Mr. Speaker, in any budget negotiations that you have, no one is going to completely get their way. We here, the House Democrats, did not particularly get our way of where we wanted to go. I know the House Republicans did not get your way, and the Senate Republicans and the Senate Democrats nor the Governor. That is one of the great things about the process, is that we have to compromise.

But one of the greatest things about it is you fight for what you believe. We wanted to do something on education, and we did something on education for all the districts in the Commonwealth of Pennsylvania. We wanted to do something on economic development, and we did something for all of Pennsylvania. We wanted to do something on pre-K, and we did something for all Pennsylvanians. So I say to you, Mr. Speaker, there are some things that we have done in this budget that will be helpful for rural Pennsylvania, urban Pennsylvania, and suburban Pennsylvania. When you begin to think about it, Mr. Speaker, this is a budget that has no new taxes. Let me repeat that, Mr. Speaker: This is a budget that has no new taxes.

This is a budget also, Mr. Speaker, that is low in spending compared to last year. That is an issue, Mr. Speaker – and I am going to give credit, Mr. Speaker – that was driven a great deal by the Senate Republicans and also the Republican leader that basically we reconcile the issue that the spin could not be what it has been in the past. But we also, Mr. Speaker, are adding more money to the Rainy Day Fund, and we wanted to make sure, Mr. Speaker, that there would be no new taxes raised next year.

So, Mr. Speaker, we are putting money in the Rainy Day Fund, we are making sure that there is no tax increase next year, but we are also dealing with education. But we are also, Mr. Speaker, dealing with transportation and health care, all of those issues that are very important to all Pennsylvanians. So like any budget that you have, Mr. Speaker, it is about compromise; it is about negotiating. Yes, Mr. Speaker, there are still some unfinished issues that we have to address, but the key thing about it, Mr. Speaker, is that it takes people working together to get this done.

So, Mr. Speaker, I want to thank first and foremost, Mr. Speaker, and I am a little biased if you allow it, I would like to thank my staff. Mr. Speaker, my staff has been working like 14 days straight with no day off. They have been there every single day. So I want to sincerely thank my staff. All my staff, raise their hands and stand up. I want to thank my staff. You know, they may, they may get a union on me and organize a union on me, because it is not possible for me to do what I do without this staff, so I want to specifically thank them.

I want to thank over from the Republican staff. We work very closely with the Republican staff, and I want to thank them, too. And I think it is important to recognize those who have been so helpful in this process. Sometimes it has not been easy and sometimes we get a little aggressive with each other and a little hostile with each other, but, you know, I always say

to you, do not take any of this personally. We always have got to focus about the 12 million Pennsylvanians. We always have got to keep our eye on the ball, that when it is over, that there will be a budget in Pennsylvania. Sometimes it will be early and sometimes it will be late. I much prefer that it would be early, but the fact of the matter is, we are going to get a budget.

So again, I want to sincerely thank everybody who has cooperated in this venture to make this happen. I thank you for that last vote, and I ask you to vote for concurrence on HB 1286. Thank you very much.

The SPEAKER. The Chair recognizes Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I am going to be brief because of the hour.

HB 1286 was a measure that we did a lot of pain and suffering over. It is a measure that is not the perfect document that we as Republicans would love to see, but let me just say this: We worked with the Democratic side of the aisle and we, to a point, got our message across of what we wanted to spend and how we wanted to accomplish that and that we were in the sight of no taxes after we came off the Appropriations hearings, and we stayed on that path. There were amendments that our side of the aisle put up that basically set the tone as far as what we had wanted for the people of Pennsylvania.

It was a difficult process. Is our side completely satisfied? Not really, but to the point that I believe that our message has gotten across, not only in this chamber but to the other chamber in the Senate of where we wanted to be as far as spending, as far as borrowing, as far as what we expected are our additional revenues. When we were in the month of February, there was the threat of a tax increase because of maybe the shortfall of revenues, and we made it very clear in the Appropriations hearings that we were going to set a new path for Pennsylvania. That path is not defined very clearly, but I think in HB 1286 that we look at a budget that delivers no taxes, that we look at a budget that has protected some of our education, our debt service, our pension obligations, and I think, therefore, that working with both sides of the aisle we have established a lot of credibility.

I want to thank the members of the Appropriations Committee on the Republican side for what a good job they have done, and I want to thank the members on the Democratic side of what a good job they have done. This is the beginning where you see both sides starting to work together. This is a beginning that we can take to the people of Pennsylvania and say as a bipartisan effort what we could accomplish.

I therefore ask the members to support the Conference Report on HB 1286.

The SPEAKER. Members will please take their seats. The Chair will remind the members that on general appropriations bills, members are limited to speaking one time on the issue and for a period of 5 minutes. Leaders are excepted from that provision.

The Chair recognizes Representative Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

My dad, some may be surprised to know, was a lifelong Democrat, and now as an aside, my mom was a lifelong Republican, and they used to joke how they canceled each other's votes out. He was a Democrat until the day he passed away, although I think he was really one of those Reagan Democrats. One day my dad and I were driving, and the former Democratic House Speaker, Tip O'Neill, came on the radio –

I do not know if you remember Reagan and O'Neill going into those budget battles – and my dad said, "You know, I don't like that guy." And I said, "Dad, you're a lifelong Democrat. I would have thought you liked him," and my dad's response was, "No way. He is just a typical politician that wants to be a big shot spending other people's money." What I learned about my dad is that he was not Democrat or Republican; he was just a hardworking guy, a phys ed teacher, trying to raise three kids as best he could with my mom. He expected to pay his fair share of taxes, but he certainly did not want to be paying taxes so that some guy could go running around the State with six- or seven-figure checks to get himself reelected, and he certainly did not want to pay taxes just to keep people on a cycle of dependency on government.

I was so proud of this caucus when we unanimously voted in favor of the Civera budget amendment a few weeks ago. I applaud again the hard work of Republican Appropriations Chairman Civera for that hard work and everyone in our caucus for unanimously supporting it. For me, it was not just show. We really were the only caucus in the General Assembly that actually tried to proactively bring spending under control and to stop further borrowing.

Under the Civera amendment, we balanced meeting the needs of Pennsylvania citizens on the one hand with maintaining fiscal responsibility on the other. We did not cut programs, but we did not create new ones, and we did not add bloated amounts to the old ones. Who needed to? The Governor has increased spending by close to 30 percent over the past 4 years already. What programs needed more money? In fact, under the Civera amendment, we actually restored a few programs like the Governor cut, like New Choices/New Options, which helped women enter into the work force, and we increased education funding, basic education funding, not gimmicks. However, under the Civera amendment, we also controlled spending at about 2.7 percent over last year's base budget, which was pretty close to the rate of inflation. It was a budget that protected the wallets of middle-class taxpayers.

This proposed budget in front of us is about missed opportunities. There was a surplus of \$700 million going into this year's budget, and unfortunately, we are going to spend every last cent of it. In fact, hard spending will increase by \$1.4 billion – yes, \$1.4 billion – to the tune of 27.5 billion total dollars. That is a \$7 billion increase in just 5 years' time under this administration. If we would have enacted the Civera amendment, we could have actually returned dollars to hardworking taxpayers. Keep in mind that the Governor increased the personal income tax on the backs of middle-class families from 2.8 percent to 3.07 percent. If we would have enacted the Civera amendment, we could have rolled that tax back to 2.99 percent and returned almost \$300 million to Pennsylvania taxpayers, like Representative Quigley wanted us to do, and we could have eliminated job-crushing business taxes, taxes that have allowed us to lose 2,000 manufacturing jobs per month under this administration. Instead, what we have before us is another Rendell budget that far exceeds the rate of inflation. We had to go back to the Shapp administration in the seventies to meet a legacy like the one this administration is creating, but I guess history repeats itself. At the end of the Shapp administration, manufacturing was on a downturn, State debt was piling higher, there was an insatiable appetite for spending, the personal income tax was first levied, and

government suffered from years of mismanagement. Look at the fraud issues in the Department of Welfare, by way of example.

You know, my dad passed away almost 5 years ago. He passed away shortly after I was elected and was proud to see me here. Dad, I want you to know that I have not forgotten about hardworking guys like you who foot the bill for all the spending here, and I will be voting "no." Thank you.

FILMING PERMISSION

The SPEAKER. The Chair advises members he has given permission to Jason Minick of AP (Associated Press) to take still photographs on the floor.

CONSIDERATION OF HB 1286 CONTINUED

The SPEAKER. The Chair recognizes Representative DeWeese.

Mr. DeWEESE. Thirty seconds.

The bill that the previous speaker advocated that he was attempting to embrace several weeks ago would have given zero new help to our community colleges, zero new help to our domestic violence programs, zero new help to our prekindergarten programs, and zero new help to our very, very worthy autism programs. All I am saying is, notwithstanding his comment about way over the rate of inflation, I do not accept that. I do not accept that. Health care is going up 10, 12, 15 percent a year, and this is a very lean budget.

I reject the arguments of the honorable gentleman who just spoke.

GUESTS INTRODUCED

The SPEAKER. The Chair will interrupt the debate just for one minute to introduce guests of Representatives Daley, Stairs, Kula, and Mahoney: Danny Landy and Jeff Landy of Mount Pleasant, Pennsylvania. Would you please rise and be recognized.

CONSIDERATION OF HB 1286 CONTINUED

The SPEAKER. The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, there has been an issue here that I am trying to figure out, and I wondered if someone could stand for interrogation, on either side of the aisle. I have one question I need to ask.

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

Mr. CLYMER. Thank you, Mr. Speaker.

On sequence 2172, there is a \$55.6 million item for tuition for orphans and children placed in private homes. Could someone explain to me what that is – tuition for orphans and children placed in private homes, \$55.6 million.

Mr. D. EVANS. Mr. Speaker, what it is, is a, you know, tuition program for orphans and children placed in private homes. It is under the Department of Public Welfare. So basically for orphans.

Mr. CLYMER. These are children that are under the jurisdiction of Welfare, and they provide the funding?

Mr. D. EVANS. Mr. Speaker, children who are institutionalized.

Mr. CLYMER. It is what? I am sorry. Mr. Speaker—

Mr. D. EVANS. Children who are institutionalized, Mr. Speaker.

Mr. CLYMER. Oh, institutionalized. And where are these children? I mean, for the most part. Are they across the Commonwealth? In southeastern Pennsylvania? In the north—

Mr. D. EVANS. No, across the Commonwealth, Mr. Speaker.

Mr. CLYMER. In where?

Mr. D. EVANS. Across the Commonwealth, Mr. Speaker.

Mr. CLYMER. Okay. Mr. Speaker, that concludes my interrogation.

I will send a letter—

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

Mr. CLYMER. Yes. Thank you.

I will send a letter to the Secretary of Public Welfare and ask her for more information on that issue.

Mr. Speaker, I rise concerned about the final budget that we have before us. Mr. Speaker, education has been mentioned but it has been woefully underfunded. Mr. Speaker, there has been no increase for public transportation, and that is very important to us in growing school districts – not one dime.

Mr. Speaker, in special education, again, it has not been properly funded. We should have—

The SPEAKER. Members will take their seats. Members will take their seats. The House will come to order. Members will take their seats. Sergeants at Arms will clear the aisles.

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Mr. Speaker, as I said, for basic education, \$167 million. The amount that I get in my school districts is 2 percent for special education, again, insufficient money for the \$26 or \$27.4 billion that this budget encompasses. Pre-K Counts, \$75 million, but it provides no alternatives as far as using the money by the administration or by the school board members. Either you accept it or you do not. It could be an unfunded mandate in the years to come if you are a public school. The same way with Classrooms for the Future. Though it sounds fine, \$70 million, but it does not provide any flexibility for the school boards or for the administration to use those particular dollars.

Mr. Speaker, public libraries, which are greatly used by families and children across this Commonwealth, a \$250,000 increase? That is ludicrous, Mr. Speaker. That figure should have been much higher.

Mr. Speaker, my time is coming to an end. I am very upset that we did not give agriculture more money. We cut their budget by \$4 million, the top industry in Pennsylvania, a 5.3-percent increase in this budget. Mr. Speaker, there is not fair equity for those who are in southeastern Pennsylvania. There is a lot of special benefit, of Christmas tree gifts under the tree for others.

I am going to vote against this bill. Thank you, Mr. Speaker.

The SPEAKER. Members will take their seats. The Chair would just ask the members, although by the rules you are entitled to 5 minutes, there are numerous speakers requesting to be recognized. The Chair will also suggest that members have the option of submitting remarks for the record. The Chair asks

the members to be courteous to the members so that everyone has a chance to speak.

Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Will the Appropriations chairman stand for questions?

The SPEAKER. I believe the exhausted gentleman is coming down the aisle to stand for interrogation.

Ms. HARPER. There he is. Thank you very much, Mr. Speaker. Thank you very much, Mr. Majority Appropriations Chairman.

I would just like to clarify that in this General Fund budget of \$27.5 billion, is there any money for the Hazardous Sites Cleanup Fund?

Mr. D. EVANS. No, Mr. Speaker.

Ms. HARPER. In this budget there is also, I believe, an unappropriated surplus. After putting money in the Rainy Day Fund, as we are required to do, how much money is left over and unappropriated?

Mr. D. EVANS. Mr. Speaker, I do not have the official revenue estimate. That is determined by the Governor and the Budget Secretary and the Revenue Secretary, so one will have that. Secondly, Mr. Speaker, as you know, about \$125 million goes to the Rainy Day Fund, so it is hard for me to tell you here exactly what the administration can— They would have to respond to that particular issue.

Ms. HARPER. Thank you, Mr. Speaker.

But the numbers that our staff gave us – and I just want to ask the gentleman if this sounds about right – the number that our staff gave me, after deduction for the Rainy Day Fund, was that we have approximately \$225 million left unappropriated, excess funds after deduction for the Rainy Day Fund – \$225 million. Is that about right?

Mr. D. EVANS. It is in the ballpark, Mr. Speaker.

Ms. HARPER. Thank you very much.

May I speak on the bill?

Mr. D. EVANS. Mr. Speaker? Mr. Speaker, if I could.

I know that I read somewhere some news accounts, Mr. Speaker, where you indicated that we could use, in my view, money from the Rainy Day Fund appropriated. I want to let you know I share that view, Mr. Speaker. Thank you.

Ms. HARPER. Thank you very much. Thank you.

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

Ms. HARPER. Thank you very much.

Mr. Speaker, we have a \$27.5 billion budget. We have \$225 million left. We only need \$22 million, \$22 million to take care of the 120 active hazardous sites that we have in this Commonwealth.

Mr. Speaker, I think I am entitled to be heard.

The SPEAKER. The gentlelady is correct. Members will take their seats.

Ms. HARPER. Mr. Speaker, my time is running and I cannot be heard.

The SPEAKER. Members will take their seats. Please be courteous to the lady. She is entitled to be heard.

The gentlelady may continue.

Ms. HARPER. Thank you very much, Mr. Speaker.

Mr. Speaker, throughout this Commonwealth we have, for example in Adams County, private wells that cannot be used because they are contaminated. We have arsenic in the water in Beaver County. We have private wells in Berks County that need remediation, and we have public wells in other counties. We have in Bucks County contamination of the groundwater

that affects approximately 45 families in one place. In Butler and Armstrong Counties, 900 private wells cannot be used because they have chemical contamination. In Chester County, Mr. Speaker, we have a landfill cap that must be maintained so that it does not contaminate the surrounding groundwater and land. All across this Commonwealth, Mr. Speaker, in Lackawanna County, in Lawrence County, in Lehigh County, in Luzerne County, in McKean County, in Mercer County, in Monroe County, and in my own county, Mr. Speaker, we have 22 active hazardous sites and we do not have any money in this budget to pay for it.

Mr. Speaker— Mr. Speaker, my time was used up by my colleagues who would not listen, because this subject needs to be said and I need to be able to say it. I have only my voice and my vote, Mr. Speaker, and my time was used up by the rowdiness of my colleagues.

The SPEAKER. Members will cease. The gentlelady is making a good point. The lady is entitled to respect. I would say that 20 seconds was taken away from the lady by the rudeness of the House. The lady may proceed for 20 seconds.

Ms. HARPER. Thank you, Mr. Speaker.

This budget contains \$80 million for tax credits and grants to people making movies in Pennsylvania, and it contains no money for people who cannot drink the water from their own wells. This is an outrage. I will be voting "no," and I would urge my colleagues to send a strong message and do the same.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Just to politely request, we have seven more people interested in speaking. At 5 minutes per, that is 35 minutes. I just would politely suggest that if people could keep their remarks at 2 or 3 minutes, all seven could speak. Thank you.

The SPEAKER. Representative Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, this is my 15th State budget. Never before has a State budget created a crisis for any one school district in the Commonwealth of Pennsylvania as this budget does. The impact of losing \$10 million for the Harrisburg School District, which struggles with 48 percent of its real estate tax-exempt, is overwhelming.

I have been critical of the school district's insatiable appetite to spend, I have been critical of the school district's governance, and I have been critical of the school district's superintendent who appears at times to embrace spend over performance. It is difficult to explain how we arrived at this point tonight with this budget.

For the past 3 years, alternative education has received the support of this State and held in high regard for what it achieves. In fact, Harrisburg has been the model for which other school districts strive to emulate. As of today, the alternative education vendor in the City of Harrisburg School District has been notified that their services are no longer needed. To say I am upset at this development would be an understatement. Mr. Speaker, this hurts. It would be irresponsible of me to vote for a State budget that cuts \$10 million from the City of Harrisburg School District.

Thank you, Mr. Speaker.

The SPEAKER. The Chair advises the members there are at least nine members seeking recognition at this time.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, we have read a lot about this budget. We have heard the Senate spin on this budget, Mr. Speaker. I even heard and read of the "no" votes in the Senate, making their apologetic reasons for having to vote "no," Mr. Speaker. Well, Mr. Speaker, tonight I stand and unapologetically will vote "no" on this excessive spending budget, Mr. Speaker.

Mr. Speaker, when we look at budget numbers, we have to compare apples to apples and oranges to oranges. Mr. Speaker, last year's budget at this time of year, although a little earlier in July, was \$26.1 billion, Mr. Speaker. Mr. Speaker, this year's budget is \$27.479, \$27.5 billion, Mr. Speaker. Mr. Speaker, almost \$1.4 billion in additional spending, Mr. Speaker. Mr. Speaker, when you look at the percentage increase between last year's appropriation at this time and this year's appropriation at this time, you are looking at a 5-percent-plus rate of increase of expenditures, Mr. Speaker — a 5-percent-plus, Mr. Speaker.

Mr. Speaker, there are a lot of men and women out there working to pay for this budget, Mr. Speaker, across the Commonwealth that are not getting 5-percent raises every year or more, Mr. Speaker. Mr. Speaker, we are demanding more from the people of Pennsylvania that are paying for this budget than what they can bear, and that has been evidenced by the population growth problems we have had in this State, Mr. Speaker. In my area of the State, the Allegheny County-Pittsburgh area has been ravaged by the policies of this State that has caused them to have population loss that is only second to the hurricane-ravaged areas of this country, Mr. Speaker. Mr. Speaker, this rate of expenditure that is almost 2 1/2 times the rate of inflation, that I am sure that the majority leader will probably rise to say it is really not all that much — 2 1/2 times the rate of inflation; at least it is not 3 or 4 — Mr. Speaker, we had Senate bills introduced, SB 7, SB 707, we have had House bills introduced, Mr. Speaker, to try and cap State spending, Mr. Speaker, to try and cap State spending.

And the Governor has made some arguments in the past, Mr. Speaker, that he is not the problem, that he sends a budget to the legislature, that it actually goes up when it comes back to him. Well, once again that has occurred. Not many people know it is based on the way that the Governor sends us a budget. He strips out necessary expenditures, pumps in additional expenditures that were not made the year prior, and then when the legislature deals with him, he does not want to give up what he already pumped in, and to try and put back in necessary expenditures that were stripped out, the legislature ends up putting forth a budget that is greater than the Governor asked for, which is this case again this year, Mr. Speaker.

Well, Mr. Speaker, as I said before, Mr. Speaker, there is a common phrase, and since we have talked about liars here tonight, Mr. Speaker, figures lie and liars figure. Figures lie and liars figure, Mr. Speaker. Well, Mr. Speaker, with all the spin out there on how great this budget is this year, Mr. Speaker, somebody needs to share the facts with the people of Pennsylvania. This is not a great budget, Mr. Speaker. This budget is excessive in its expenditures, excessive expenditures will lead to excessive taxes, and the way this Governor operates, excessive expenditures will most definitely lead, even this coming fall, into excessive debt, Mr. Speaker.

Mr. Speaker, there is a problem that we have in this State. I thought the Governor was the one that had it. I believe the Governor still does. Part of the reason that I am going to oppose this budget is it does not have money for treatment,

Mr. Speaker, treatment of a disease called spendaholicism. The Governor is a spendaholic, and the Senate shares the disease. The Senate that voted for this budget 46 to 2, Mr. Speaker, shares the Governor's problem. They are spendaholics. The members of this body that will vote for this budget tonight share it also. We need to add treatment for spendaholicism to the State benefits. We need to get treatment for all the spendaholics in this legislature and in the Governor's Office. Mr. Speaker, I thought the excellent Republican initiatives this year would be the treatment.

If you want to add time to mine, start the countdown.

Mr. Speaker, I oppose this budget for excessive spending which will lead to excessive taxes, Mr. Speaker.

The SPEAKER. The Chair will remind the members we have 10 minutes and eight speakers.

Representative Stern.

The time has expired. Representative Stern.

Mr. STERN. Mr. Speaker, could I interrogate the majority chairman of the Appropriations Committee?

The SPEAKER. Members will take their seats. The gentleman is entitled to be heard.

Representative Stern.

Mr. STERN. I would like to interrogate the majority chairman of the Appropriations Committee.

The SPEAKER. Representative DeWeese indicates that he will stand for interrogation. The gentleman is in order—

Mr. DeWEESE. No, no, no, I did not.

Mr. STERN. The Appropriations chairman.

Mr. DeWEESE. I did not. I just was going to ask for a moment of scheduling clarification with the Chair, if the gentleman will indulge me.

Mr. STERN. I will yield.

STATEMENT BY MAJORITY LEADER

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. We have two options. I am loath to cut off debate on the budget, yet we have an 11 o'clock closing rule. If one of the honorable members of the Shapiro-Steil Reform Commission is accessible in the near aisleway to go to the microphone — I have talked with my floor leader colleague, Mr. Smith — if one of our team of 24 would make the motion to go to 11:30, we could probably have everyone speak. I do not think that is an egregious violation of our new realm, but I do not want to have to call the previous question, but we are going to have to if we adhere strenuously to our new rule.

In this setting, in this setting, I think flexibility would be appropriate. We are a debating chamber, and I would favor that.

CONSIDERATION OF HB 1286 CONTINUED

The SPEAKER. Representative Stern.

Mr. STERN. Mr. Speaker, what is going to transpire at this point?

The SPEAKER. I did not hear the gentleman.

Mr. STERN. What is going to transpire at this point?

The SPEAKER. The gentleman is in order to make his remarks.

Mr. STERN. Okay.

Mr. Speaker, regarding the film production tax credit—

The SPEAKER. Conversations will cease. We cannot hear the interrogation. It is not helping the time issue. Members will take their seats. Conferences will break up in the well of the House.

Representative Stern.

Mr. STERN. Mr. Speaker, regarding the film shares tax credit that is in SB 97, I know it is not before the chamber at this time, but it does deal with the general appropriations budget 1286 in the fact that there is a \$25 million amount listed under the film production tax credit. Is that correct?

Mr. D. EVANS. Because they did not necessarily think that they would use all of the— Excuse me; excuse me.

Mr. STERN. Okay. So, Mr. Speaker, you are saying that it is only \$25 million because they did not feel that they would use any more than \$25 million?

The SPEAKER. The gentleman will suspend.

The conferences will break up in the well of the House. The gentleman cannot hear the interrogation. It is disrespectful. Members will take their seats.

The gentleman is in order.

Mr. STERN. So, Mr. Speaker, you are telling me that there is only \$25 million that has been set aside or that is set aside in this general appropriations bill that would be used for film production tax credits. Correct?

MOTION FOR PREVIOUS QUESTION

Mr. DeWEESE. Mr. Speaker, I call the previous question. Mr. Speaker, I call the previous question.

The SPEAKER. Members will take their seats. There is nothing before the House except the motion to move the previous question. It is not debatable by anyone. Members will take their seats. Members will stand who support the motion to move the previous question and raise their hand.

Representative Cohen, Representative Eachus, Representative Gerber, Representative DePasquale, Representative Daley, Representative Dermody, Representative McIlvaine Smith, Representative Leach, Representative Pashinski, Representative Mahoney, Representatives Williams, Parker, Payton, Brennan, Frankel, Roebuck, Wansacz, Costa, Waters, DeLuca, Walko, Sturla, Fabrizio.

The motion for the previous question has been made and properly seconded.

For the information of the members, an "aye" vote is a vote to end debate and take an immediate vote on the question.

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

The following roll call was recorded:

YEAS—106

Belfanti	George	Mann	Siptroth
Bennington	Gerber	Markosek	Smith, K.
Beyer	Gergely	McCall	Smith, M.
Biancucci	Gibbons	McGeehan	Smith, S.
Bishop	Godshall	McI. Smith	Solobay
Blackwell	Goodman	Melio	Staback
Brennan	Grucela	Moyer	Sturla
Buxton	Haluska	Mundy	Surra
Caltagirone	Hanna	Myers	Tangretti
Carroll	Harhai	Nickol	Taylor, R.

Casorio	Harkins	O'Brien, M.	Thomas
Cohen	Hornaman	Oliver	Vereb
Conklin	James	Pallone	Vitali
Costa	Josephs	Parker	Wagner
Cruz	Keller, W.	Pashinski	Walko
Curry	Kessler	Payton	Wansacz
Daley	King	Petrarca	Waters
DeLuca	Kirkland	Petrone	Wheatley
DePasquale	Kortz	Preston	White
Dermody	Kotik	Ramaley	Williams
DeWeese	Kula	Readshaw	Wojnarowski
Donatucci	Leach	Roebuck	Yewcic
Eachus	Lentz	Sabatina	Youngblood
Evans, D.	Levdansky	Sainato	Yudichak
Fabrizio	Longietti	Santoni	
Frankel	Mahoney	Seip	O'Brien, D., Speaker
Galloway	Manderino	Shimkus	

NAYS—97

Adolph	Freeman	Marsico	Raymond
Argall	Gabig	McIlhattan	Reed
Baker	Geist	Mensch	Reichley
Barrar	Gillespie	Metcalfe	Roae
Bastian	Gingrich	Micozzie	Rock
Bear	Grell	Millard	Rohrer
Benninghoff	Harhart	Miller	Ross
Boback	Harper	Milne	Rublely
Boyd	Harris	Moul	Samuelson
Brooks	Helm	Murt	Saylor
Cappelli	Hennessey	Mustio	Scavello
Causar	Hershey	Nailor	Schroder
Civera	Hess	O'Neill	Shapiro
Clymer	Hickernell	Payne	Sonney
Cox	Hutchinson	Peifer	Stairs
Creighton	Kauffman	Perry	Steil
Cutler	Keller, M.	Perzel	Stern
Dally	Kenney	Petri	Stevenson
Denlinger	Killion	Phillips	Swanger
DiGirolamo	Mackereth	Pickett	Taylor, J.
Ellis	Maher	Pyle	True
Evans, J.	Major	Quigley	Turzai
Everett	Mantz	Quinn	Vulakovich
Fairchild	Marshall	Rapp	Watson
Fleck			

NOT VOTING—0

EXCUSED—0

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

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

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

The following roll call was recorded:

YEAS—140

Adolph	Freeman	Marshall	Seip
Argall	Galloway	McCall	Shapiro
Baker	George	McGeehan	Shimkus
Barrar	Gerber	McI. Smith	Siptroth
Belfanti	Gergely	McIlhattan	Smith, K.
Bennington	Gibbons	Melio	Smith, M.
Beyer	Godshall	Micozzie	Smith, S.
Biancucci	Goodman	Milne	Solobay

Bishop	Grucela	Moyer	Sonney
Blackwell	Haluska	Mundy	Staback
Brennan	Hanna	Myers	Stairs
Caltagirone	Harhai	O'Brien, M.	Steil
Cappelli	Harhart	Oliver	Sturla
Carroll	Harkins	Pallone	Surra
Casorio	Hershey	Parker	Tangretti
Causar	Hornaman	Pashinski	Taylor, J.
Civera	James	Payne	Taylor, R.
Cohen	Josephs	Perzel	Thomas
Conklin	Keller, W.	Petrarca	Vereb
Costa	Kenney	Petri	Vitali
Cruz	Kessler	Petrone	Wagner
Curry	Killion	Phillips	Walko
Daley	King	Pickett	Wansacz
Dally	Kirkland	Preston	Waters
DeLuca	Kortz	Quinn	Watson
DePasquale	Kotik	Ramaley	Wheatley
Dermody	Kula	Raymond	White
DeWeese	Leach	Readshaw	Williams
DiGirolamo	Lentz	Reed	Wojnarowski
Donatucci	Levdansky	Roebuck	Yewcic
Eachus	Longietti	Sabatina	Youngblood
Evans, D.	Mahoney	Sainato	Yudichak
Evans, J.	Major	Samuelson	
Everett	Manderino	Santoni	O'Brien, D.,
Fabrizio	Mann	Scavello	Speaker
Frankel	Markosek		

NAYS—63

Bastian	Geist	Marsico	Rapp
Bear	Gillespie	Mensch	Reichley
Benninghoff	Gingrich	Metcalfe	Roae
Boback	Grell	Millard	Rock
Boyd	Harper	Miller	Rohrer
Brooks	Harris	Moul	Ross
Buxton	Helm	Murt	Rubley
Clymer	Hennessey	Mustio	Saylor
Cox	Hess	Nailor	Schroder
Creighton	Hickernell	Nickol	Stern
Cutler	Hutchinson	O'Neill	Stevenson
Denlinger	Kauffman	Payton	Swanger
Ellis	Keller, M.	Peifer	True
Fairchild	Mackereth	Perry	Turzai
Fleck	Maher	Pyle	Vulakovich
Gabig	Mantz	Quigley	

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

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 1286, PN 2346

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the

fiscal year July 1, 2007, to June 30, 2008, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2007, to June 30, 2008; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2007, to June 30, 2008, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Pharmaceutical Assistance Contract for the Elderly Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

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

The SPEAKER. The Chair recognizes Representative DeWeese.

Mr. DeWEESE. The gentleman, Mr. Payton, was seeking recognition, Mr. Speaker, and then I need recognition on the schedule.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Payton.

Mr. PAYTON. Mr. Speaker, I rise to correct the record. I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

DEMOCRATIC CAUCUS

The SPEAKER. Representative DeWeese.

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

A matter of scheduling; a matter of scheduling, Mr. Speaker.

The SPEAKER. Members will take their seats. The House will come to order. Members will take their seats.

Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The Democrats will caucus at 8:30 a.m. We will report to the floor at 9:30 a.m. It is our goal to be out of here by high noon. I know that is very, very ambitious. We have the education code, we have the transportation package, we have the RCAP (Redevelopment Assistance Capital Program), the tax code, gaming RCAP.

Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.
Miss MAJOR. Thank you, Mr. Speaker.
Republicans will also caucus tomorrow morning at 8:30.
Thank you.

VOTE CORRECTION

The SPEAKER. Representative Denlinger.
Mr. DENLINGER. Thank you, Mr. Speaker. I would like to correct the record.
The SPEAKER. Members will please take their seats. Members have to make announcements.
Representative Denlinger.
Mr. DENLINGER. On the matter of HB 1422, I was recorded in the affirmative. I would like to be recorded as a negative vote.
The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

STATEMENT BY MR. MOUL

The SPEAKER. Representative Moul.
Mr. MOUL. Mr. Speaker, a point of privilege, please.
I was remiss in my duties as a husband this morning. I left the house early to come here, and I forgot to wish my wife a happy birthday. I know she is watching tonight. So happy birthday, honey, and I will be home soon.
The SPEAKER. We all wish your wife a happy birthday.

Are there any other announcements?
Any other members seeking recognition?

VOTE CORRECTION

The SPEAKER. Representative Reichley.
Mr. REICHLEY. Mr. Speaker, on final passage with, was it SB 286, consistent with my concerns, though, that I voiced today, although I am supportive of the smoking ban, I wish to be recorded in the negative rather than in the affirmative.
The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Are there any other announcements?

ANNOUNCEMENT BY MR. WILLIAMS

The SPEAKER. Representative Williams.
Mr. WILLIAMS. Mr. Speaker, the Philly delegation will meet tomorrow at 8:30 in Representative Evans' office; the Philly delegation, 8:30 tomorrow morning.
The SPEAKER. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. This House stands adjourned until 9:30 a.m., Tuesday morning, July 17, 2007.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 11 p.m., e.d.t., the House adjourned.