

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 65

### HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.d.t.

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

#### PRAYER

HON. THOMAS C. CREIGHTON, member of the House of Representatives, offered the following prayer:

Let us please bow:

The Heavens declare Your glory, O God. The earth reveals Your handiwork. We thank You today for our Founding Fathers who were guided by Your wisdom. We pray that Your will will be done and You will lift up leaders with integrity and wisdom in these chaotic times. Be with us not to be anxious about anything, but in everything, by prayer and supplication and thanksgiving, present our request to You, O Lord. Give us a steady spirit and a peace of mind and the wisdom to accomplish the duties that are set before us in this chamber today. We offer gratitude that You have a purpose for each of us, that Your purpose is to serve You and to serve the people of Pennsylvania. We offer gratitude that You are in control and that Yours is the power and the glory forever. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, October 7, 2008, will be postponed until printed. The Chair hears no objections.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative RAMALEY of Beaver County be placed on leave. The Chair hears no objection. The leave will be granted.

The Chair recognizes the minority whip, Representative Argall, who requests that Representative PERRY of York County, Representative REICHLEY, and Representative BEYER be placed on leave. The Chair hears no objection. The leaves will be granted.

The Chair recognizes the minority whip, who requests that Representative SCHRODER be placed on leave. The Chair hears no objection. The leave will be granted.

Members will report to the floor.

#### MASTER ROLL CALL

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

(Members proceeded to vote.)

#### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative VEREB be placed on leave. The Chair hears no objection. The leave will be granted.

#### MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—197

Adolph	Freeman	Mann	Rohrer
Argall	Gabig	Mantz	Ross
Baker	Galloway	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
Biancucci	Gingrich	Melio	Seip
Bishop	Godshall	Mensch	Shapiro
Blackwell	Goodman	Metcalfe	Shimkus
Boback	Grell	Micozzie	Sipthroth
Boyd	Grucela	Millard	Smith, K.
Brennan	Haluska	Miller	Smith, M.
Brooks	Hanna	Milne	Smith, S.
Buxton	Harhai	Moul	Solobay
Caltagirone	Harhart	Moyer	Sonney
Cappelli	Harkins	Mundy	Staback
Carroll	Harper	Murt	Stairs
Casorio	Harris	Mustio	Steil
Causer	Helm	Myers	Stern
Civera	Hennessey	Nailor	Stevenson
Clymer	Hershey	Nickol	Sturla
Cohen	Hess	O'Brien, M.	Surra
Conklin	Hickernell	O'Neill	Swanger
Costa	Hornaman	Oliver	Tangretti
Cox	Hutchinson	Pallone	Taylor, J.
Creighton	James	Parker	Taylor, R.
Cruz	Josephs	Pashinski	Thomas

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

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—6

Beyer	Ramaley	Schroder	Vereb
Perry	Reichley		

## LEAVES ADDED—16

Adolph	Clymer	Hershey	Petri
Barrar	Frankel	Josephs	Shapiro
Bastian	Freeman	Leach	Tangretti
Benninghoff	Harper	Micozzie	Wojnaroski

## LEAVES CANCELED—7

Barrar	Perry	Reichley	Vereb
Harper	Ramaley	Schroder	

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

## SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1511, PN 4439**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## SENATE MESSAGE

HOUSE BILLS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 420, PN 484; HB 1147, PN 1396; HB 1634, PN 4003; and HB 2233, PN 3498**, with information that the Senate has passed the same without amendment.

## 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 420, PN 484**

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

**HB 1147, PN 1396**

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

**HB 1634, PN 4003**

An Act providing for uniform methods to satisfy required municipal registration of deeds and conveyances; permitting access of information in lieu of registration; prohibiting municipalities from requiring municipal registration of deeds prior to recordation by recorders of deeds; and making inconsistent repeals.

**HB 2233, PN 3498**

An Act amending the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act, further providing for program requirements and for guidelines; and repealing the expiration date of the act.

**SB 884, PN 2433**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications.

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

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 9:14 a.m.

## RECESS

The SPEAKER. Regular session of the House will now stand in recess.

## AFTER RECESS

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

## GUESTS INTRODUCED

The SPEAKER. The Chair welcomes, as guest pages, Anthony Callo and Jimmy Hanzimanolis, as the guests of Representative Scavello. They are seated in the well of the House. Would you please stand and be recognized.

Seated to the left of the Speaker is Lauren Evans. Lauren is a constituent outreach specialist in Representative Payne's Hershey office. Would you please stand and be recognized.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, please welcome again the following guest pages:

Anthony Callo from Stroudsburg. Anthony is a student at Stroudsburg Middle School, a Boy Scout with Troop 85, and a drummer in the school band. Please welcome Anthony's parents, Kim and Mark Callo, who are seated in the gallery.

James Hanzimanolis from Bartonsville. James attends Swiftwater Intermediate School where he received high honors. Please welcome James's father, George Hanzimanolis, in the gallery.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 768, PN 2431, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS-197

Table listing names of representatives who voted 'YEAS' (197 total). Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Seip, Shapiro, Shimkus, Siproth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback.

Table listing names of representatives who did not vote 'YEAS'. Includes names like Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M.K., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Raymond, Readshaw, Reed, Roae, Rock, Roebuck, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-6

Table listing names of representatives who were excused: Beyer, Perry, Ramaley, Reichley, Schroder, Vereb.

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

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

\* \* \*

The House proceeded to third consideration of HB 120, PN 4514, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for compulsory school attendance and for exceptions to compulsory school attendance; and requiring all public school districts in this Commonwealth to conduct interviews for all students who withdraw or are illegally absent from school.

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.

Representative Saylor, please come to the rostrum.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 120 was moved to final passage and 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. This bill is over temporarily.

\* \* \*

The House proceeded to third consideration of **SB 1019, PN 1711**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

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?

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 1019 CONTINUED

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

The following roll call was recorded:

YEAS—198

Adolph	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross
Barrar	Geist	Marshall	Rubley
Bastian	George	Marsico	Sabatina
Bear	Gerber	McCall	Sainato
Belfanti	Gergely	McGeehan	Samuelson
Benninghoff	Gibbons	McI. Smith	Santoni
Bennington	Gillespie	McIlhattan	Saylor
Biancucci	Gingrich	Melio	Scavello
Bishop	Godshall	Mensch	Seip

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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

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

\* \* \*

The House proceeded to third consideration of **HB 2518, PN 4440**, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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

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

\* \* \*

The House proceeded to third consideration of **SB 908, PN 2374**, entitled:

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

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

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

(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—191

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

Dally	Kenney	Perzel	Vitali
DeLuca	Kessler	Petrarca	Vulakovich
Denlinger	Killion	Petri	Wagner
DePasquale	King	Petrone	Walko
Dermody	Kirkland	Phillips	Wansacz
DeWeese	Kortz	Pickett	Waters
DiGirolamo	Kotik	Preston	Watson
Donatucci	Kula	Pyle	Wheatley
Eachus	Leach	Quigley	White
Ellis	Lentz	Quinn	Williams
Evans, D.	Levdansky	Raymond	Wojnarowski
Evans, J.	Longietti	Readshaw	Yewcic
Everett	Mackereth	Reed	Youngblood
Fabrizio	Maher	Reichley	Yudichak
Fairchild	Mahoney	Roae	
Fleck	Major	Rock	O'Brien, D.,
Frankel	Manderino	Roebuck	Speaker
Freeman			

## NAYS—7

Causar	Hutchinson	Metcalfe	Sonney
Creighton	McIlhattan	Rapp	

## NOT VOTING—0

## EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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.

**STATEMENT BY MS. JOSEPHS**

The SPEAKER. For what purpose does the gentlelady, Representative Babette Josephs, rise?

Ms. JOSEPHS. To speak under unanimous consent, Mr. Speaker.

The SPEAKER. Members will please take their seats.

The lady is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am standing here today, my friends, to talk to you a little bit about the importance of the holiday that my people all over the world will be celebrating this afternoon and tomorrow.

The SPEAKER. Will the lady suspend for one moment.

The noise level is entirely too loud. Members will take their seats. Conferences will break up.

The lady is in order.

Ms. JOSEPHS. Thank you, Mr. Speaker. Thank you, my friends.

As you know, we celebrated, about 9 days ago, the beginning of the new year, Rosh Hashanah. The year is 5769. Ten days of atonement and repentance start at Rosh Hashanah and end at Yom Kippur. As most of you know, days in the Israeli calendar and the Jewish calendar start in the evening at sundown and end at sundown the next day, a custom that is carried over in the Christian religion when people celebrate Christmas Eve, which is as important in some people's calendar as Christmas Day. For us, sundown today, Kol Nidre, is the most important day in the

liturgical calendar, and it is very hard to explain how important it is; it is Good Friday and Christmas and Easter all in one and more.

In Israel during this day, the airport is closed, people do not drive, there is no radio broadcast, there is no television broadcast, all the businesses are closed, and people celebrate by repenting and atoning – atoning for their sins against God, against other people, and asking for forgiveness from God. I have been told that this fast day— And we not only fast, we abstain, some of us, from wearing leather, from anointing ourselves with perfume. We ought to not only abstain from food, but also from drink from sundown to sundown. I have been told that in concentration camps, people who were lucky to get a scrap of bread and a cup of gruel every 2 or 3 days turned those away on Yom Kippur in order to stand with people around the world and celebrate this holiday and ask for forgiveness and to atone for sins.

I stand here feeling incredibly blessed, which is something else we are commanded to remind ourselves, that I live in a country where my rights are protected by law and where I, as many, many other people, am allowed to serve in a body that represents the citizens of this country. This is very, very unusual in the 5769 years that we have been keeping track of time. I want to end by saying something, a blessing that my grandfather used to say not only on Yom Kippur, but also on Shabbat. On Yom Kippur, before we started our fast, while we ate our last meal early in the afternoon before sundown, he would say to us – and it was not only to the family, it was to all the people, all the children of Israel, and all the children of God – may the Lord, and I say it in the same spirit, may the Lord bless you and keep you. May the Lord maketh his light to shine upon you. May the Lord lift up his countenance upon you and grant you peace. Amen and shalom.

Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The Chair thanks the lady.

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

The SPEAKER. The Chair invites Representative Merle Phillips to the podium.

Members will please take their seats. Members will please take their seats. Conferences will break up in the side aisles, center aisles, the well of the House. Members will take their seats.

**DEPARTURE OF DUSTIN KNIGHT  
TO U.S. MARINE CORPS****REMARKS BY MR. PHILLIPS**

Mr. PHILLIPS. Thank you, Mr. Speaker, and thank you for allowing me to offer a few words as we bid Sergeant at Arms Dustin Knight good luck as he begins a new chapter in his life with the United States Marine Corps.

As a Marine for over 60 years, I wanted to share with you some words of wisdom. When Dustin joins the Marines, he will be joining an elite group of men and women dedicated to our country and preserving the freedoms we hold dear. For more than 230 years the Marines have been proudly serving our country and they continue today fighting terrorism and Al-Qaeda and keeping the peace in hot spots around the world. Like Representatives DeWeese, Belfanti, Wheatley, Readshaw, and Goodman, who are Marines, we are a proud bunch. We have a unique bond, a camaraderie that few groups of men have. We were, and still are, Marines. Dustin, we are pleased you have decided to join our ranks. Granted, your training in Parris Island, South Carolina, will be tough; after all, a Marine's training has never been easy, and it is not designed to be easy, but it is well worth the sacrifice you are putting forth. The bravery, heroism, and selflessness of all Marines, wherever they are serving, have added significantly to our rich legacy and measured up to the high standards that have come to epitomize all who wear the eagle, globe, and anchor.

In my 4 1/2 years of active-duty service in the Marines and my years in the Reserves, I learned an unbroken tradition of proud, loyal service. I learned above all else in duty, honor, and country, and I strove to honor that commitment. In every battle and skirmish since the birth of our Corps, Marines have distinguished themselves with greatest honor, winning new accolades on each occasion until the term "Marine" has come to signify all that is in the highest in military efficiency and virtue. With it, we all receive from that the eternal spirit, which has animated our Corps from generation to generation and has been the distinguishing mark of Marines in every age. So long as this spirit continues to flourish, Marines will be found equal to every emergency in the future as they have been in the past, and the men of our country will regard us as worthy successors to the long line of illustrious men who have served as soldiers of the sea since the founding of the Corps.

Mr. Speaker, I would like to join my colleagues in wishing Dustin safe travels. We will continue to keep him and his family – along with all soldiers, airmen, and sailors fighting for our country – in our thoughts and in our hearts as they serve our country. Dustin, thank you for serving our country, and we wish you well.

Thank you very much.

The SPEAKER. Dustin, on behalf of all of the veterans in the House and this great institution, I would like to thank Merle Phillips for those wonderful words. Unfortunately, too many times we have recognized our fallen heroes posthumously. We want to congratulate you and thank you for your courage and your sense of patriotic duty. We wish you Godspeed, and the thoughts and prayers of all of us will be with you.

**RESOLUTIONS**

Mr. GEORGE called up **HR 546, PN 3041**, entitled:

A Resolution urging the Congress of the United States to exercise due diligence on behalf of the citizens of this Commonwealth and of this nation by implementing oversight, inquiry and investigation into gas and energy prices to ensure that these exceedingly high prices are both necessary and ethically ascertained.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative HARPER be placed on leave. The Chair hears no objection. Leave will be granted.

**CONSIDERATION OF HR 546 CONTINUED**

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

The following roll call was recorded:

**YEAS—197**

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
Biancucci	Gingrich	Mensch	Seip
Bishop	Godshall	Metcalfe	Shapiro
Blackwell	Goodman	Micozzie	Shimkus
Boback	Grell	Millard	Siproth
Boyd	Grucela	Miller	Smith, K.
Brennan	Haluska	Milne	Smith, M.
Brooks	Hanna	Moul	Smith, S.
Buxton	Harhai	Moyer	Solobay
Caltagirone	Harhart	Mundy	Sonney
Cappelli	Harkins	Murt	Staback
Carroll	Harris	Mustio	Stairs
Casorio	Helm	Myers	Steil
Causar	Hennessey	Nailor	Stern
Civera	Hershey	Nickol	Stevenson
Clymer	Hess	O'Brien, M.	Sturla
Cohen	Hickernell	O'Neill	Surra
Conklin	Hornaman	Oliver	Swanger
Costa	Hutchinson	Pallone	Tangretti
Cox	James	Parker	Taylor, J.
Creighton	Josephs	Pashinski	Taylor, R.
Cruz	Kauffman	Payne	Thomas
Curry	Keller, M.K.	Payton	True
Cutler	Keller, W.	Peifer	Turzai
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiatti	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—0**

**NOT VOTING—0**

EXCUSED—6

Beyer	Perry	Schroder	Vereb
Harper	Ramaley		

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

\* \* \*

Mr. GEORGE called up **HR 719, PN 3646**, entitled:

A Resolution endorsing the request for Federal funding to address vitally important water resource needs.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Representative George.

Will the gentleman move to another microphone. There seems to be a technical difficulty.

Mr. GEORGE. Thank you, Mr. Speaker.

The 110th U.S. Congress enacted the Water Resources and Development Act of 2007, which provides for the allocation of funds to several interstate river basin commissions, which our Commonwealth is a party. The purpose of the Mid-Atlantic commission is to provide equitable shares of funding for planning and management activities to avoid conflicts among States that share the same watershed. Our Federal government has handed down this unfunded mandate, which has shifted the financial responsibilities to member States of the Mid-Atlantic commission, including our Commonwealth. I believe the States should handle their own problems, but I also believe that Washington needs to provision that the States have adequate funding if the Federal government is going to micromanage this Commonwealth's affairs. I ask that we send this resolution to the Congress.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

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
Bianucci	Gingrich	Mensch	Seip
Bishop	Godshall	Metcalfe	Shapiro
Blackwell	Goodman	Micozzie	Shimkus
Boback	Grell	Millard	Siptroth
Boyd	Grucela	Miller	Smith, K.
Brennan	Haluska	Milne	Smith, M.
Brooks	Hanna	Moul	Smith, S.
Buxton	Harhai	Moyer	Solobay
Caltagirone	Harhart	Mundy	Sonney

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Beyer	Perry	Schroder	Vereb
Harper	Ramaley		

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

LEAVE OF ABSENCE CANCELED

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

COLLIN RAY PRESENTED

The SPEAKER. The Chair invites Representative Payne to the podium for the presentation of a citation.

Members will please take their seats.

Representative Payne is in order and may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, my fellow colleagues, I would like to present to you today Collin Ray, a senior at Middletown Area High School. He is the son of Jodi and Matthew Ray of Middletown. Collin captured the gold medal in the Class AA Boys Discus Throw event during the 2008 PIAA State Track and Field Championships held at Shippensburg University. His throw was 157 feet and 11 inches. His gold-medal winning throw was the first for the Middletown Blue Raiders Track and



Field Team since 1992. I ask my colleagues to give him a warm welcome and a round of applause.

Thank you very much, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. GEIST called up HR 598, PN 3244, entitled:

A Resolution honoring Chick Dillen upon his retirement as editor of "Ward-Wide News," a publication which he edited for more than 50 years.

On the question, Will the House adopt the resolution?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will be over temporarily.

\* \* \*

Mr. SIPTROTH called up HR 792, PN 3935, entitled:

A Resolution commemorating the month of November 2008 as "National Adoption Awareness Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

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

Mr. SIPTROTH. Thank you, Mr. Speaker, and good morning.

National Adoption Awareness Month is an annual tradition to encourage caring families to adopt young people in need of loving homes. It is also a time to recognize, honor, and thank adoptive and foster families who have offered their support, love, and home to a child in need. Adoptive families are an illustration of the best people America and Pennsylvania have to offer. Parents have the greatest influence on a child's life. Families help children thrive by encouraging them to aim high, work hard, and make good choices that will lead to healthy, satisfying lives. By recognizing this annual celebration, we can encourage loving families to connect with the children who need them and honor those who already have. I ask all of my colleagues today to pay tribute to the parents who have opened their hearts and homes and helped provide love and stability for young people by recognizing National Adoption Awareness Month and supporting HR 792.

Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Table with 4 columns: Adolph, Argall, Baker, Barrar, Bastian, Freeman, Gabig, Galloway, Geist, George, Mantz, Markosek, Marshall, Marsico, McCall, Rohrer, Ross, Rubley, Sabatina, Sainato

Table with 4 columns: Bear, Belfanti, Benninghoff, Bennington, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Casuer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M.K., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longiotti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Table with 4 columns: Beyer, Harper, Perry, Ramaley, Vereb

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

\* \* \*

Mr. DePASQUALE called up HR 846, PN 4212, entitled:

A Resolution commending the philanthropic and civic initiative of the York-based Dentsply International in assisting the Donated Dental Services program.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Haluska	Milne	Smith, K.
Brooks	Hanna	Moul	Smith, M.
Buxton	Harhai	Moyer	Smith, S.
Caltagirone	Harhart	Mundy	Solobay
Cappelli	Harkins	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	Nickol	Stern
Clymer	Hess	O'Brien, M.	Stevenson
Cohen	Hickernell	O'Neill	Sturla
Conklin	Hornaman	Oliver	Surra
Costa	Hutchinson	Pallone	Swanger
Cox	James	Parker	Tangretti
Creighton	Josephs	Pashinski	Taylor, J.
Cruz	Kauffman	Payne	Taylor, R.
Curry	Keller, M.K.	Payton	Thomas
Cutler	Keller, W.	Peifer	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	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—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

\* \* \*

Mr. WOJNAROSKI called up **HR 858, PN 4261**, entitled:

A Resolution designating the month of November 2008 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Haluska	Milne	Smith, K.
Brooks	Hanna	Moul	Smith, M.
Buxton	Harhai	Moyer	Smith, S.
Caltagirone	Harhart	Mundy	Solobay
Cappelli	Harkins	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	Nickol	Stern
Clymer	Hess	O'Brien, M.	Stevenson
Cohen	Hickernell	O'Neill	Sturla
Conklin	Hornaman	Oliver	Surra
Costa	Hutchinson	Pallone	Swanger
Cox	James	Parker	Tangretti
Creighton	Josephs	Pashinski	Taylor, J.
Cruz	Kauffman	Payne	Taylor, R.
Curry	Keller, M.K.	Payton	Thomas
Cutler	Keller, W.	Peifer	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	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—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

\* \* \*

Ms. RAPP called up **HR 868, PN 4289**, entitled:

A Resolution designating the month of November 2008 as "Retinoblastoma Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Haluska	Milne	Smith, K.
Brooks	Hanna	Moul	Smith, M.
Buxton	Harhai	Moyer	Smith, S.
Caltagirone	Harhart	Mundy	Solobay
Cappelli	Harkins	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causar	Hennessey	Nailor	Steil
Civera	Hershey	Nickol	Stern
Clymer	Hess	O'Brien, M.	Stevenson
Cohen	Hickernell	O'Neill	Sturla
Conklin	Hornaman	Oliver	Surra
Costa	Hutchinson	Pallone	Swanger
Cox	James	Parker	Tangretti
Creighton	Josephs	Pashinski	Taylor, J.
Cruz	Kauffman	Payne	Taylor, R.
Curry	Keller, M.K.	Payton	Thomas
Cutler	Keller, W.	Peifer	True
Daley	Kenney	Perzel	Turzai
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	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., Speaker
Frankel	Mann	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

\* \* \*

Mr. KING called up **HR 879, PN 4307**, entitled:

A Resolution recognizing the month of November 2008 as "National Family Caregiver Month" in Pennsylvania, and commending the service and dedication family caregivers provide to older adults.

On the question,  
Will the House adopt the resolution?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will be over temporarily.

Members will please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House.

\* \* \*

Mr. CARROLL called up **HR 904, PN 4423**, entitled:

A Resolution mourning the loss of First Lieutenant Jeffrey F. DePrimo, who gave his life in the line of duty on May 20, 2008.

On the question,  
Will the House adopt the resolution?

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

Mr. CARROLL. Thank you, Mr. Speaker.

All too often during this session, I have had to listen to my colleagues as they stood before this chamber and shared their sorrowful account of a hometown patriot who sacrificed his or her life for our country in a land far from home. I prayed the day would not come when I would have to stand before you and share such a tragedy. Sadly, that prayer was not realized. I rise today to offer HR 904 in honor of 1st Lt. Jeffrey F. DePrimo of Pittston, Pennsylvania, who lost his life in service to our country on May 20, 2008, while serving in Ghazni, Afghanistan. He was only 35 years old when an IED (improvised explosive device) exploded under his Humvee.

Lieutenant DePrimo joined the 109th Infantry Division, 1st Battalion, Delta Company, West Pittston, in 2003 and was commissioned in 2005 as an officer. He was assigned to Company B, 3d Battalion, 103d Armor Regiment. He was a 1991 graduate of Seton Catholic High School in Pittston and attended Marywood University in Scranton. Besides his love of the military, Jeff also was an accomplished classical guitarist who composed, performed, and produced original music. He was a loving son, devoted brother, and dedicated friend. His absence in the lives of family, comrades, and friends is immeasurable. I doubt many residents of our community had ever heard of Ghazni, Afghanistan, or even knew exactly where it was located. However, Jeff knew the interest of our community and our nation would be best served by his presence there, and he was among the first to volunteer for deployment.

This selfless act of service, commitment, and patriotism is unmatched by most of us, and his sacrifice will forever be remembered in the greater Pittston community as that of an exceptional hero. For his heroism, he was posthumously awarded the Purple Heart and the Combat Action Badge.

Jeff is survived by his parents, Joseph DePrimo and Helen Ann Gitmos DePrimo; his grandmother, Kathryn Gitmos; sisters Danielle DePrimo and Jodi Calabro, as well as aunts, uncles, and cousins.

Our community, State, and nation are better places thanks to Jeff's time with us. I call upon all of my colleagues in the Pennsylvania House of Representatives to join with me in honoring 1st Lt. Jeffrey F. DePrimo, a Pennsylvania patriot.

The SPEAKER. Members and guest will please rise as a sign of respect for our fallen hero, 1st Lt. Jeffrey DePrimo.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of 1st Lt. Jeffrey F. DePrimo.)

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

The following roll call was recorded:

#### YEAS—198

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

Evans, D.	Longiotti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D., Speaker
Frankel	Mann	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

The SPEAKER. The Sergeants at Arms will open the doors of the House.

## DEMOCRATIC CAUCUS

### RULES COMMITTEE MEETING

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Democratic caucus. The Democratic caucus will be followed by a Rules Committee meeting at 10:45, and we are scheduled to be back on the floor at 10:50. I urge all of the members to attend the caucus. There will be decisions made about the future of our caucus that I think you all will want to participate in. Thank you.

The SPEAKER. There will be an immediate Democratic caucus followed by a Rules Committee meeting at 10:45.

## REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I also would like to announce a Republican caucus immediately at the call of the recess. All Republicans should report to caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

## FORMER MEMBER WELCOMED

The SPEAKER. The Chair would like to direct the members' attention to the rear of the House and recognize a former member and good friend, Representative Vern Pyles. Would you please stand up.

Welcome back to the floor of the House, Vern.

## RECESS

The SPEAKER. This House will now stand in recess until 10:50 a.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

The SPEAKER. The House will come to order.  
The members will take their seats.

**"THE HOUSE COMES HOME 2008"****REMARKS BY SPEAKER**

The SPEAKER. Today is an extraordinary day for the House as we celebrate a historic homecoming. It has been 4 years since we have had the pleasure of having our former colleagues come back to this chamber.

We welcome back our colleagues who have gone on to other places and other vocations. Members from across Pennsylvania and other States, 50 in all, have joined us here this morning and are seated in the rear of the chamber – they are not seated, but that is okay – retired legislators, gentlemen, and gentlewomen. Our current members, especially the newer ones, can learn a lot from your experiences here and from your experiences after you left the House.

Many of you have gone on to do great things. From your midst are members of the United States Congress, gubernatorial candidates – do we have any successful gubernatorial candidates? I am not sure – Cabinet Secretaries, Federal and State judges, members of the Senate, mayors, some have become business leaders, lobbyists, and educators. Whatever your calling was when you left the House, you share with current members an enduring bond that lasts a lifetime and which began on swearing-in day for each one of us. We invite you to share your stories today and tonight, as many of us will have dinner together.

Former members, we are so pleased to have you here. Would you please stand for recognition as we welcome you back to our House. Welcome home. Would you please stand and be recognized.

And just as a point of information, whatever is said on this side of that brass rail is privileged, what is said behind that brass rail is not. So just keep that in mind.

**SUPPLEMENTAL CALENDAR C****BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 834, PN 4510**, entitled:

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

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

The SPEAKER. The Chair recognizes Representative DiGirolamo.

Mr. DiGIROLAMO. Mr. Speaker, would the maker of the bill stand for a brief period of interrogation?

The SPEAKER. Representative Surra indicates he will stand for interrogation. Representative DiGirolamo is in order and may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend for a moment.

The Chair will ask all members to please take their seats. The noise level is entirely too loud. The Chair thanks the members.

Representative DiGirolamo is in order and may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, how do the amendments that were added in by the Senate impact mandatory overtime for nurses and direct-patient-care workers?

Mr. SURRA. Thank you, Mr. Speaker.

The language inserted by the Senate does not really significantly alter the original intent of the legislation, which prohibits the utilization of mandatory overtime as a means to staff a health-care facility.

The Senate amendment that was added added an exception to the list of unforeseeable emergent circumstances that would allow a health-care facility to require mandatory overtime for nurses and other direct-patient-care workers. The new exception adds "unexpected absence" to the list so that if an unexpected absence occurs at the beginning of an employee's shift that could not be prudently planned for and would significantly impact patient safety, then the facility could require mandating overtime if they comply with the other restrictions in the bill such as: assigns additional hours as a last resort, exhausts reasonable efforts to obtain other staffing, provides up to 1 hour for an employee to arrange for child care or to take care of a disabled or elderly family member.

An example of when a facility should not utilize mandatory overtime would be if the facility has 10 nurses or direct-patient-care workers scheduled to staff a shift and 2 to 4 of the employees call off. That situation could be prudently planned for by the facility and therefore should not qualify for utilization of mandatory overtime.

The SPEAKER. Will the gentleman suspend.

The House will be at ease for one second.

The House will come to order.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE****HB 301, PN 4508**

By Rep. DeWEESE

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

**RULES.****HB 747, PN 3227**

By Rep. DeWEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

RULES.

**HB 834, PN 4510**

By Rep. DeWEESE

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

RULES.

**HB 1027, PN 4340**

By Rep. DeWEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

RULES.

**HB 1044, PN 3639**

By Rep. DeWEESE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission and for police training.

RULES.

**HB 1511, PN 4439** By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

RULES.

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

**CONSIDERATION OF HB 834 CONTINUED**

The SPEAKER. The Chair had previously called up concurrence in HB 834. We will now resume debate on that concurrence.

Representative Surra.

Mr. SURRA. Thank you again, Mr. Speaker.

In summation, it is important to note that the term "unforeseeable emergent circumstances" "...does not include vacancies that arise as a result of chronic short staffing."

The other only change that the Senate added was that it changed the effective date of the legislation to July 1, 2009.

Mr. DiGIROLAMO. Mr. Speaker? Mr. Speaker?

The SPEAKER. The noise level on the floor is entirely too loud. Members will take their seats. Conferences in the center and side aisles will break up. Members will take their seats. Members will please take their seats. Members and guests will please take their seats. Conferences in the rear, side, and center aisles, in the well of the House, will break up immediately. Members and guests will please take their seats. The Chair will announce one more time and ask members and guests to please take their seats. The noise level is entirely too loud.

Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I am finished with my interrogation. May I comment on the bill as amended?

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

Mr. DiGIROLAMO. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I am very proud; my daughter, Mary, just recently graduated from Penn State University with a degree in nursing and is presently working at one of our local hospitals.

Not only for our nurses across the State of Pennsylvania and the direct-care patients, but also on behalf of patient safety, I would ask all the members to vote in favor of HB 834.

Thank you, Mr. Speaker.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair recognizes the presence of Representative Kate Harper on the floor. Her name will be added to the master roll.

**CONSIDERATION OF HB 834 CONTINUED**

The SPEAKER. Representative Surra.

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

I know we have a very heavy schedule for the short time we have, but it has been 8 years that we have been working on this issue, and I want to thank members on both sides of the aisle. This has been truly a bipartisan effort and a lot of help over in the Senate also. Senator Tartaglione was the driving force in that chamber, and without Senator Gordner's leadership in the Labor Committee, we would have not been able to push this bill to the point that it is right now. It passed the Senate 49 to 0.

In the House, members on both sides have worked very, very hard on this, but I want to particularly point out my good friend and colleague, Representative Gene DiGirolamo. He has really, really put his heart and soul into this effort. When the Republicans were in the majority, he was the prime sponsor, and he tried to push it across the goal line and fell a little bit short, but finally, we were able to do so.

I want to thank Representative Belfanti's staff, who put a lot of time in. I want to thank all the stakeholders who put in their efforts, all the nurses and health-care workers who came to the Capitol for so many rallies over the years.

Finally, I want to thank my staff for the hard work that they have done. Without all these people cooperating, we would not be here at this point today.

This bill passed the House, again, 166 to 31. It is a better bill now, as it helps some of the health-care facilities with some of the issues that they had, and those are the Senate amendments.

This legislation will make Pennsylvania a safer place for our patients and better workplaces for our health-care workers, and I encourage, once again, a vote in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I would just like to briefly ask for a nonconcurrence on HB 834 as a former health-care professional. I personally have worked in health care for the better part of 13 years, and my entire family still works in this industry – my mom, my grandmother, my sister, and my wife.

I still have some major concerns with HB 834. It has nothing to do with giving control to the hospital. This has everything to do with allowing us as professionals to care for patients, because the individuals in each individual unit are the ones who

are best situated and best know how to respond to their patients' needs.

I am fearful that the definitions contained in this bill simply are too vague; too vague because it is described as, you know, nonemergent or, for example, what constitutes a last-second change? Because an hour before the end of your shift, one of your colleagues could be in an accident on the way to work, one of your colleagues could go into labor and then would not be able to report for a subsequent shift. What happens then when there is no one there to care for the patients and it is the end of the shift? Do they go home? I would hope not, but I think that these particular pieces could be fixed, and that is why I am going to ask for the nonconcurrency.

We have heard that there is a shortage in health care, and I would agree. Back there in the nineties that was the case, but given the uncertain economic times that we are in currently, I believe that health care is probably one of the most resistant industries for economic downturns.

Additionally, I checked with some of our local schools. We are being told that young people will not go into health care because of forced overtime; this is simply not true. One of my local schools had over a thousand applications – a thousand applications for approximately 400 slots. They turned away 60 percent of the people who applied because they just did not have the capacity and the classroom space to take everyone who had applied to the program.

I agree that the staff shortages in the hospital need fixed. I absolutely believe that it could be improved. I think we could help improve it by increasing the availability of staff in the hospitals themselves, not by mandating some arbitrary, you-cannot-work-more-than-X-number-of-hours-in-a-day standard from Harrisburg.

Good intentions, unfortunately, sometimes lead to bad results, and that is why I am fearful of this bill, and I will ask for a nonconcurrency not so that the issue dies, but that it can go to a conference committee and the final details can be worked out.

Again, as a health-care professional, I just think it is best that Harrisburg try not to micromanage the hospitals and let the nurses and the x-ray techs, such as myself, care for the patients the way that we know how. We know our limits. We can set good policy, and that is all I am asking.

Thank you.

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—186

Adolph	Gabig	Mantz	Rubley
Argall	Galloway	Markosek	Sabatina
Baker	Geist	Marshall	Sainato
Barrar	George	Marsico	Samuelson
Bastian	Gerber	McCall	Santoni
Belfanti	Gergely	McGeehan	Scavello
Benninghoff	Gibbons	McI. Smith	Schroder
Bennington	Gingrich	McIlhattan	Seip
Bianucci	Godshall	Melio	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Milne	Siptroth

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

NAYS—13

Bear	Gillespie	Mensch	Miller
Cox	Mackereth	Metcalfe	Rohrer
Cutler	Maher	Micozzie	Saylor
Denlinger			

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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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 44, PN 4414**, entitled:

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

On the question,  
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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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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 Chair announces its intention to recess regular session and go into special session at 11:54 a.m.

RECESS

The SPEAKER. The regular session of the House is now in recess.

AFTER RECESS

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

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

CONSIDERATION OF HR 598 CONTINUED

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

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

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

I cannot tell you how proud I am of Chick Dillen. He is a fabulous guy. He has had fathered four wonderful children, one better than the other three because I married her, and today we have with him his wife, Pat. Chick, I would ask Chick to stand up and get a round of applause from the House.

Beside Chick is my brother by law, Clay Angle, and a great guy, and his son is with him today. And for you people that follow the arts, I am especially proud of Tyler. Tyler is a unique, unique performer. He is a solo dancer with the New York City Ballet, and he is going to be starring in the movie, the remake of the movie "Fame," and Tyler is with us back here. So stand up, Tyler.

It is amazing for anybody to have a career that lasts longer than 10 years in a job. Twenty years is a really long term anymore, but can you imagine being the editor of a continuous newsletter for 57 years, and that is what Chick did for Ward Trucking Corporation. He was an executive there. He did everything from doing the windows to loading trucks, and he has had just one great career, and I am really pleased to honor this resolution. We believe that 57 years as an editor is the longest term ever in the State of Pennsylvania, and we want to honor that.

So I would ask for a "yes" vote on the resolution. Thank you.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Mantz	Rohrer
Argall	Galloway	Markosek	Ross
Baker	Geist	Marshall	Rubley



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

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to recognize, in the rear of the House, the distinguished district attorney from the city of Philadelphia, Lynne Abraham. Welcome to the floor of the House.

The Chair would like to recognize, as the guests of Representative Kate Harper and Representative Bob Godshall, seated to the left of the Speaker, from the Montgomery County Boroughs Association, Susan Patton and Jocelyn Tenney from

North Wales Borough. Jocelyn is the president of the Boroughs Association. Mark Forunier from Telford Borough is also here. Would you please stand and be recognized.

Please welcome to the floor of the House, as the guests of Representative Scott Boyd, Jill and Megan Blank of Leola, Pennsylvania. Jill and Megan are serving today as guest pages. Their mother, Cynthia Blank, is seated in the gallery. Would you please stand and be recognized.

Please welcome, as the guests of Representative Mario Scavello, Connor Cassady from Stroudsburg. Connor is a seventh grader from Stroudsburg Middle School. He is active with the band, baseball, and the honors program. Please welcome Connor's parents, Andrea and David Gwyn. Would you please stand and be recognized.

The Chair welcomes Heather Axelrod, an intern for Representative Brennan and a student at Lehigh University. Heather is seated in the balcony. Would you please stand and be recognized.

**HB 834 RECONSIDERED**

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

Mr. MICOZZIE. I submitted a—

The SPEAKER. The Chair thanks the gentleman.

The Chair is in receipt of a reconsideration motion from Representative Micozzie and Representative Sam Smith, who move the vote by which HB 834, PN 4510, was agreed to on concurrence on the 8th day of October be reconsidered.

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

(Members proceeded to vote.)

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair recognizes Mike Vereb on the floor. His name will be added to the master roll.

**RECONSIDERATION OF HB 834 CONTINUED**

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

The following roll call was recorded:

YEAS—191

Adolph	Galloway	Marshall	Rubley
Argall	Geist	Marsico	Sabatina
Baker	George	McCall	Sainato
Barrar	Gerber	McGeehan	Samuelson
Bastian	Gergely	McI. Smith	Santoni
Bear	Gibbons	McIlhattan	Saylor
Belfanti	Gillespie	Melio	Scavello
Benninghoff	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.

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

NAYS-9

Bennington	Hornaman	Kotik	Readshaw
Casorio	Kortz	Petrone	Wojnaroski
DeLuca			

NOT VOTING-0

EXCUSED-3

Beyer	Perry	Ramaley
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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 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-189

Adolph	Galloway	Markosek	Sabatina
Argall	Geist	Marshall	Sainato
Baker	George	Marsico	Samuelson
Barrar	Gerber	McCall	Santoni
Bastian	Gergely	McGeehan	Scavello
Belfanti	Gibbons	McI. Smith	Scroder
Benninghoff	Gingrich	McIlhattan	Seip
Bennington	Godshall	Melio	Shapiro
Biancucci	Goodman	Micozzie	Shimkus
Bishop	Grell	Millard	Siptroth
Blackwell	Grucela	Milne	Smith, K.
Boback	Haluska	Moul	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
Casorio	Hennessey	O'Brien, M.	Stevenson
Causer	Hershey	O'Neill	Sturla
Civera	Hess	Oliver	Surra
Clymer	Hickernell	Pallone	Swanger
Cohen	Hornaman	Parker	Tangretti
Conklin	Hutchinson	Pashinski	Taylor, J.
Costa	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.K.	Perzel	Turzai
Daley	Keller, W.	Petrarca	Vereb
Dally	Kenney	Petri	Vitali
DeLuca	Kessler	Petrone	Vulakovich
DePasquale	Killion	Phillips	Wagner
Dermody	King	Pickett	Walko
DeWeese	Kirkland	Preston	Wansacz
DiGirolamo	Kortz	Pyle	Waters
Donatucci	Kotik	Quigley	Watson
Eachus	Kula	Quinn	Wheatley
Ellis	Leach	Rapp	White
Evans, D.	Lentz	Raymond	Williams
Evans, J.	Levdansky	Readshaw	Wojnaroski
Everett	Longietti	Reed	Yewcic
Fabrizio	Maher	Reichley	Youngblood
Fairchild	Mahoney	Roae	Yudichak
Fleck	Major	Rock	
Frankel	Manderino	Roebuck	O'Brien, D.,
Freeman	Mann	Ross	Speaker
Gabig	Mantz	Rubley	

NAYS-11

Bear	Denlinger	Mensch	Rohrer
Cox	Gillespie	Metcalfe	Saylor
Cutler	Mackereth	Miller	

NOT VOTING-0

EXCUSED-3

Beyer	Perry	Ramaley
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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.

SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2722, PN 4224**, with information that the Senate has passed the same without amendment.

**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 740, PN 2499**.

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

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 647, PN 4519; HB 1664, PN 4520; HB 1723, PN 4513; HB 1845, PN 4528; and HB 2499, PN 4523**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**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 44, PN 4414**

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

**HB 834, PN 4510**

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

**HB 2722, PN 4224**

An Act designating the bridges on State Route 830 over Interstate 80 in Washington Township, Jefferson County, as the SFC Michael J. Tully Memorial Bridges.

**SB 684, PN 2475**

An Act providing for child death review.

**SB 908, PN 2374**

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

**SB 1019, PN 1711**

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions

and recreational vehicle rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

**SB 1225, PN 2413**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

**SB 1308, PN 2416**

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

**SB 1503, PN 2474**

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009, itemizing additional State and local bridge projects.

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

The SPEAKER. The House will come to order.

**RESOLUTION PURSUANT TO RULE 35**

Mr. MILLARD called up **HR 925, PN 4497**, entitled:

A Resolution designating the month of November 2008 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

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

Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

SUPPLEMENTAL CALENDAR C CONTINUED

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1044, PN 3639**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission and for police training.

On the question,

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-200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro

Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siproth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer	Perry	Ramaley
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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.

The House will come to order.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1511, PN 4439**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

On the question,

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—199

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman			

NAYS—1

Maher

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

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.

The House will come to order.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. MELIO called up **HR 910, PN 4448**, entitled:

A Resolution designating the month of September 2008 as "Brain Aneurysm Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

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

\* \* \*

Mr. BUXTON called up **HR 911, PN 4449**, entitled:

A Resolution designating October 16, 2008, as "Conflict Resolution Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

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

\* \* \*

Mr. ADOLPH called up **HR 912, PN 4473**, entitled:

A Resolution honoring Christopher J. Ferguson, Commander, United States Navy, on being named to command the National Aeronautics and Space Administration space shuttle mission STS-126 to the International Space Station targeted for launch in November 2008.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

\* \* \*

Mr. GODSHALL called up **HR 913, PN 4450**, entitled:

A Resolution designating October 21, 2008, as "Biomedical Research Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

The SPEAKER. The House will be at ease.

The House will come to order.

**CONSIDERATION OF HB 120 CONTINUED**

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

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes Representative Saylor, who moves to suspend the rules for the consideration of amendment A09764, which the clerk will read.

The clerk read the following amendment No. **A09764**:

Amend Title, page 1, line 5, by inserting after "thereto," " in preliminary provisions,

Amend Title, page 1, line 6, by inserting after "attendance" , for prohibition of certain regulations for the 2008-2009 fiscal year

Amend Sec. 1, page 1, lines 12 through 14, by striking out all of said lines and inserting

Section 1. Section 117 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added July 9, 2008 (P.L.846, No.61), is amended to read:

Section 117. Prohibition of Certain Regulations for the 2008-2009 Fiscal Year.—(a) Notwithstanding any provision of law to the contrary, in the 2008-2009 fiscal year, a regulation to change or

establish high school graduation requirements shall not be further promulgated, approved or proposed.

(b) No Federal or State funds shall be expended by the Department of Education for the development of any component of a Statewide system of high school graduation requirements until such time as express authority has been granted by act of the General Assembly.

Section 1.1. Section 1327 of the act is amended by adding a subsection to read:

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

The SPEAKER. The Chair recognizes Representative Saylor on the motion to suspend the rules.

Mr. SAYLOR. Mr. Speaker, I rise to suspend the rules to offer this amendment.

Back earlier this year in July when we passed our State budget, our State budget from the State House and the State Senate, Republicans and Democrats alike, had stated to the Governor that we did not want any action taken on our GCAs (graduation competency assessments), the graduation competency tests, and the Governor has moved forward with an expenditure of \$9 million of our Commonwealth dollars for an RFP (request for proposal) to awarding of a contract for these tests before the State has even drawn up any kind of curriculum. So I rise today. This amendment forbids the Governor from spending those dollars at this time.

So I ask for an affirmative vote in suspending the rules, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, Representative Keith McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we would oppose the suspension of the rules at this time.

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

The following roll call was recorded:

YEAS—106

Adolph	Freeman	McIlhattan	Reichley
Argall	Geist	Mensch	Roae
Baker	Gillespie	Metcalfe	Rock
Barrar	Gingrich	Micozzie	Rohrer
Bastian	Godshall	Millard	Ross
Bear	Grucela	Miller	Rubley
Benninghoff	Harhart	Milne	Samuelson
Boback	Harper	Moul	Saylor
Boyd	Harris	Moyer	Scavello
Brooks	Helm	Mustio	Schroder
Cappelli	Hennessey	Nailor	Siptroth
Causar	Hershey	Nickol	Smith, S.
Civera	Hess	O'Neill	Sonney
Clymer	Hickernell	Payne	Stairs
Cox	Hutchinson	Peifer	Steil
Creighton	Kauffman	Perzel	Stern
Cutler	Keller, M.K.	Petri	Stevenson
Dally	Kenney	Phillips	Sturla
Denlinger	Killion	Pickett	Swanger
DePasquale	Kotik	Pyle	Taylor, J.
DiGiroloamo	Mackereth	Quigley	True
Ellis	Maher	Quinn	Turzai
Evans, J.	Major	Rapp	Vereb
Everett	Mantz	Raymond	Vulakovich

Fairchild	Marshall	Readshaw	Watson
Fleck	Marsico	Reed	Yewcic
Frankel	McI. Smith		

NAYS—94

Belfanti	Galloway	Mahoney	Shapiro
Bennington	George	Manderino	Shimkus
Biancucci	Gerber	Mann	Smith, K.
Bishop	Gergely	Markosek	Smith, M.
Blackwell	Gibbons	McCall	Solobay
Brennan	Goodman	McGeehan	Staback
Buxton	Grell	Melio	Surra
Caltagirone	Haluska	Mundy	Tangretti
Carroll	Hanna	Murt	Taylor, R.
Casorio	Harhai	Myers	Thomas
Cohen	Harkins	O'Brien, M.	Vitali
Conklin	Hornaman	Oliver	Wagner
Costa	James	Pallone	Walko
Cruz	Josephs	Parker	Wansacz
Curry	Keller, W.	Pashinski	Waters
Daley	Kessler	Payton	Wheatley
DeLuca	King	Petrarca	White
Dermody	Kirkland	Petrone	Williams
DeWeese	Kortz	Preston	Wojnarowski
Donatucci	Kula	Roebuck	Youngblood
Eachus	Leach	Sabatina	Yudichak
Evans, D.	Lentz	Sainato	
Fabrizio	Levdansky	Santoni	O'Brien, D., Speaker
Gabig	Longietti	Seip	

NOT VOTING—0

EXCUSED—3

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

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Godshall, who moves to suspend the rules for the consideration of amendment A09757.

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

The SPEAKER. The Chair recognizes Representative Godshall on the motion to suspend the rules.

Mr. GODSHALL. Thank you, Mr. Speaker.

I knew the results, what would happen on suspension of the rules. This amendment that I was offering had to do with schools after Labor Day, starting schools after Labor Day, which is an important topic for an awful lot of people, an awful lot of kids whose jobs depend on working that week.

It is an issue that has been before the House. All I have ever wanted to do was get an up-or-down vote on this issue and have not been able to do it, and I know that this is not the time.



## MOTION WITHDRAWN

Mr. GODSHALL. So I will be withdrawing this amendment, especially since it requires a suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. Representative Metcalfe.

Does the gentleman seek recognition on final passage?

Mr. METCALFE. Yes, Mr. Speaker.

The SPEAKER. The gentleman will wait until the Chair announces it. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. 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?

The Chair recognizes Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if the sponsor would submit to a couple of quick questions of interrogation.

The SPEAKER. Representative Roebuck indicates he will stand for interrogation. Representative Metcalfe is in order and may proceed.

The Chair will once again ask members to please break their conferences up, asks members to please take their seats, and take their conferences off the floor. The noise level is entirely too loud.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, reading the bill, I understand the intent of the sponsor of the bill is to try and ensure that we have more of our young adults graduating from the schools across the State of Pennsylvania, which is a concern that I share. I do have some concerns on the way this legislation approaches it. I just wanted to clarify the understanding of the legislation.

Mr. Speaker, as I read the bill and look at considering it here, it appears that when a young adult, who is of legal age to decide that they no longer wish to attend a public school in Pennsylvania, would decide that they are going to quit school, that this legislation would require the school district to attempt to advance a survey with that student to question them to try and determine why they were dropping out of school. Is that correct, Mr. Speaker?

Mr. ROEBUCK. Mr. Speaker, the intent would be that at the point that a young person would determine to drop out of school, at least they would be advised of the options they had, and the intent would be to try and encourage them to at least finish their education through high school.

Mr. METCALFE. Mr. Speaker, the survey that this legislation would require the school district to attempt to give to that young adult that would decide to quit school, that survey

would be put forth after the young adult decided they no longer wanted to attend school. Is that correct?

Mr. ROEBUCK. That is my understanding, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

Now, Mr. Speaker, if this young adult who says that they no longer want to attend the public school system that they have been attending and they are going to quit attending school, if they decline to give any answers to the survey or to cooperate with the school district in providing this information, then this legislation appears to then require the school district to attempt to gain this information from the parents of that young adult. Is that correct, Mr. Speaker?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

Now, Mr. Speaker, if the parents then determine that they do not have any personal knowledge because their young adult has not chosen to share that with them as to why they are quitting school, they have to work when the school district is asking them to cooperate with this survey, if the parents then say, you know what? You need to talk to our young adult who is now of legal age to quit school. We are not going to do this survey. We are not going to cooperate with you on this. It appears that this legislation would then allow for the school district to impose a civil penalty on those parents. Is that correct, Mr. Speaker?

Mr. ROEBUCK. It is an option, Mr. Speaker. My understanding, from having talked to those who have been in this circumstance, is that it is oftentimes at this point that there is a recognition of the downside of dropping out of school, and the intent is to make that clear. It is an option; it is not mandatory.

Mr. METCALFE. So, Mr. Speaker, let me ask, the way that the legislation is written, would the school district be allowed to impose a civil penalty on the parents for not cooperating with the survey that the young adult refused to take?

Mr. ROEBUCK. Yes, they could but it is not required.

Mr. METCALFE. So the school district could impose a penalty, but this law would not require the school district to impose a penalty?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. And trying to determine what that penalty would be from a quick question of research staff, it appears that the penalty would not be able to exceed a \$300 fine. It could be \$300 or less according to section 1333 that references it in this legislation. Is that the intent and is that correct, Mr. Speaker?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

I appreciate the prime sponsor entertaining my questions.

If I could just make a couple of brief comments, Mr. Speaker?

The SPEAKER. Representative Metcalfe is in order and may proceed with his comments.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I share the sponsor's concern for our young adults that choose not to take full advantage of the education that is being provided to them by their parents and the taxpayers of Pennsylvania. For anybody that is a young adult to quit school before they receive their graduation certificate, I think, is a very unwise move on the part of that young adult.

But, Mr. Speaker, we do have in law age requirements for attending school. We do allow a young adult at a certain age to determine that they would no longer like to complete that course of education, and to set in place a new law that would attempt to survey them, I think would be fine, Mr. Speaker. I think it

would be fine to try and survey their parents, Mr. Speaker, to find out why the young adult is quitting, but at this point we would actually allow a school district to impose up to a \$300 fine on parents who may not have any immediate knowledge of why their young adult is choosing not to cooperate because their young adult might not be cooperating with them. We have allowed that young adult to make the decision. I think it is very bad policy for us to allow a penalty to be imposed on another adult for a young adult's decision that they do not have any control over, Mr. Speaker.

Mr. Speaker, I mean, it is a good thing to hold parents accountable for the actions of their children that are under their guardianship and their direction through those course of years that they can exercise their parental responsibilities, but, Mr. Speaker, at that point in time that the government has said this young adult has the right to make this decision and then we would impose a penalty on their adult parents for their decision that they have no control over, Mr. Speaker, I do not believe is a good policy. I do not believe that it will do anything but cause more grief on behalf of those parents whose young adult has chosen not to continue their education in the school system that is currently being paid for by the taxpayers.

Mr. Speaker, I think a \$300 fine is something that could be a severe hardship to many families across this Commonwealth that are working week to week to make ends meet for their families, may have younger children that are still in the system. That \$300 would buy quite a few pairs of shoes, quite a few lunches, Mr. Speaker.

Mr. Speaker, I know it is not mandatory that the school district would impose that penalty, but I do not believe that we should even allow it to be an option. This is a law that would be put in place to give a school district the option of creating this fine, thereby we would be the ones responsible for allowing that penalty to be imposed on the parents.

Mr. Speaker, I would ask for a negative vote on HB 120.  
Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—118

Argall	Frankel	Manderino	Seip
Belfanti	Freeman	Mann	Shapiro
Bennington	Galloway	Mantz	Shimkus
Bianucci	George	Markosek	Siptroth
Bishop	Gerber	McCall	Smith, K.
Blackwell	Gergely	McGeehan	Smith, M.
Boback	Gibbons	Melio	Solobay
Brennan	Goodman	Moyer	Staback
Buxton	Grucela	Mundy	Stairs
Caltagirone	Haluska	Murt	Sturla
Cappelli	Hanna	Myers	Surra
Carroll	Harhai	O'Brien, M.	Tangretti
Casorio	Harkins	Oliver	Taylor, J.
Cohen	Harper	Pallone	Taylor, R.
Conklin	Hornaman	Parker	Thomas
Costa	James	Pashinski	Vereb
Cruz	Josephs	Payton	Vitali
Curry	Keller, W.	Perzel	Wagner
Daley	Kenney	Petri	Walko
DeLuca	Kessler	Petrone	Wansacz

DePasquale	King	Preston	Waters
Dermody	Kirkland	Quinn	Wheatley
DeWeese	Kortz	Readshaw	White
DiGirolamo	Kotik	Roebuck	Williams
Donatucci	Kula	Rubley	Wojnaroski
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Evans, J.	Levdansky	Samuelson	
Fabrizio	Longietti	Santoni	O'Brien, D., Speaker
Fleck	Mackereth	Scavello	

#### NAYS—82

Adolph	Gillespie	McIlhattan	Raymond
Baker	Gingrich	Mensch	Reed
Barrar	Godshall	Metcalfe	Reichley
Bastian	Grell	Micozzie	Roae
Bear	Harhart	Millard	Rock
Benninghoff	Harris	Miller	Rohrer
Boyd	Helm	Milne	Ross
Brooks	Hennessey	Moul	Saylor
Causar	Hershey	Mustio	Schroder
Civera	Hess	Nailor	Smith, S.
Clymer	Hickernell	Nickol	Sonney
Cox	Hutchinson	O'Neill	Steil
Creighton	Kauffman	Payne	Stern
Cutler	Keller, M.K.	Peifer	Stevenson
Dally	Killion	Petrarca	Swanger
Denlinger	Maher	Phillips	True
Ellis	Mahoney	Pickett	Turzai
Everett	Major	Pyle	Vulakovich
Fairchild	Marshall	Quigley	Watson
Gabig	Marsico	Rapp	Yewic
Geist	McI. Smith		

#### NOT VOTING—0

#### EXCUSED—3

Beyer	Perry	Ramaley
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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.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 949, PN 4428**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

On the question,  
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—200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longiatti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer	Perry	Ramaley
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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.

The House will come to order.

SUPPLEMENTAL CALENDAR C CONTINUED

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1027, PN 4340**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

On the question,

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—200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longiatti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes the fourth graders from Wallenpaupack South Elementary School. They are the guests of Representative Mike Peifer. They are in the balcony. Would you please stand and be recognized. That is where I learned how to water ski; not well, but I learned.

The House will come to order.

CALENDAR CONTINUED

CONSIDERATION OF HR 879 CONTINUED

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

The following roll call was recorded:

YEAS-200

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

Creighton Josephs Payne Taylor, R.
Cruz Kauffman Payton Thomas
Curry Keller, M.K. Peifer 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
Dermoddy Kortz Preston Wansacz
DeWeese Kotik Pyle Waters
DiGirolamo Kula Quigley Watson
Donatucci Leach Quinn Wheatley
Eachus Lentz Rapp White
Ellis Levdansky Raymond Williams
Evans, D. Longiotti Readshaw Wojnaroski
Evans, J. Mackereth Reed Yewcic
Everett Maher Reichley Youngblood
Fabrizio Mahoney Roae Yudichak
Fairchild Major Rock
Fleck Manderino Roebuck O'Brien, D.,
Frankel Mann Rohrer Speaker
Freeman Mantz

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

\* \* \*

Mr. SCHRODER called up HR 926, PN 4498, entitled:

A Resolution designating the week of October 5 through 11, 2008, as "Latex Allergy Awareness Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

\* \* \*

Mr. MILLER called up **HR 928, PN 4499**, entitled:

A Resolution declaring October 26 through November 1, 2008, as "Juvenile Detention Centers Week," throughout Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro

Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siproth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	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	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longietti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

**DEMOCRATIC CAUCUS**

**RULES COMMITTEE MEETING**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we will have an immediate Democratic caucus, we will have a Rules Committee meeting at 1:05, and our goal is to be back on the floor at 1:15.

The SPEAKER. The Rules Committee will meet at 1:05.

**REPUBLICAN CAUCUS**

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

I would like to announce a Republican caucus immediately at the call of the recess. Republicans, please report to caucus. Thank you.

The SPEAKER. The Chair thanks the lady.

**VOTE CORRECTION**

The SPEAKER. For what purpose does Representative Marguerite Quinn rise?

Ms. QUINN. To correct the record, Mr. Speaker.

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

Ms. QUINN. On HB 120, I was recorded in the affirmative and I would like to be in the negative.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

Ms. QUINN. Thank you.

**RECESS**

The SPEAKER. Are there any other announcements?

Seeing none, this House will stand in recess until 1:15, unless sooner recalled by the Chair.

**AFTER RECESS**

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

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 647, PN 4519** By Rep. DeWEESE

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

RULES.

**HB 1664, PN 4520** By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

RULES.

**HB 1723, PN 4513** By Rep. DeWEESE

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

RULES.

**HB 1845, PN 4528** By Rep. DeWEESE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

RULES.

**HB 2499, PN 4523** By Rep. DeWEESE

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

RULES.

**SB 740, PN 2499** By Rep. DeWEESE

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and 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 Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

RULES.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative FRANKEL be placed on leave. The Chair hears no objection. Leave will be granted.

The House will come to order.

**RULES 21(E) and 24 SUSPENDED**

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the House suspend rule 24 and rule 21(e) for the immediate consideration of HB 747, HB 1845, SB 100, SB 295, HB 647, HB 1664, HB 2499, HB 1723, and SB 740.

The SPEAKER. The gentleman, Representative McCall, moves to suspend rules 21(e) and 24.

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

The following roll call was recorded:

## YEAS—155

Adolph	Fairchild	Mackereth	Rubley
Argall	Fleck	Mahoney	Sabatina
Barrar	Freeman	Major	Sainato
Bastian	Gabig	Manderino	Santoni
Belfanti	Galloway	Mann	Saylor
Bennington	Geist	Mantz	Scavello
Biancucci	George	Markosek	Seip
Bishop	Gerber	McCall	Shapiro
Blackwell	Gergely	McGeehan	Shimkus
Boback	Gibbons	Melio	Siptroth
Brennan	Gillespie	Metcalfe	Smith, K.
Brooks	Gingrich	Micozzie	Smith, M.
Buxton	Goodman	Millard	Smith, S.
Caltagirone	Grucela	Miller	Solobay
Cappelli	Haluska	Moul	Sonney
Carroll	Hanna	Moyer	Staback
Casorio	Harhai	Mundy	Stern
Causar	Harhart	Myers	Stevenson
Civera	Harkins	Nickol	Sturla
Cohen	Harris	O'Brien, M.	Surra
Conklin	Helm	Oliver	Tangretti
Costa	Hennessey	Pallone	Taylor, J.
Cox	Hershey	Parker	Taylor, R.
Cruz	Hess	Pashinski	Thomas
Curry	Hornaman	Payne	Vitali
Daley	James	Payton	Wagner
Dally	Josephs	Perzel	Walko
DeLuca	Keller, W.	Petrarca	Wansacz
Denlinger	Kenney	Petri	Waters
DePasquale	Kessler	Petrone	Wheatley
Dermody	Killion	Phillips	White
DeWeese	Kirkland	Preston	Williams
DiGirolamo	Kortz	Pyle	Wojnaroski
Donatucci	Kotik	Raymond	Yewcic
Eachus	Kula	Readshaw	Youngblood
Ellis	Leach	Rock	Yudichak
Evans, D.	Lentz	Roebuck	
Evans, J.	Levdansky	Rohrer	O'Brien, D.,
Everett	Longietti	Ross	Speaker
Fabrizio			

## NAYS—44

Baker	Hutchinson	Murt	Roae
Bear	Kauffman	Mustio	Samuelson
Benninghoff	Keller, M.K.	Nailor	Schroder
Boyd	King	O'Neill	Stairs
Clymer	Maher	Peifer	Steil
Creighton	Marshall	Pickett	Swanger
Cutler	Marsico	Quigley	True
Godshall	McI. Smith	Quinn	Turzai
Grell	McIlhattan	Rapp	Verbe
Harper	Mensch	Reed	Vulakovich
Hickernell	Milne	Reichley	Watson

## NOT VOTING—0

## EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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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.

## SUPPLEMENTAL CALENDAR D

BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 647, PN 4519**, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

On the question,

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—180

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

NAYS—19

Benninghoff	Denlinger	Kauffman	Roae
Brooks	Everett	Keller, M.K.	Rock
Causer	Gillespie	Mantz	Rohrer
Cox	Grell	Metcalfe	Stevenson
Creighton	Hutchinson	Rapp	

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1845, PN 4528**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

On the question,

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—199

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

Carroll	Helm	Myers	Stairs
Casorio	Hennessey	Nailor	Steil
Causer	Hershey	Nickol	Stern
Civera	Hess	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.K.	Payton	Thomas
Curry	Keller, W.	Peifer	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	Rapp	White
Ellis	Longiotti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Freeman	Mantz	Rohrer	Speaker
Gabig			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

**REMARKS SUBMITTED FOR THE RECORD**

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

All of us are aware of the recent increases in criminal gun violence in the Commonwealth. Law enforcement and others have expressed serious concerns about the phenomenon of "straw purchasers" who legally purchase guns from firearm dealers and turn around to provide those same guns to criminals. Section 6111 of our Crimes Code contains, among other things, language which criminalizes the conduct of these "straw purchasers."

Recent information from the Pennsylvania Sentencing Commission indicates that from 2004-2006, there were less than 100 convictions for 6111 offenses each year. While I am encouraged by recent reports of significant arrests and illegal gun seizures by the Attorney General's task force in Philadelphia, I have concerns that it may take time to put together cases for 6111 straw purchase prosecutions.

My amendment included in HB 1845 would increase the statute of limitations for offenses involving straw purchases of firearms as well as knowingly making false statements on the forms associated with firearm purchases. The statute of limitations for these offenses would be increased to 5 years.



I want to thank the House and the Senate for voting for the above amendment. This language will make our streets safer.

The SPEAKER. The House will be at ease.

The House will come to order.

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2499, PN 4523**, entitled:

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

On the question,

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—191

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

Fleck	Manderino	Rohrer	
Freeman	Mann	Ross	O'Brien, D.,
Gabig	Mantz	Rubley	Speaker
Galloway			

NAYS—8

Benninghoff	Creighton	Metcalfe	Rapp
Causar	Hutchinson	Pyle	Roe

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1723, PN 4513**, entitled:

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

On the question,

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—199

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

Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.K.	Payton	Thomas
Curry	Keller, W.	Peifer	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	Rapp	White
Ellis	Longietti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D., Speaker
Freeman	Mantz	Rohrer	
Gabig			

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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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.

The House will come to order.

## CALENDAR CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 100, PN 2484**, entitled:

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

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 Metcalfe.

Mr. METCALFE. Mr. Speaker, is it an appropriate time to speak on final passage?

The SPEAKER. The gentleman is recognized to speak on final passage.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I know that we have heard some argument that this would be good legislation because we are not going to be licensing those small business people that are out there working as contractors and doing home improvement and those types of things. But as I understand the legislation, it provides for a registry and requires the small business owners that are out there working day to day now, doing home improvements and such, that they would be required to pay a registry fee of what I believe is \$50 a year that would ultimately be a \$25 fee a year.

Mr. Speaker, this is a cost that many of these small business folks are not incurring right now, and with the state of the current economy and the prices of gasoline and the other economic factors that are weighing on everybody's minds very heavily, I do not think it is a wise policy move to advance a policy that is going to, yet again, ask our small business people to pay more to the government so they can try and keep themselves employed and create jobs.

Mr. Speaker, I know that there are problems out there throughout the State where somebody might be taken as they are looking for a contractor, but I do not believe the right policy decision is to penalize all contractors and all small business people for what some might do that could otherwise be dealt with in another manner through our law enforcement and through other laws that we have.

I am going to be voting in the negative, and I would ask all those who do appreciate job creators and small business people to vote "no" and vote to not impose yet another fee on our small business owners. Thank you, Mr. Speaker.

Mr. PRESTON. Mr. Speaker?

The SPEAKER. Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I am going to ask the members who care and support small business owners and an awful lot of the consumers and senior citizens across this State to support the Tomlinson bill.

We have had this in the Consumer Affairs Committee, but not only that, it has been 10 to 15 years we have been working on these types of issues. Is it the answer to all things? No; the next term we are going to have to look at further things. But the issue of registration and some of these things are very important in today's market, because we have so many different people who go across different county lines. This will be able to give your consumers and other businesspeople who are even going to use subcontractors to know if they have had other problems in other areas of the State or other counties or other municipalities.

Also, I guess I would like to thank Representative McCall and also especially Representative Shimkus. They also had similar bills relative to this, but this is the best vehicle to be able to solve a problem that has been going on a lot of years. If you care about small business, if you care about reputable, good small businesses, if you care about those contractors who want to be able to have a good name so we can weed out those who have not been so responsible, if you care about the senior citizens or the young couple who is buying a first-time starter house and they want to be able to remodel it and not be able to be ripped off, this helps the answer so that people can check ahead of time and verify, not just call the local municipality,

because sometimes we have contractors that deal with over 100 separate municipalities. This will give them a chance. It also will give a chance for local district attorneys to be able to be a little bit more forthcoming and be able to get those bad guys, and so the good contractors can make the money that they need and provide the jobs in the Commonwealth that we need.

So again, I would like to thank Senator Tomlinson, Representative McCall, and Representative Shimkus in supporting SB 100 so that we can get on with the people's business. Thank you.

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

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

Mr. Speaker, I, too, rise in opposition to this legislation for two reasons.

One, Mr. Speaker, this legislation is clearly overkill in regards to the amount of registration and regulation that it imposes on the people that work in this industry. I think it just goes way too far on the heavy-hand-of-government side of things.

But probably more importantly, Mr. Speaker, the reason I oppose this bill is because it is not going to protect the consumers in the way that it is designed or the way that it is portrayed. Fundamentally, Mr. Speaker, the way this bill currently reads, when a person comes in to agree or to sign a contract with a home improvement contractor, they are going to be required to pay 20 percent up front and the other remaining portion has to be collected at a later date, the implication being, Mr. Speaker, that I as the consumer would be able to withhold that additional money until the end of the home improvement contract, until the job was done and I am satisfied. But in reality, Mr. Speaker, the way this bill reads – and I fail to understand this at all, Mr. Speaker – the way it reads, you are going to be able to go in and swipe your credit card, if it is at a retail-type store, or with an individual small contractor you are going to pay the 20 percent, and virtually the next minute or the next day or whatever that contractor or person providing those services chooses, you could be required to pay virtually the next minute. It just requires two sets of papers. It does not allow me as the consumer to hold back the 10 or 15 or 20 percent until the job is done, and it just baffles me, Mr. Speaker.

The way to empower consumers in this issue, to provide them protection, is to do what most reputable contractors do: They tell you, you are going to pay up front basically what I need to buy the materials and get this project started. You are going to pay me a certain amount, perhaps when I get started or somewhere in the course of the action, and you are going to be allowed to hold back 10, 15 percent so that when the job is done and the contractor comes back out and the consumer says, "I am satisfied," or "I'm not paying you that last 10 percent until you fix something here on the corner trim," that is the simple way to resolve this, is to allow the consumer the ability to hold back that 10 percent or 15 percent until the consumer is satisfied. This legislation implies that but it does not require that, and in fact in many instances, consumers are going to still be paying the full price before the job is complete. That is not going to provide the protection. You are going to be stuck going a different route, and it just is going to be a cumbersome process for both the consumer and for the individual contractor, and I think it is just a wrong approach to solving a serious problem.

Thank you, Mr. Speaker.

The SPEAKER. Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

The Association of Builders supports this bill. The reputable builders have no problem with this bill. We are not concerned about the reputable ones; we are concerned about those who just call themselves contractors and rip off the people, which they have done so much in my community, leaving the people with hazardous bills because they cannot locate these contractors, find out who they are. They just rip off the customers and take off, and there is no way to find out who they are.

The district attorney, the Bucks County Consumer Protection agent, all these people, Senator Tomlinson put in a lot of time in this bill. This is for the little guy. I would hope that you would support the poor people in my district who have been ripped off, and I would please ask you to support this bill. Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we pass SB 100.

Mr. Speaker, a lot of the members on the other side of the aisle will remember Representative Chris Wogan. When the gentleman was chairman of the Consumer Affairs Committee, I was the minority chairman of the House Consumer Affairs Committee, and one of the regular complaints that we received on that committee was people coming to us saying, you have to do something to regulate home contractors. We sat down with then Attorney General Mike Fisher and worked out legislation that is a hybrid of what you see before you today.

This is a culmination of about 15 years of work started by Representative Wogan, Judge Wogan, today Senator Tomlinson. I have legislation as well that deals with the same issue, except I go even further. I provide a guarantee fund so people can come back and get dollars if they are ripped off by unscrupulous contractors.

The reality is, the Attorney General has told us time and time again that it is a problem that we have to address. Everybody around us has some form of licensure – and we are not even talking about licensure here; we are merely talking about registration – everybody around us requires contractors to be licensed or registered in some way, and it is time Pennsylvania follows suit and does the same thing.

Dear God, people, we tell barbers – barbers – we make them get a license to cut your hair for \$8, yet somebody could pull up to my driveway in a pickup truck, I hire them for a \$20,000 or \$30,000 contract, and there is no requirement, number one, that he could even read a ruler, but he has to be licensed or be registered in any way. That is all that we are asking. We are just saying, we want you to register so we can follow whether or not you are good or bad.

My local builders, they call it a jobs bill, because it is going to get rid of those unscrupulous contractors. That is all we are asking to do here. We are not saying we want you to be able to read a ruler. You should be able to, but we are not saying that we want you to do that. We merely want you to register with the Attorney General and provide a registration number, 50 bucks – \$25 every 2 years so the Attorney General could help with the enforcement of this act.

I do not think that is unreasonable. We tell our licensure boards, they pay hundreds of dollars for some of these licenses. We are not even saying that; we merely want you to register. So if you do perpetrate a crime, we are going to be able to go after you and put teeth into this legislation that allows the Attorney General to go after these unscrupulous contractors. It is registration. It is nothing more than registration and a

requirement that a written contract be in place so we have an enforceable document, so when somebody goes to get recourse in these situations, they will have the ability to get that recourse.

In 2007 complaints against home improvement contractors ranked seventh overall for complaints received by the Bureau of Consumer Protection and fourth highest among complaints filed by senior citizens. That is from the Attorney General's Office. That is what their statistics are.

Mr. Speaker, it is high time that this State steps up to the plate and asks contractors to merely register so we can keep track of the good and the bad. This is a very, very important piece of legislation. It has been vetted for well over 15 years. This is, I think, a first step in combating the problems that we have with consumer fraud with home contractors, and I would ask that the House of Representatives supports this legislation.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am certain that every member of this body wishes to protect consumers from unscrupulous, fly-by-night contractors. So far so good. And that is how this bill is advertised – so far so good. But here is the rub: As we established yesterday, the bill actually strips existing protections away from consumers. The little guy we have heard folks refer to today, the little guy who is doing a contract that is \$500 or less, will have absolutely no ability to have recourse if he is ripped off. In fact, this bill creates, indemnifies and creates immunity for crooks. The bill says that if a homeowner makes an agreement with someone for \$500 or less, that that contract will be unenforceable and invalid, which means the consumer has no rights to enforce it – none. That is wrong. Under common law right now, the consumer has that. He can go to a magistrate and seek recourse.

Now, if this was not intended, it could have been repaired. In fact, I reached out across the aisle and said, let us sort this out; let us repair it. If it is a technical problem, we could have still had a technical amendment today. But the other side had no interest in repairing this, so apparently it is their intent that the little guy cannot have any protection, any recourse, if he is ripped off. The bad guys will be able to show up in court holding this bill and saying, look here, Mr. Magistrate, I am exempt; this contract is not enforceable; I am free as a bird. The magistrate is going to have to say, sorry, constituent of ours, your legislator voted to deny you the right to recover when you are ripped off. That is just wrong.

Another thing that is very bad in this legislation is to prohibit consumers from having more than a third of their cash being refundable. Under existing law, if an individual who is hiring a contractor wants to make an arrangement where every dollar on the table is refundable until they are satisfied with the job, they can do that. The way this bill is written, it says that no more than one-third can be refundable, and the rest of it then is not refundable. So if the job goes bad, if you pass this bill the way it is, when that consumer gets ripped off and wants his money back, the person who is ripping them off is going to bring your work into the court and say, "Your Honor, no more than a third of this is refundable," and the judge reading this, if this becomes law, will say to your constituent, "I'm sorry, but your legislator voted to prohibit you from getting more than a third of your money back. There is nothing I can do."

Now, I will bet those constituents will be delighted when they learn these lessons from the School of Hard Knocks. And again, if this is not intended, let us repair it. If these are technical problems, let us repair it. We could still do technical

corrections on third consideration today, but the majority did not want to have corrections. The majority wants this bill to go forward with these flaws that undermine the rights of the little guy and grant immunity for the bad guys. That is not consumer protection, and if it was not intended, if it was not intended, it should have been corrected, and the fact that it was not corrected tells me that that is part of the plan. So do not call this consumer protection. You are taking rights from your constituents and empowering the bad guys who will go into court holding this bill, and it is their "get out of jail free" card, so to speak.

It is a shame. It is important legislation. It could have been done right. Why is it not being done right? I am hearing, all these years, all this study, all this effort; why not do it right? It could have taken 10 minutes to write the amendment that would be necessary to repair these things if they are actually unintended, if they are actually technical defects, but instead, there is a determination by the majority to go forward with this bill knowing it is going to hurt consumers. That is just a shame.

Thank you, Mr. Speaker.

The SPEAKER. Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if perhaps the gentleman from Carbon County might stand for just real brief interrogation?

A couple of quick questions about the bill: How does somebody, under the current structure of the bill, do a project time and material? I just recently completed a fairly substantial renovation to my home, and by and large it was done time and material. So the contract did not specify a deposit, those kinds of things. Would this legislation preclude those types of agreements?

The SPEAKER. Has the gentleman asked Representative McCall to stand for interrogation?

Mr. BOYD. Yes.

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

Mr. BOYD. Oh, he nodded. Sorry about that, Mr. Speaker.

Mr. McCALL. Under the legislation, that would have to be outlined in the contract that you make between you and the contractor.

Mr. BOYD. So there is nothing in this legislation that would preclude those types of agreements since there is nothing—

Mr. McCALL. That is correct.

Mr. BOYD. And then this second question: In terms of the deposit, the 30 percent down, the project that I did with the contractor, by his own standards, he only requested \$100 down and then there was a payment schedule at certain periods of time in the project, when so much work was done. The \$100 was not 30 percent of the project.

Mr. McCALL. Right.

Mr. BOYD. Can we still do those types of agreements, or are they going to be required now to get me to give 30 percent up front?

Mr. McCALL. Yeah; it is up to a minimum of the 30 percent. So if that is what you articulate in that written contract with that payment schedule, it would be okay under this act.

Mr. BOYD. So it actually would be more of a maximum of 30 percent.

Mr. McCALL. Correct.

Mr. BOYD. But if the contractor so desires to only take a stipend down and then have—

Mr. McCALL. No more than 30 percent.

Mr. BOYD. Okay. That answers my questions.

Thank you, Mr. Speaker. Thanks.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to speak in favor of passage of SB 100. I want to again – I think I did yesterday – thank the Representative from Carbon County, Summit Hill, where they have \$8 haircuts. I got to get up there more often, and I need one.

This bill is important. It is not perfect. I voted for some amendments yesterday that I thought would have improved it. They did not pass. But what is going on here, there is going to be a cost to people that do not do anything wrong, good people. Both the consumers and the businesses are going to have to pay a cost right now under this provision.

Just like any enforcement provision we have, that will be true. We pay for police forces and district attorneys. We are going to pay for some new judges, maybe. We pay for these things. When you go to the bank, you pay to make sure that people cannot rip you off. Unfortunately, there are people out there taking advantage and victimizing people.

Who pays the cost right now? That cost is being borne right this very minute, and it has been going on for years and years; it is the victims of these fraudulent operators – many of whom are organized crime – they operate across State lines and county lines and they come into communities and just rip off people, and it is usually the elderly. And people say, oh, if they are dumb enough to take this; I have heard that comment.

A lot of people that are elderly from that generation that I have known and looked in the eyes, they came from a much more trusting era of our country. I do not know what else to say. They trust people, and when somebody comes up to them and says they are going to do a job, they believe them. And they have had much of their life's savings stolen by these kinds of crooks, and the D.A.s and the AGs (Attorneys General) cannot do anything about it under our current law. This gives them a tool to go after these operators.

I have had communication— Why I really wanted to stand up, I said many of these points yesterday. It is not a perfect bill; I agree with that, and maybe down the road, we can continue to work to improve it, but it needs to be passed. It is a Republican sponsor of this bill. We keep saying "the other side" as if this is some kind of partisan issue.

Let me say this also: The Republican Attorney General's Office supports this bill as amended. The Republican Attorney General of Pennsylvania supports this bill so he can do his job better to protect the citizens of this Commonwealth.

So I would ask the members on this side of the aisle to support this important piece of legislation.

The SPEAKER. Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

Two very important points that you have to consider before you vote on this bill. I have been a township supervisor for 14 years, and there are some townships out there that require licensed contracts and some do not require contractors to get a license. So these contractors that are looking to take advantage of people are going to go to the townships that do not require a license to be registered, will be able to go to those townships and take advantage and there will be no record of them whatsoever.

Another important point: Many small contractors and middle-sized contractors work in multiple townships. So if they

are working in seven or eight townships and all seven and eight of those townships require a contractor's license and a fee, they are going to be paying more money than just paying one fee to the State and being registered for the State. So that is a big advantage to the small contractors and the middle-sized contractors, where now they will only have to register in one place rather than possibly seven or eight different townships and municipalities.

Thank you, Mr. Speaker.

The SPEAKER. Representative Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

The previous speaker was correct. This is not an issue about Democrat or Republican; this is about people.

When the chief law enforcement officer of this State says that this helps give him a chance to be able to do his job to be able to protect our citizens and our constituents, I think that is important.

As you heard the history from Representative McCall going all the way back to a friend on the Republican side, Chris Wogan, now the Honorable Judge Wogan, this is so important. When we voted this bill out of committee, I had gotten a call before we had the committee meeting, and it was from the State directors of AARP. After the committee meeting, I had gone over because they were having a forum, and when I told them that this had passed out of the committee, they said this was part of their legislative agenda this term.

AARP supports this bill totally, 100 percent. Yes, we know we still can do more in the future, and we are going to do this. But on behalf of our senior citizens and AARP, along with all of the other people across this State, let us pass this bill. This is good for consumers; this is good for business; this is good for today. Thank you.

## FILMING PERMISSION

The SPEAKER. The Chair wishes to advise members he has given permission to John Eirkson of ABC-27 Harrisburg to film with videotape on the floor for 10 minutes.

## CONSIDERATION OF SB 100 CONTINUED

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Just for clarification of the record on one of the statements that was made on the floor about the little guy, I want to reassure all of you that the little guy is still protected, and he is protected through the Unfair Trade Practices Act.

The legislation says \$500, that \$500 threshold. The \$500 threshold is in there because the Unfair Trade Practices Act addresses that issue. Here is what it says: Contracts made by one of our constituents for goods and services for \$25 or more must be reduced to a written contract or they must be provided with the written receipt. So anything under \$500 but with a contract of \$25 or more is already covered under the Unfair Trade Practices Act. That is the reason why we wrote the legislation or why we wrote it that way. And if you look at page 23, section 10, any violation of this act is also a violation of the Unfair Trade Practices Act. So there is redundancy in the language, and we are making sure that the little guy is protected as well.

I would ask for an affirmative vote on SB 100. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—169

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

NAYS—30

Argall	Ellis	Major	Reed
Bastian	Everett	Marsico	Roae
Brooks	Gingrich	McIlhattan	Rock
Causer	Hershey	Metcalfe	Rohrer
Cox	Hutchinson	Millard	Smith, S.
Creighton	Kauffman	Pickett	Stevenson
Cutler	Keller, M.K.	Rapp	Swanger
Denlinger	Maher		

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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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. The House will be at ease.

The House will come to order.

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The House proceeded to third consideration of **SB 295, PN 2485**, entitled:

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

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 Gabig.

Mr. GABIG. Just briefly, this is the anti-idling legislation that has been worked on over the course of this session. I will remind my colleagues, I introduced a similar bill 2 years ago, last session, and it was a House bill and it was reintroduced this year. The Transportation Committee took it up, all these bills. Of course, though, we are dealing with the Senate bill here, and it is not unusual with a bicameral General Assembly when we seem to do a lot of Senate bills.

But I wanted to thank personally— This is a good piece of legislation. It is supported by the businesses and the industry. It is supported by the DEP (Department of Environmental Protection) and PENNDOT. And I wanted to thank Chairman Joe Markosek – "Say It Is So Joe" Markosek. I wanted to thank his staff, Stacey Ritter especially. She did yeoman's work. We did a lot of those amendments yesterday. I see her over there; thank you. Bob Mustin. They did a lot of work on this thing on our side, of course: Greg Grasa on our staff; Transportation, Rick Geist; and Eric Bugaile.

It is important. I want to ask my colleagues to join me in passing this over to the Senate so that we can get it done – Senator Browne, Pat Browne, who used to be a House member. I know everybody on Transportation— Did everybody on Transportation, did this pass unanimously out of the Transportation Committee? Transportation, they voted on it? Good. It has been changed. It has been a little bit improved.

PennFuture supports this, and I know that that concerns a lot of members that PennFuture is supportive of this, but so does the industry. It will prevent— Here is what this prevents. It prevents all these different boroughs and towns from having their own idling, anti-idling things, which would have just been a big morass for the industry. So this will be a statewide

standard, an industry standard. It will help clean our air and make our industry a stronger industry here in Pennsylvania. Thank you.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative SHAPIRO be placed on leave. The Chair sees no objection. Leave will be granted.

**CONSIDERATION OF SB 295 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—189**

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

**NAYS—9**

Brooks	Everett	Metcalfe	Rapp
Causar	Hutchinson	Pyle	Roae
Ellis			

**NOT VOTING—0**

**EXCUSED—5**

Beyer	Perry	Ramaley	Shapiro
Frankel			

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. The House will be at ease.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The House will come to order.

**LEAVE OF ABSENCE**

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

Mr. DeWEESE. I would like to put the gentleman, Mr. TANGRETTI from Westmoreland County, on leave for the remainder of the day.

The SPEAKER. The Chair thanks the gentleman. Leave will be granted, without objection. The Chair sees no objection.

**MOTION TO SUSPEND  
RULES 21(E) AND 24**

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

Mr. SEIP. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. SEIP. Thank you, Mr. Speaker.

I move that we suspend rule 24 and rule 21(e) governing the 24-hour waiting period so we can vote immediately on SB 1258.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Seip, moves to suspend rules 24 and 21(e).

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—126**

Argall	Gerber	Markosek	Scavello
Baker	Gergely	McCall	Schroder
Belfanti	Gibbons	McGeehan	Seip
Bennington	Godshall	McI. Smith	Shimkus
Bianucci	Goodman	Melio	Siptroth

Bishop	Grucela	Moul	Smith, K.
Blackwell	Haluska	Moyer	Smith, M.
Brennan	Hanna	Mundy	Smith, S.
Buxton	Harhai	Myers	Solobay
Caltagirone	Harkins	Nickol	Staback
Cappelli	Harper	O'Brien, M.	Sturla
Carroll	Harris	Oliver	Surra
Casorio	Hornaman	Pallone	Taylor, J.
Cohen	James	Parker	Taylor, R.
Conklin	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payton	Vereb
Cruz	Kenney	Peifer	Vitali
Curry	Kessler	Petrarca	Wagner
Daley	King	Petri	Walko
DeLuca	Kirkland	Petrone	Wansacz
DePasquale	Kortz	Phillips	Waters
Dermody	Kotik	Preston	Watson
DeWeese	Kula	Quinn	Wheatley
DiGirolamo	Leach	Readshaw	White
Donatucci	Lentz	Reichley	Williams
Eachus	Levdansky	Roebuck	Wojnarowski
Evans, D.	Longietti	Rohrer	Yewcic
Fabrizio	Mackereth	Rubley	Youngblood
Freeman	Mahoney	Sabatina	Yudichak
Galloway	Manderino	Sainato	
Geist	Mann	Santoni	O'Brien, D.,
George	Mantz	Saylor	Speaker

NAYS—71

Adolph	Everett	Major	Quigley
Barrar	Fairchild	Marshall	Rapp
Bastian	Fleck	Marsico	Raymond
Bear	Gabig	McIlhattan	Reed
Benninghoff	Gillespie	Mensch	Roe
Boback	Gingrich	Metcalfe	Rock
Boyd	Grell	Micozzie	Ross
Brooks	Harhart	Millard	Samuelson
Causar	Helm	Miller	Sonney
Civera	Hennessey	Milne	Stairs
Clymer	Hershey	Murt	Steil
Cox	Hess	Mustio	Stern
Creighton	Hickernell	Nailor	Stevenson
Cutler	Hutchinson	O'Neill	Swanger
Dally	Kauffman	Payne	True
Denlinger	Keller, M.K.	Perzel	Turzai
Ellis	Killion	Pickett	Vulakovich
Evans, J.	Maher	Pyle	

NOT VOTING—0

EXCUSED—6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

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.

**SUPPLEMENTAL CALENDAR C CONTINUED**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 747, PN 3227**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

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

**POINT OF ORDER**

The SPEAKER. For what purpose does the gentleman rise?  
Mr. MAHER. A point of order, Mr. Speaker.

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

Mr. MAHER. The rules do not permit the Speaker to disregard members seeking recognition on the floor.

The SPEAKER. The gentleman— The gentleman will—

Mr. MAHER. I was seeking recognition immediately after the last vote was enrolled.

The SPEAKER. The gentleman will cease. The gentleman will—

Mr. MAHER. Mr. Speaker, I have the floor and I am not yielding. I am making my—

The SPEAKER. The gentleman does not have the floor. The gentleman was recognized for a point of order. The gentleman was not recognized; the Chair was announcing another bill.

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—197

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



DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	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.,
Fleck	Manderino	Rock	Speaker
Freeman	Mann	Roebuck	

NAYS-0

NOT VOTING-0

EXCUSED-6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

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.

**SUPPLEMENTAL CALENDAR D CONTINUED**

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 740, PN 2499**, entitled:

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and 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 Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHER. Thank you, Mr. Speaker. I am glad you were able to spot me.

I rise to assert that— It is for the record—

The SPEAKER. Is the gentleman speaking on concurrence?

Mr. MAHER. —that once again I was seeking recognition as a point of order, Mr. Speaker.

The SPEAKER. The gentleman is out of order.

On the question recurring,

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-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

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.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1664, PN 4520**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

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

The SPEAKER. Those voting to concur will vote "aye"; those voting to nonconcur will vote "nay"— Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Mr. Speaker, the Wiretapping and Electronic Surveillance Act will sunset on December 31 of this year unless we pass legislation to reenact its provisions.

I intend to vote "no" on concurrence in the amendments to HB 1664 because I am appalled that this bill has been chosen as the vehicle to reenact the wiretapping statute. I introduced this bill, HB 1664, to address an issue relating to the theft of leased property, a subject which has no relationship whatsoever to the wiretap act.

In the recent *Marcavage* decision, the court made it clear that we may not constitutionally change the original purpose of a bill by adding an amendment containing unrelated subject matter. The offense of theft of leased property is not a predicate offense which may be used to authorize wiretaps, and I see no relationship between the two subject matters.

Mr. Speaker, may I have some order please?

The SPEAKER. The gentleman is correct.

Conferences on the floor of the House will break up immediately. Members will take their seats. Conferences in the well of the House will break up immediately. Conferences in the middle and side aisles will break up. Members will please take their seats.

The gentleman, Representative Caltagirone, is in order and may proceed.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I think this legislation is extremely important, and I think you will realize the importance of it if in fact this legislation gets approved and if there is a challenge to it.

By utilizing HB 1664 as a vehicle to reenact the wiretap, we are jeopardizing every investigation and prosecution conducted by a State or local law enforcement agency which involves a wiretap. This issue will be in court the first time a defendant is convicted using evidence obtained by a wiretap, authorized by this legislative action. I believe that under the *Marcavage* precedent, the reenactment of the wiretap act may very well be invalidated.

Wiretaps are an essential tool in many drug prosecutions and many other criminal investigations. This issue is far too important to address in this reckless manner. We need to reenact the wiretap act in a responsible manner, and if this House and the Senate must return in November to do so, so be it; then that is what we must do.

I would like to quote just a few paragraphs from the *Marcavage* decision. This came from the court itself. The

"two-prong test for determining whether legislation violates..." the State Constitution, as having been so altered or amended as to change its original purpose requires that "First, the Court must consider the legislation's original purpose and compare it to the final purpose to determine whether there has been an alteration or amendment that changed the original purpose. Second, the Court must consider whether the title and contents of the legislation are deceptive in their final form. The challenged legislation must survive both inquiries to pass constitutional muster." And in determining whether the legislation violates the State constitutional prohibition against alteration or amendment so as to change the original purpose of the bill, a "Court must view the legislation's original purpose in 'reasonably broad terms,' so as to provide the General Assembly with a 'full opportunity to amend and even expand a bill, and not run afoul of the constitutional prohibition on an alteration or amendment that changes its original purpose.'" Constitution, Article III, section 1.

I would hope that the members would consider this and act accordingly. I would urge you to vote "no" on concurrence.

Thank you, Mr. Speaker.

**DOCUMENTS SUBMITTED FOR THE RECORD**

Mr. CALTAGIRONE. I would like to submit these remarks and the actual appeal that was made by the Commonwealth on this case as part of the official record.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Mr. CALTAGIRONE submitted documents for the Legislative Journal.

(For documents, see Appendix.)

The SPEAKER. Does Representative Reichley seek recognition on concurrence?

The gentleman, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

With greatest respect to the chairman – we certainly have worked on this issue in depth – using some words, reckless, and some other words that were used, I respectfully ask that we vote to concur, and I will tell you why. We do have a vehicle here that we could certainly suspend the rules that both chairmen worked on diligently. I worked on it with them. We could certainly send it over to the Senate, but we do have a vehicle here, and the vehicle is a Title 18 bill which addresses written communication and its original intent, the written communication to detect crimes. That is the original intent of this bill. In this case, it is theft.

So we are working off of a bill that is to detect written communication in the commission of a crime. So I argue that it is in fact constitutional because what was added was how oral communication can be used to detect crimes, including that of theft, but certainly not limited to that. That case was certainly spelled out in *DeWeese v. Weaver*, and I will just state one paragraph. "[T]here is no violation of this clause when various subjects are connected with and germane to the one general object of the legislation. Plurality of subjects is not

objectionable so long as they are reasonably germane to each other."

I feel this is certainly germane, certainly constitutional because both issues deal with detection of communication that is being used or was used in a commission of a crime. I urge the members that we knew for a number of years when this expiration was, and if it ends up in court, then that is why we have the Judiciary, but I feel confident in speaking with the Parliamentarian and speaking with the Senate and speaking with our House counsel that it is constitutional. I recommend that we vote to concur.

Thank you, Mr. Speaker.

The SPEAKER. Representative Caltagirone.

Mr. CALTAGIRONE. Respectfully, Mr. Speaker, I would like to read part of the remarks by the court concerning this very case on the *Marcavage* issue, where he had ethnic intimidation and agricultural terrorism blended together. This is a quote, "However, to conclude that the General Assembly could initiate a piece of legislation in the context of the Crimes Code and rely upon that concept as a unifying justification for amendments to bills under the Crimes Code that contain no nexus to the conduct to which the original legislation was directed would stretch the Supreme Court's meaning of 'reasonably broad terms.' As directed by the Supreme Court, when we 'hypothesize, based on the text of the initial bill,' we cannot conclude that the amendments retained the original purpose of" that House bill at the time, "1493."

I think they were very, very explicit, very clear in what they have forewarned us about, mixing various issues in legislation. I warn you, I think we are treading on very dangerous grounds. This jeopardizes potentially all future wiretap cases that could be challenged in a court of law.

Thank you, Mr. Speaker.

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

Mr. VEREB. Mr. Speaker, thank you, again.

And I just suggest to the body, it really did not have to come down to loading up a bill that is germane, but here we are and the fact of the matter is, whether we are coming back in November, whether the Senate is coming back in November, if we are both not here in November, the wiretap law expires. So we can face the definite, which is if the wiretap law expires, anyone, anywhere, anyhow, any way can intercept any electronic communications. In any case, any way, anywhere, anyhow, those records can be released. So I urge the body to please vote in favor of concurrence for the reason that the price of no action is complete exposure – not just us as legislators, but the Pennsylvania public, and obviously, that is what we all agree we are here to protect.

Thank you, Mr. Speaker.

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—172

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	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Boback	Goodman	Millard	Shimkus
Boyd	Grell	Miller	Siptroth
Brooks	Grucela	Milne	Smith, K.
Buxton	Haluska	Moul	Smith, M.
Cappelli	Hanna	Moyer	Smith, S.
Casorio	Harhai	Mundy	Solobay
Causer	Harhart	Murt	Sonney
Civera	Harper	Mustio	Stairs
Clymer	Harris	Nailor	Stern
Cohen	Helm	Nickol	Stevenson
Conklin	Hennessey	O'Brien, M.	Sturla
Costa	Hershey	O'Neill	Surra
Cox	Hess	Oliver	Swanger
Creighton	Hickernell	Pallone	Taylor, J.
Cruz	Hornaman	Pashinski	Taylor, R.
Curry	Hutchinson	Payne	True
Cutler	Kauffman	Peifer	Turzai
Daley	Keller, M.K.	Perzel	Vereb
Dally	Keller, W.	Petri	Vulakovich
DeLuca	Kenney	Phillips	Wagner
Denlinger	Kessler	Pickett	Walko
DePasquale	Killion	Preston	Wansacz
Dermody	King	Pyle	Waters
DeWeese	Kirkland	Quigley	Watson
DiGirolamo	Kortz	Quinn	Wheatley
Donatucci	Kotik	Rapp	White
Eachus	Leach	Raymond	Wojnaroski
Ellis	Levdansky	Readshaw	Yewcic
Evans, D.	Longiatti	Reed	Youngblood
Evans, J.	Mackereth	Reichley	Yudichak
Everett	Maher	Roae	
Fairchild	Mahoney	Rock	O'Brien, D., Speaker
Fleck	Major	Roebuck	
Freeman	Mann		

NAYS—24

Bishop	Harkins	Melio	Santoni
Blackwell	James	Myers	Staback
Brennan	Kula	Parker	Steil
Caltagirone	Lentz	Payton	Thomas
Carroll	Manderino	Petrarca	Vitali
Fabrizio	Mantz	Petrone	Williams

NOT VOTING—1

Josephs

EXCUSED—6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

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.

The House will come to order.

**CALENDAR CONTINUED****BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 763, PN 1444**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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

**MOTION TO SUSPEND RULES**

The SPEAKER. The following amendment is substantive in nature.

The Chair recognizes the gentleman from Berks County, Representative Mantz, who moves to suspend the rules for the purpose of offering amendment No. A08547, which the clerk will read.

The clerk read the following amendment No. **A08547**:

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting  
2008

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

The SPEAKER. The Chair recognizes Representative Mantz on the motion to suspend.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative LEACH and Representative JOSEPHS be placed on leave. The Chair hears no objection. The leaves will be granted.

**CONSIDERATION OF SB 763 CONTINUED****MOTION WITHDRAWN**

Mr. MANTZ. Mr. Speaker, it is my understanding that there is an agreed-to amendment, specifically, A9529. Therefore, with that understanding, I ask that my amendment be held over.

The SPEAKER. The gentleman holds his amendment over to see what happens with the other amendment. The Chair thanks the gentleman.

Mr. MANTZ. Thank you.

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

**RULES SUSPENDED**

The SPEAKER. The following amendment is substantive in nature and requires suspension of the rules.

The Chair recognizes the gentleman from Beaver County, Representative Biancucci, who makes a motion to suspend the rules for the purpose of offering amendment A09712, which the clerk will read.

The clerk read the following amendment No. **A09712**:

Amend Title, page 1, line 23, by removing the period after "restrictions" and inserting  
; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

Amend Bill, page 15, lines 11 through 30; page 16, lines 1 through 30; page 17, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. Sections 301.1 and 311(2) of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended July 2, 2008 (P.L.197, No.32), are amended to read:

Section 301.1. Delegation of Taxing Powers and Restrictions Thereon.—(a) The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this chapter.

(b) Each local taxing authority may, by ordinance or resolution, exempt any person whose total income from all sources is less than twelve thousand dollars (\$12,000) per annum from the per capita or similar head tax, occupation tax or earned income tax, or any portion thereof, and may adopt regulations for the processing of claims for exemptions.

(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision levying the local services tax at a rate exceeding ten dollars (\$10) shall, and each political subdivision levying the local services tax at a rate of ten dollars (\$10) or less may,

by ordinance or resolution, exempt any person from the local services tax whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services tax is levied.

(e) (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision levying the tax and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer pursuant to section 10 of this act, the political subdivision shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision levying the tax or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The Department of Community and Economic Development shall develop and make available to political subdivisions and employers uniform exemption certificates required by this clause.

(2) With respect to a person who claimed an exemption for a given calendar year from the local services tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision levying the tax may pursue collection under this act.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

(f) Such local authorities shall not have authority by virtue of this act:

(1) To levy, assess and collect or provide for the levying, assessment and collection of any tax on the transfer of real property when the transfer is by will or mortgage or the intestate laws of this Commonwealth or on a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises or on a transfer between corporations operating housing projects pursuant to

the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between nonprofit industrial development agencies and industrial corporations purchasing from them, or on transfer to or from nonprofit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein, subject to such transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, or on a transfer between a grandparent and grandchild or the spouse of such grandchild, or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister, or on a transfer to a conservancy which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on a transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation[, leases,]; or leases or lease transactions; or on a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer within a family from a sole proprietor family member to a family farm corporation, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee;

(2) To levy, assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service;

(3) Except on sales of admission to places of amusement, other than on sales of admission to professional baseball events in a city of the third class with a population of not less than one hundred six thousand and not more than one hundred seven thousand based on the 2000 Federal decennial census, or on sales or other transfers of title or possession of property, to levy, assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax; and for the purposes of this clause, real property rented for camping purposes shall not be considered a place of amusement;

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to

the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect a local services tax and taxes on the occupation, per capita and earned income or net profits of natural persons engaged in the above activities whether doing business as individual proprietorship or as members of partnerships or other associations;

(5) To levy, assess or collect a tax on salaries, wages, commissions, compensation and earned income of nonresidents of the political subdivisions: Provided, That this limitation (5) shall apply only to school districts of the second, third and fourth classes;

(6) To levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class;

(7) To levy, assess or collect a tax on membership in or membership dues, fees or assessment of charitable, religious, beneficial or nonprofit organizations including but not limited to sportsmen, recreational, golf and tennis clubs, girl and boy scout troops and councils;

(8) To levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision.

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation except that such a tax, to be known as the local services tax, may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment. The following apply:

(i) If a local services tax is levied at a combined rate exceeding ten dollars (\$10) in a calendar year, a person subject to the local services tax shall be assessed a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the local services tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the local services tax levied under this subclause shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subclause (v).

(ii) If a school district levied an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy the local services tax in the same amount the school district collected on the effective date of this subclause. However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars (\$5) on persons employed within the municipality each calendar year. A school district that did not levy an emergency and municipal services tax on the effective date of this subclause shall be prohibited from levying the local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax at a combined rate exceeding ten dollars (\$10), the school district's pro rata share of the aggregate local services taxes levied on persons employed within the municipality shall be collected by the municipality or its tax officer based on payroll periods as provided under subclause (i) and shall be paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer.

(iii) Except as provided in subclause (ii), no person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

(iv) With respect to a person subject to the local services tax at a combined rate exceeding ten dollars (\$10), the situs of the tax shall be

the place of employment on the first day the person becomes subject to the tax during each payroll period. With respect to a person subject to the local services tax at a combined rate of not more than ten dollars (\$10), the situs of the tax shall be the place of employment determined as of the day the person first becomes subject to the tax during the calendar year. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order: first, the political subdivision in which a person maintains the person's principal office or is principally employed; second, the political subdivision in which the person resides and works, if the tax is levied by that political subdivision; and third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(v) In the case of concurrent employment, an employer shall refrain from withholding the local services tax if the employe provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the local services tax withheld and a statement from the employe that the pay statement is from the employe's principal employer and the employe will notify other employers of a change in principal place of employment within two weeks of its occurrence. The Department of Community and Economic Development shall develop a uniform employee statement form.

(vi) The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. A political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

(vii) Political subdivisions shall adopt regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 (relating to refunds of overpayments) and 8426 (relating to interest on overpayment). Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 312 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. Political subdivisions shall only provide refunds for amounts overpaid in a calendar year that exceed one dollar (\$1).

(viii) The Department of Community and Economic Development shall provide suggested forms and technical assistance to facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers.

(ix) For purposes of this clause, "combined rate" shall mean the aggregate annual rate of the local services tax levied by a school district and a municipality located in whole or in part within the school district.

(10) To levy, assess or collect a tax on admissions to motion picture theatres: Provided, That this limitation (10) shall not apply to cities of the second class.

(11) To levy, assess or collect a tax on the construction of or improvement to residential dwellings or upon the application for or issuance of permits for the construction of or improvements to residential dwellings.

(12) To levy, assess and collect a mercantile or business privilege tax on gross receipts or part thereof which are: (i) discounts allowed to purchasers as cash discounts for prompt payment of their bills; (ii) charges advanced by a seller for freight, delivery or other transportation for the purchaser in accordance with the terms of a contract of sale; (iii) received upon the sale of an article of personal property which was acquired by the seller as a trade-in to the extent that the gross receipts in the sale of the article taken in trade does not exceed the amount of trade-in allowance made in acquiring such article; (iv) refunds, credits or allowances given to a purchaser on

account of defects in goods sold or merchandise returned; (v) Pennsylvania sales tax; (vi) based on the value of exchanges or transfers between one seller and another seller who transfers property with the understanding that property of an identical description will be returned at a subsequent date; however, when sellers engaged in similar lines of business exchange property and one of them makes payment to the other in addition to the property exchanged, the additional payment received may be included in the gross receipts of the seller receiving such additional cash payments; (vii) of sellers from sales to other sellers in the same line where the seller transfers the title or possession at the same price for which the seller acquired the merchandise; or (viii) transfers between one department, branch or division of a corporation or other business entity of goods, wares and merchandise to another department, branch or division of the same corporation or business entity and which are recorded on the books to reflect such interdepartmental transactions.

(13) To levy, assess or collect an amusement or admissions tax on membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control.

(14) Except by cities of the second class, to levy, assess or collect a tax on payroll amounts generated as a result of business activity.

(15) Except by cities of the second class in which a sports stadium or arena that has received public funds in connection with its construction or maintenance is located, to levy, assess and collect a publicly funded facility usage fee upon those nonresident individuals who use such facility to engage in an athletic event or otherwise render a performance for which they receive remuneration.

(16) To levy, assess or collect an amusement or admissions tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling alley or bowling lane to engage in one or more games of bowling.

Section 311. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this chapter shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

\* \* \*

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill, by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance. When a political subdivision which currently levies, assesses or collects a mercantile or business privilege tax on gross receipts under section 533 of the act of December 13, 1988 (P.L.1121, No.145), known as the "Local Tax Reform Act," merges with one or more political subdivisions to form a new political subdivision on or after August 1, 2008, the new political subdivision may levy that mercantile or business privilege tax but not at a rate greater than the rate necessary to generate the same revenues generated in the last fiscal year that the merging political subdivision generated before the merger. If the merging political subdivision had previously shared the rate of taxation with another political subdivision, the nonmerging political subdivision which had shared the rate is capped at the rate it was previously levying.

\* \* \*

Section 2. The act is amended by adding a chapter to read:

CHAPTER 4

OPTIONAL OCCUPATION TAX ELIMINATION

Section 401. Scope.

This act relates to optional occupation tax elimination.

Section 402. Definitions.

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

"Earned income tax." A tax on earned income and net profits levied under this act or a tax on earned income and net profits levied under the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Election officials." The county board of elections of a county.

"Governing body." A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, a governing council of a home rule municipality or optional plan municipality, a governing council of any similar general purpose unit of government which may hereafter be created by statute or a board of school directors of a school district.

"Income tax." An earned income tax or a personal income tax imposed under this chapter.

"Occupation tax." A tax based upon an assessed valuation of a particular trade, occupation or profession. The term includes a tax imposed on a flat rate on all trades, occupations or professions. The term does not include a tax upon persons employed in a taxing district, commonly known as an occupational privilege tax.

"Personal income tax." A tax on income enumerated under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, as determined by the Department of Revenue, subject to any correction or fraud, evasion or error as finally determined by the Commonwealth and levied pursuant to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Political subdivision." Any city, borough, incorporated town, township or school district.

"Taxpayer Relief Act." The act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

Section 403. Occupation tax replacement generally.

A political subdivision that levies an occupation tax may replace the revenues provided by the occupation tax by increasing the rate of the income tax as provided in this chapter.

Section 404. Income tax rate limits.

(a) Income tax rate limits.—For the first fiscal year beginning after approval of the referendum under section 407 and each fiscal year thereafter, the governing body of a political subdivision using the procedures authorized by this chapter shall be authorized to impose an income tax at a rate not exceeding the maximum income tax rate as calculated under subsection (b) or (b.1).

(b) Calculation of maximum earned income tax rate.—The maximum earned income tax rate shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the earned income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2002. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2001.

(2) The rate at which the earned income tax was collected by a school district for the fiscal year ending in 2002 or the rate at which the earned income tax was collected by a municipality for the calendar year ending December 31, 2001.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the earned income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified in section 311(3).

(b.1) Calculation of maximum income tax rate.—The maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2009 or a municipality that levied an occupation tax for the calendar year ending December 31, 2008, shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2009. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2008.

(2) The rate at which the income tax was collected by a school district for the fiscal year ending in 2009 or the rate at which an earned income tax was collected by a municipality for the calendar year ending December 31, 2008.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified under section 311(3).

(c) Other rates of taxation.—If a municipality or school district, both of which impose an earned income tax on the same individual under this act or the Taxpayer Relief Act and both of which are limited to or have agreed upon a division of the tax rate in accordance with section 311 or 304 of the Taxpayer Relief Act, and the municipality or school district receives voter approval under section 407 and opts to increase the rate of income tax in excess of that limit or agreement, then the municipality or school district which does not receive voter approval shall remain subject to that limit or agreement.  
Section 405. Occupation tax prohibited.

(a) General rule.—For the first fiscal year beginning after approval of the referendum required under section 407 and each fiscal year thereafter, a political subdivision is prohibited from levying, assessing or collecting an occupation tax.

(b) Occupation assessment tax roll.—In a county where no political subdivision levies the tax, the county shall not be required under the provisions of this or another statute to maintain the occupation assessment tax roll.

(c) Applicability.—This section shall not apply to the collection of delinquent occupation taxes.  
Section 406. Resolution required.

The governing body may seek authority to increase the maximum limits of the income tax by adopting a resolution to place a referendum on the ballot pursuant to section 407. The governing body shall transmit a copy of the resolution to the appropriate election officials. Prior to approving the resolution, the governing body shall:

(1) Give public notice of its intent to adopt the resolution in the manner provided by section 306.

(2) Conduct at least one public hearing regarding eliminating the occupation tax and increasing the maximum rate of the income tax.

Section 407. Binding referendum.

(a) Referendum to be held.—A political subdivision may increase the maximum rate of the income tax only by obtaining the approval of the electorate of the affected political subdivision in a public referendum at the general or municipal election preceding the fiscal year when the maximum rate of the income tax will be increased. The election officials shall cause a question to be placed on the ballot at the first general or municipal election occurring at least 90 days after their receipt of the resolution required in section 406.

(b) Contents of question.—The referendum question must state the maximum rate of the income tax calculated under section 404 and that the additional revenue generated by an increase in the income tax will be used to eliminate the occupation tax. The question shall be in clear language that is readily understandable by a layperson. For the purpose of illustration, a referendum question may be framed as follows:

Do you favor increasing the rate of the (earned or personal) income tax to a maximum of X%, with the requirement that the increase be used to eliminate the occupation tax?

(c) Vote.—If a majority of the electors voting on the question vote "yes," then the governing body shall be authorized to implement an increase in the income tax pursuant to section 404 and shall be required to eliminate the occupation tax as required by section 405. If a majority of the electors voting on the question vote "no," the governing body shall have no authority to increase the rate of the income tax above the maximum rate otherwise provided by law.

(d) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.  
Section 408. Applicability.

This chapter shall apply to political subdivisions which levy an occupation tax on the date of enactment of this section.

Section 409. Applicability of personal income tax.

Nothing in this chapter shall be construed to authorize a municipality to levy, assess or collect a personal income tax. The authority to levy, assess or collect a personal income tax shall only apply to a school district in which a board of school directors sought to impose a personal income tax under section 321(c) of the Taxpayer Relief Act and the referendum under section 331.2 or 332 of the Taxpayer Relief Act is approved by the electorate under the Taxpayer Relief Act.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraphs (2) and (3) are necessary to effectuate the provisions of this act.

(2) The act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, is repealed.

(3) The last sentence of section 303(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is repealed.

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the first time and inserting

4

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the second time and inserting

301.1(f)(1)

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting

2008

Amend Sec. 3, page 17, line 19, by striking out "3" and inserting

5

On the question,

Will the House agree to the motion?

## LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative CLYMER be placed on leave. The Chair sees no objection. The leave will be granted.



**CONSIDERATION OF SB 763 CONTINUED**

The SPEAKER. The Chair recognizes Representative Biancucci on the motion to suspend.

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, I ask to suspend the rules to introduce an amendment that has an impact on the future of consolidations in the Commonwealth of Pennsylvania.

The SPEAKER. The gentleman's motion is to suspend for a substantive amendment on third consideration and also so the bill can move to third consideration. Is that correct?

Mr. BIANCUCCI. That is correct, Mr. Speaker.

The SPEAKER. And final passage?

Mr. BIANCUCCI. My amendment also includes language by Representative Nickol and Representative Mantz.

The SPEAKER. For the information of the members, the request for suspension of the rules is for the offering of a substantive amendment on third consideration, and further, that the bill then can be voted on final passage.

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

The following roll call was recorded:

**YEAS—165**

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

**NAYS—29**

Benninghoff	Kauffman	Murt	Roae
Brooks	Keller, M.K.	Mustio	Rock
Cox	Maher	Nailor	Rohrer
Cutler	Marshall	O'Neill	Samuelson
Gabig	Mensch	Rapp	Steil
Grell	Metcalf	Reed	Swanger
Harper	Milne	Reichley	Vereb
Hutchinson			

**NOT VOTING—0**

**EXCUSED—9**

Beyer	Josephs	Perry	Shapiro
Clymer	Leach	Ramaley	Tangretti
Frankel			

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

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

Mr. BIANCUCCI offered the following amendment No. **A09712:**

Amend Title, page 1, line 23, by removing the period after "restrictions" and inserting ; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

Amend Bill, page 15, lines 11 through 30; page 16, lines 1 through 30; page 17, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. Sections 301.1 and 311(2) of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended July 2, 2008 (P.L.197, No.32), are amended to read:

Section 301.1. Delegation of Taxing Powers and Restrictions Thereon.—(a) The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this chapter.

(b) Each local taxing authority may, by ordinance or resolution, exempt any person whose total income from all sources is less than twelve thousand dollars (\$12,000) per annum from the per capita or similar head tax, occupation tax or earned income tax, or any portion

thereof, and may adopt regulations for the processing of claims for exemptions.

(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision levying the local services tax at a rate exceeding ten dollars (\$10) shall, and each political subdivision levying the local services tax at a rate of ten dollars (\$10) or less may, by ordinance or resolution, exempt any person from the local services tax whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services tax is levied.

(e) (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision levying the tax and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer pursuant to section 10 of this act, the political subdivision shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision levying the tax or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The Department of Community and Economic Development shall develop and make available to political subdivisions and employers uniform exemption certificates required by this clause.

(2) With respect to a person who claimed an exemption for a given calendar year from the local services tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person

under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision levying the tax may pursue collection under this act.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

(f) Such local authorities shall not have authority by virtue of this act:

(1) To levy, assess and collect or provide for the levying, assessment and collection of any tax on the transfer of real property when the transfer is by will or mortgage or the intestate laws of this Commonwealth or on a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises or on a transfer between corporations operating housing projects pursuant to the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between nonprofit industrial development agencies and industrial corporations purchasing from them, or on transfer to or from nonprofit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein, subject to such transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, or on a transfer between a grandparent and grandchild or the spouse of such grandchild, or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister, or on a transfer to a conservancy which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on a transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation[, leases.]; or leases or lease transactions; or on a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer within a family from a sole proprietor family member to a family farm corporation, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee;

(2) To levy, assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or

on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service;

(3) Except on sales of admission to places of amusement, other than on sales of admission to professional baseball events in a city of the third class with a population of not less than one hundred six thousand and not more than one hundred seven thousand based on the 2000 Federal decennial census, or on sales or other transfers of title or possession of property, to levy, assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax; and for the purposes of this clause, real property rented for camping purposes shall not be considered a place of amusement;

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect a local services tax and taxes on the occupation, per capita and earned income or net profits of natural persons engaged in the above activities whether doing business as individual proprietorship or as members of partnerships or other associations;

(5) To levy, assess or collect a tax on salaries, wages, commissions, compensation and earned income of nonresidents of the political subdivisions: Provided, That this limitation (5) shall apply only to school districts of the second, third and fourth classes;

(6) To levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class;

(7) To levy, assess or collect a tax on membership in or membership dues, fees or assessment of charitable, religious, beneficial or nonprofit organizations including but not limited to sportsmens, recreational, golf and tennis clubs, girl and boy scout troops and councils;

(8) To levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision.

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation except that such a tax, to be known as the local services tax, may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment. The following apply:

(i) If a local services tax is levied at a combined rate exceeding ten dollars (\$10) in a calendar year, a person subject to the local services tax shall be assessed a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the local services tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the local services tax levied under this subclause shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subclause (v).

(ii) If a school district levied an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy the local services tax in the same amount the school district collected on the effective date of this subclause. However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars (\$5) on persons employed within the municipality each calendar year. A school district that did not levy an emergency and municipal services tax on the effective date of this subclause shall be prohibited from levying the local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax at a combined rate exceeding ten dollars (\$10), the school district's pro rata share of the aggregate local services taxes levied on persons employed within the municipality shall be collected by the municipality or its tax officer based on payroll periods as provided under subclause (i) and shall be paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer.

(iii) Except as provided in subclause (ii), no person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

(iv) With respect to a person subject to the local services tax at a combined rate exceeding ten dollars (\$10), the situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. With respect to a person subject to the local services tax at a combined rate of not more than ten dollars (\$10), the situs of the tax shall be the place of employment determined as of the day the person first becomes subject to the tax during the calendar year. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order: first, the political subdivision in which a person maintains the person's principal office or is principally employed; second, the political subdivision in which the person resides and works, if the tax is levied by that political subdivision; and third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(v) In the case of concurrent employment, an employer shall refrain from withholding the local services tax if the employe provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the local services tax withheld and a statement from the employe that the pay statement is from the employe's principal employer and the employe will notify other employers of a change in principal place of employment within two weeks of its occurrence. The Department of Community and Economic Development shall develop a uniform employe statement form.

(vi) The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. A political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

(vii) Political subdivisions shall adopt regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 (relating to refunds of overpayments) and 8426 (relating to interest on overpayment). Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 312 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. Political subdivisions shall only provide refunds for amounts overpaid in a calendar year that exceed one dollar (\$1).

(viii) The Department of Community and Economic Development shall provide suggested forms and technical assistance to

facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers.

(ix) For purposes of this clause, "combined rate" shall mean the aggregate annual rate of the local services tax levied by a school district and a municipality located in whole or in part within the school district.

(10) To levy, assess or collect a tax on admissions to motion picture theatres: Provided, That this limitation (10) shall not apply to cities of the second class.

(11) To levy, assess or collect a tax on the construction of or improvement to residential dwellings or upon the application for or issuance of permits for the construction of or improvements to residential dwellings.

(12) To levy, assess and collect a mercantile or business privilege tax on gross receipts or part thereof which are: (i) discounts allowed to purchasers as cash discounts for prompt payment of their bills; (ii) charges advanced by a seller for freight, delivery or other transportation for the purchaser in accordance with the terms of a contract of sale; (iii) received upon the sale of an article of personal property which was acquired by the seller as a trade-in to the extent that the gross receipts in the sale of the article taken in trade does not exceed the amount of trade-in allowance made in acquiring such article; (iv) refunds, credits or allowances given to a purchaser on account of defects in goods sold or merchandise returned; (v) Pennsylvania sales tax; (vi) based on the value of exchanges or transfers between one seller and another seller who transfers property with the understanding that property of an identical description will be returned at a subsequent date; however, when sellers engaged in similar lines of business exchange property and one of them makes payment to the other in addition to the property exchanged, the additional payment received may be included in the gross receipts of the seller receiving such additional cash payments; (vii) of sellers from sales to other sellers in the same line where the seller transfers the title or possession at the same price for which the seller acquired the merchandise; or (viii) transfers between one department, branch or division of a corporation or other business entity of goods, wares and merchandise to another department, branch or division of the same corporation or business entity and which are recorded on the books to reflect such interdepartmental transactions.

(13) To levy, assess or collect an amusement or admissions tax on membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control.

(14) Except by cities of the second class, to levy, assess or collect a tax on payroll amounts generated as a result of business activity.

(15) Except by cities of the second class in which a sports stadium or arena that has received public funds in connection with its construction or maintenance is located, to levy, assess and collect a publicly funded facility usage fee upon those nonresident individuals who use such facility to engage in an athletic event or otherwise render a performance for which they receive remuneration.

(16) To levy, assess or collect an amusement or admissions tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling alley or bowling lane to engage in one or more games of bowling.

Section 311. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this chapter shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

\* \* \*

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill,

by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance. When a political subdivision which currently levies, assesses or collects a mercantile or business privilege tax on gross receipts under section 533 of the act of December 13, 1988 (P.L.1121, No.145), known as the "Local Tax Reform Act," merges with one or more political subdivisions to form a new political subdivision on or after August 1, 2008, the new political subdivision may levy that mercantile or business privilege tax but not at a rate greater than the rate necessary to generate the same revenues generated in the last fiscal year that the merging political subdivision generated before the merger. If the merging political subdivision had previously shared the rate of taxation with another political subdivision, the nonmerging political subdivision which had shared the rate is capped at the rate it was previously levying.

\* \* \*

Section 2. The act is amended by adding a chapter to read:

#### CHAPTER 4

#### OPTIONAL OCCUPATION TAX ELIMINATION

Section 401. Scope.

This act relates to optional occupation tax elimination.

Section 402. Definitions.

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

"Earned income tax." A tax on earned income and net profits levied under this act or a tax on earned income and net profits levied under the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Election officials." The county board of elections of a county.

"Governing body." A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, a governing council of a home rule municipality or optional plan municipality, a governing council of any similar general purpose unit of government which may hereafter be created by statute or a board of school directors of a school district.

"Income tax." An earned income tax or a personal income tax imposed under this chapter.

"Occupation tax." A tax based upon an assessed valuation of a particular trade, occupation or profession. The term includes a tax imposed on a flat rate on all trades, occupations or professions. The term does not include a tax upon persons employed in a taxing district, commonly known as an occupational privilege tax.

"Personal income tax." A tax on income enumerated under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, as determined by the Department of Revenue, subject to any correction or fraud, evasion or error as finally determined by the Commonwealth and levied pursuant to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Political subdivision." Any city, borough, incorporated town, township or school district.

"Taxpayer Relief Act." The act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

Section 403. Occupation tax replacement generally.

A political subdivision that levies an occupation tax may replace the revenues provided by the occupation tax by increasing the rate of the income tax as provided in this chapter.

Section 404. Income tax rate limits.

(a) Income tax rate limits.—For the first fiscal year beginning after approval of the referendum under section 407 and each fiscal year

thereafter, the governing body of a political subdivision using the procedures authorized by this chapter shall be authorized to impose an income tax at a rate not exceeding the maximum income tax rate as calculated under subsection (b) or (b.1).

(b) Calculation of maximum earned income tax rate.—The maximum earned income tax rate shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the earned income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2002. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2001.

(2) The rate at which the earned income tax was collected by a school district for the fiscal year ending in 2002 or the rate at which the earned income tax was collected by a municipality for the calendar year ending December 31, 2001.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the earned income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified in section 311(3).

(b.1) Calculation of maximum income tax rate.—The maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2009 or a municipality that levied an occupation tax for the calendar year ending December 31, 2008, shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2009. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2008.

(2) The rate at which the income tax was collected by a school district for the fiscal year ending in 2009 or the rate at which an earned income tax was collected by a municipality for the calendar year ending December 31, 2008.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified under section 311(3).

(c) Other rates of taxation.—If a municipality or school district, both of which impose an earned income tax on the same individual under this act or the Taxpayer Relief Act and both of which are limited to or have agreed upon a division of the tax rate in accordance with section 311 or 304 of the Taxpayer Relief Act, and the municipality or school district receives voter approval under section 407 and opts to increase the rate of income tax in excess of that limit or agreement, then the municipality or school district which does not receive voter approval shall remain subject to that limit or agreement.

Section 405. Occupation tax prohibited.

(a) General rule.—For the first fiscal year beginning after approval of the referendum required under section 407 and each fiscal year thereafter, a political subdivision is prohibited from levying, assessing or collecting an occupation tax.

(b) Occupation assessment tax roll.—In a county where no political subdivision levies the tax, the county shall not be required under the provisions of this or another statute to maintain the occupation assessment tax roll.

(c) Applicability.—This section shall not apply to the collection of delinquent occupation taxes.

Section 406. Resolution required.

The governing body may seek authority to increase the maximum limits of the income tax by adopting a resolution to place a referendum on the ballot pursuant to section 407. The governing body shall transmit a copy of the resolution to the appropriate election officials. Prior to approving the resolution, the governing body shall:

(1) Give public notice of its intent to adopt the resolution in the manner provided by section 306.

(2) Conduct at least one public hearing regarding eliminating the occupation tax and increasing the maximum rate of the income tax.

Section 407. Binding referendum.

(a) Referendum to be held.—A political subdivision may increase the maximum rate of the income tax only by obtaining the approval of the electorate of the affected political subdivision in a public referendum at the general or municipal election preceding the fiscal year when the maximum rate of the income tax will be increased. The election officials shall cause a question to be placed on the ballot at the first general or municipal election occurring at least 90 days after their receipt of the resolution required in section 406.

(b) Contents of question.—The referendum question must state the maximum rate of the income tax calculated under section 404 and that the additional revenue generated by an increase in the income tax will be used to eliminate the occupation tax. The question shall be in clear language that is readily understandable by a layperson. For the purpose of illustration, a referendum question may be framed as follows:

Do you favor increasing the rate of the (earned or personal) income tax to a maximum of X%, with the requirement that the increase be used to eliminate the occupation tax?

(c) Vote.—If a majority of the electors voting on the question vote "yes," then the governing body shall be authorized to implement an increase in the income tax pursuant to section 404 and shall be required to eliminate the occupation tax as required by section 405. If a majority of the electors voting on the question vote "no," the governing body shall have no authority to increase the rate of the income tax above the maximum rate otherwise provided by law.

(d) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

Section 408. Applicability.

This chapter shall apply to political subdivisions which levy an occupation tax on the date of enactment of this section.

Section 409. Applicability of personal income tax.

Nothing in this chapter shall be construed to authorize a municipality to levy, assess or collect a personal income tax. The authority to levy, assess or collect a personal income tax shall only apply to a school district in which a board of school directors sought to impose a personal income tax under section 321(c) of the Taxpayer Relief Act and the referendum under section 331.2 or 332 of the Taxpayer Relief Act is approved by the electorate under the Taxpayer Relief Act.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraphs (2) and (3) are necessary to effectuate the provisions of this act.

(2) The act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, is repealed.

(3) The last sentence of section 303(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is repealed.

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the first time and inserting

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the second time and inserting

301.1(f)(1)

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting

2008

Amend Sec. 3, page 17, line 19, by striking out "3" and inserting  
5

On the question,

Will the House agree to the amendment?

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

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses an issue of when a merging school district that currently levies a mercantile tax merges with a school district that does not. It states that a political subdivision may – and I emphasize "may" – levy this tax, but not at a rate greater than the rate necessary to generate the same revenues generated that last fiscal year.

This amendment would provide the merged school district with an opportunity to study this issue and make an educated determination as to its need. I ask for an affirmative vote.

The SPEAKER. Representative Turzai, on the amendment.

Mr. TURZAI. Just a request for the Speaker; I want to correct the record. I was marked on the motion to suspend as a "yes," and I would like the record to reflect a "no."

The SPEAKER. Can the gentleman— After this vote, the gentleman will be recognized for that purpose.

Mr. TURZAI. Okay. Thank you.

The SPEAKER. Representative Nickol, on the amendment.

Mr. NICKOL. Thank you, Mr. Speaker.

There was an earlier draft of this amendment and there, I think, is perhaps some confusion among members as to what exactly this amendment does versus the earlier draft. I would like to clarify it, particularly for the members of my caucus which focused on the original bill, original draft.

The gentleman from Beaver County has two school districts which are combining, and I think we can all relate to the fact in our own areas that maybe we should have municipalities or school districts that perhaps should look at making a combination where they could perhaps save taxpayers some money and operate more efficiently. However, whenever you do propose such a merger, you encounter certain problems, as have occurred in the school districts in his area, where you have a tax like a business privilege tax levied in one, but not in the other. And due to the uniformity clause in the State Constitution, you cannot have a tax on half of the residents or half of the businesses in the school district and not on the other half. So you have to find some way to come up with the revenue for the new entity to replace that that would be lost through the tax either by continuing the tax and putting it on all residents or by taking that tax and putting it on all homeowners.

In this case, what this legislation would do, in the earlier draft of the legislation, or of the amendment, what it would have done is allow the tax at the current rate to be levied on everyone, which would have been a tax bonanza for the school district because the business tax would have been extended to more businesses. This draft is much different than that. It puts a cap on the revenue so that the tax would continue at a reduced rate so that in the portion of the school district that previously

had the business tax, the rate would actually drop and the portion of the school district that did not have the tax, they would for the first time have a tax, but at that reduced rate. The total revenue of the tax would be capped, and in the future with inflation, that tax rate would fall over time. It is an uncomfortable alternative for anyone in government to have to make a decision like this, but the alternative to this bill would be placing this tax burden on every property owner in the school district, which is something I think that you would not want to see either. So it is a very difficult choice. I think this legislation, what it does is it gives that school district the choice to make as to whether they want to continue that business levy at a reduced rate on everyone and capped from here on out, or whether they want to just eliminate that tax and place the tax on all homeowners or all property owners.

I personally appreciate that dilemma and I appreciate the need for this legislation, to have this combination of two school districts. I would encourage members to look on this favorably, and I myself will be voting in favor of the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Biancucci, for the second time.

Mr. BIANCUCCI. Yes, Mr. Speaker.

I would like to thank Representative Nickol for the explanation and add this to it. I would like to say that from my perspective, the two school districts in my area have voluntarily stepped up for this merger. Currently this mercantile tax brings in \$300,000-plus. This reflects a mill and a half in that current school district that can be distributed amongst the property tax relief in that area. So I would ask for an affirmative vote on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Cox	Hutchinson	Payne	Taylor, R.
Creighton	James	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.K.	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	Kortz	Pyle	Waters
DeWeese	Kotik	Quigley	Watson
DiGirolamo	Kula	Quinn	Wheatley
Donatucci	Lentz	Rapp	White
Eachus	Levdansky	Raymond	Williams
Ellis	Longietti	Readshaw	Wojnaroski
Evans, D.	Mackereth	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D.,
Fleck	Mantz	Rohrer	Speaker
Freeman	Markosek		

NAYS-2

Maher	Mustio
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NOT VOTING-0

EXCUSED-9

Beyer	Josephs	Perry	Shapiro
Clymer	Leach	Ramaley	Tangretti
Frankel			

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

On the question,

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

The SPEAKER. Does Representative Mantz wish to offer his amendment?

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative FREEMAN be placed on leave. The Chair hears no objection. The leave will be granted.

**CONSIDERATION OF SB 763 CONTINUED**

The SPEAKER. The Chair recognizes Representative Mantz. Mr. MANTZ. Mr. Speaker, I withdraw my amendment, 8547.

The SPEAKER. The Chair thanks the gentleman.

Does Representative Nickol wish to offer his amendment?

The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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-193

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Beyer	Freeman	Perry	Shapiro
Clymer	Josephs	Ramaley	Tangretti
Frankel	Leach		

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

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

### VOTE CORRECTION

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

Mr. TURZAI. Mr. Speaker, on the motion to suspend the rules for amendment A09712, I would like to be recorded as a "no" vote.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread upon the record.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to Senate amendments to **HB 1096, PN 4527**.

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

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2034, PN 3198**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 347, PN 4509; HB 1543, PN 4489; HB 2188, PN 4521; HB 2200, PN 4526; HB 2289, PN 4518; HB 2294, PN 4525; HB 2525, PN 4524; and HB 2629, PN 4517**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### RULES COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority whip for an announcement.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an immediate meeting of the House Rules Committee in the majority caucus room, followed by a Democratic caucus; back on the floor by 4 o'clock.

The SPEAKER. The Chair thanks the gentleman.

The Rules Committee will meet immediately in the majority caucus room and will be followed by a Democratic caucus.

### REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce an immediate Republican caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

### RECESS

The SPEAKER. This House will stand in recess until 4 p.m., unless sooner recalled by the Speaker.

### AFTER RECESS

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

### 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 647, PN 4519**

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

#### **HB 747, PN 3227**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

#### **HB 949, PN 4428**

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

#### **HB 1027, PN 4340**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

#### **HB 1044, PN 3639**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and



duties of the Municipal Police Officers' Education and Training Commission and for police training.

**HB 1511, PN 4439**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

**HB 1664, PN 4520**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

**HB 1723, PN 4513**

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

**HB 1845, PN 4528**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

**HB 2034, PN 3198**

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

**HB 2499, PN 4523**

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

**SB 740, PN 2499**

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and 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 Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

**SB 768, PN 2431**

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

**SB 1107, PN 2472**

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

**SB 1504, PN 2454**

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

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

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative WOJNAROSKI be placed on leave. The Chair hears no objection. The leave will be granted.

The Chair recognizes the minority whip, who requests that Representative ADOLPH be placed on leave. The Chair hears no objection. The leave will be granted.

The House will be at ease.

The House will come to order.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1096, PN 4527**

By Rep. DeWEESE

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

RULES.

**HB 2200, PN 4526**

By Rep. DeWEESE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

RULES.

**HB 2289, PN 4518**

By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

RULES.

**HB 2294, PN 4525**

By Rep. DeWEESE

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

RULES.

**HB 2525, PN 4524**

By Rep. DeWEESE

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

RULES.

**HB 2629, PN 4517**

By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure.

RULES.

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

The House will be at ease.

The House will come to order.

**CALENDAR CONTINUED****RESOLUTION**

Mr. PETRONE called up **HR 845, PN 4204**, entitled:

A Resolution directing the Joint State Government Commission to conduct an in-depth study of the subject of developments of regional significance and impact; and requiring a report.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, HR 845 would direct the Joint State Government Commission to reconstitute the task force and advisory committee established under HR 897 of the session of 2006 in order "...to conduct an in-depth study of the subject of developments of regional significance...." Many of you may recall, HR 897 of last session directed the Joint State Government Commission to conduct an in-depth investigation into the massive landslide that occurred at a commercial development site in Kilbuck Township, Allegheny County, on September 19, 2006. Moreover, the resolution authorized a thorough review of all applicable State and local permit approval processes and the appointment of a legislative task force and an advisory committee to assist a task force.

I served as chairman of the task force. The other members of the task force were Representatives Mustio, Ramaley, and Vulakovich. The advisory committee was composed of attorneys, geologists, engineers, land-use planners, local and county government officials, community activists, small business owners, and representatives from relevant State departments and several other legislative agencies.

"On June 9, 2008, the task force authorized the release of the report of the task force and advisory committee and the introduction of the legislation..." to establish a proposed geologically hazardous areas act. Additionally, "As part of the findings and recommendations...the task force and advisory committee acknowledged that further consideration, discussion and analysis should be given to the subject of developments of regional significance and impact, which," due to time constraints, "was addressed only briefly in the report..."

HR 845 enjoys bipartisan support. All four members of the task force, established under the prior resolution, are the joint sponsors of the resolution before us today. I respectfully request the support of all my colleagues for an affirmative vote on HR 845 so that the important work begun under HR 897 of the session of 2006 can be completed.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I also rise in support of the resolution.

If I may have the liberty of complimenting Representative Petrone for his leadership on the task force and drafting of this resolution to address an issue that the task force had identified that we hope will result in legislation to prevent a significant situation that happened in the Ohio Valley, that had a tremendous economic impact, from happening anywhere else in the State. In addition, I think Representative Petrone and the other members of the task force would like the public to know that that road will be opening, I believe in January, finally, after several years of closure because of that catastrophe.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—191

Argall	Geist	Marshall	Rohrer
Baker	George	Marsico	Ross
Barrar	Gerber	McCall	Rubley

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Adolph	Frankel	Leach	Shapiro
Beyer	Freeman	Perry	Tangretti
Clymer	Josephs	Ramaley	Wojnaroski

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

The SPEAKER. The House will be at ease.

The House will come to order.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative BASTIAN and Representative BARRAR be placed on leave. The Chair hears no objection. The leaves will be granted.

The House will be at ease.

The House will come to order.

**STATEMENT BY MR. PETRONE**

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, a point of personal privilege.

The SPEAKER. Does the gentleman wish to be recognized under the provision of unanimous consent?

Mr. PETRONE. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

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

Mr. Speaker and colleagues, on Saturday, October the 4th, we celebrated in Pittsburgh the 250th birthday of the city of Pittsburgh. Some of you are aware of that; some of you are not.

More importantly, the reason I rise to call this to your attention is the fact that that evening – for those of you who were there, I know you feel the same way – we saw the greatest show on earth, really, live and in person. Mr. Zambelli, George Zambelli, the fireworks master, had 17 barges of fireworks and they shot them off from every bridge and building in the city of Pittsburgh for 40 minutes. It was the most spectacular display I have ever seen in my life, and I have seen them all over the world. I want to honor Mr. Zambelli and his family. I know of no American who is more welcome in more countries than Mr. Zambelli and the Zambelli fireworks company. He truly is welcome in every nation on earth. He should be an ambassador to the world. So whoever the next President is, I hope they will consider Mr. Zambelli and the Zambelli fireworks company as an ambassador because they do provide the greatest show on earth. Happy birthday, Pittsburgh – 2-5-0 – we are still with you.

Thank you, Mr. Speaker.

**RULE 24 SUSPENDED**

The SPEAKER. The Chair recognizes the majority whip, who moves to suspend rule 24 to allow SB 1258 to be considered on final passage.

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

The following roll call was recorded:

YEAS—138

Argall	Galloway	Manderino	Sabatina
Baker	Geist	Mann	Sainato
Belfanti	George	Mantz	Santoni
Bennington	Gerber	Markosek	Saylor
Biancucci	Gergely	McCall	Scavello
Bishop	Gibbons	McGeehan	Seip
Blackwell	Gillespie	McI. Smith	Shimkus
Boback	Godshall	Melio	Siptroth
Brennan	Goodman	Millard	Smith, K.
Buxton	Grucela	Miller	Smith, M.
Caltagirone	Haluska	Moul	Smith, S.
Carroll	Hanna	Moyer	Solobay
Casorio	Harhai	Mundy	Staback
Causer	Harhart	Myers	Stairs

Civera	Harkins	Nickol	Sturla
Cohen	Harris	O'Brien, M.	Surra
Conklin	Hennessey	Oliver	Taylor, J.
Costa	Hershey	Pallone	Taylor, R.
Cruz	Hess	Parker	Thomas
Curry	Hornaman	Pashinski	Vereb
Daley	James	Payton	Vitali
Dally	Keller, W.	Peifer	Wagner
DeLuca	Kenney	Perzel	Walko
DePasquale	Kessler	Petrarca	Wansacz
Dermody	King	Petri	Waters
DeWeese	Kirkland	Petrone	Watson
DiGirolamo	Kortz	Phillips	Wheatley
Donatucci	Kotik	Pickett	White
Eachus	Kula	Preston	Williams
Evans, D.	Lentz	Readshaw	Yewcic
Evans, J.	Levdansky	Reed	Youngblood
Everett	Longietti	Reichley	Yudichak
Fabrizio	Mackereth	Roebuck	
Fairchild	Mahoney	Ross	O'Brien, D.,
Fleck	Major	Rubley	Speaker

NAYS—46

Bear	Hickernell	Milne	Rock
Benninghoff	Hutchinson	Murt	Rohrer
Boyd	Kauffman	Nailor	Samuelson
Brooks	Keller, M.K.	O'Neill	Schroder
Cox	Killion	Payne	Sonney
Cutler	Maher	Pyle	Steil
Denlinger	Marshall	Quigley	Stern
Ellis	Marsico	Quinn	Stevenson
Gabig	McIlhattan	Rapp	Swanger
Gingrich	Mensch	Raymond	True
Grell	Metcalf	Roae	Turzai
Helm	Micozzie		

NOT VOTING—5

Cappelli	Harper	Mustio	Vulakovich
Creighton			

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnarowski
Beyer	Josephs		

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.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1258, PN 2487**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; 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 Maher.

Mr. MAHER. Mr. Speaker, I will speak on the bill, but I have been seeking recognition, as you well know.

The SPEAKER. The Chair will caution the gentleman to speak on the amendment and only the amendment or the Chair will move on to the next speaker.

Mr. MAHER. There is no amendment on the board, Mr. Speaker; it is on final passage.

The SPEAKER. Speak on final passage—

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. —or the Chair will move on.

Mr. MAHER. I am here to speak on final passage, but as I do that I will remind the Speaker that I do have the ability during speaking on final passage to make a motion, and I am going to make the motion to rescind third consideration because there was at least one member seeking recognition. So I have made a motion, Mr. Speaker, to rescind third consideration.

The SPEAKER. If the gentleman would approach the rostrum as to why he wants to rescind the Chair's announcement.

At the rostrum, please, Mr. Maher.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

**DECISION OF CHAIR RESCINDED**

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

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

The SPEAKER. The House will come to order.

**FILMING PERMISSION**

The SPEAKER. The Chair advises members that he has given permission to James Romeo of WGAL-TV to videotape with audio.

**CONSIDERATION OF SB 1258 CONTINUED**

**RESCISSION OF SUSPENSION OF RULES**

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

Mr. VULAKOVICH. Mr. Speaker, I rise to make a motion to rescind the suspension of the rules on SB 1258.

The SPEAKER. The gentleman moves to rescind the suspension—

Mr. VULAKOVICH. Of the rules.

The SPEAKER. On SB 1258.

Mr. VULAKOVICH. Right.

I attempted to push the button and it would not function.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman on the motion.

Mr. DeWEESE. As a courtesy—

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

Mr. DeWEESE. As a courtesy, the gentleman's switch was malfunctioning; I think it is operative now, and this side has no objection to allowing the gentleman to have another vote.

The SPEAKER. In the future, if there is an issue like this, the Chair invites members to come to the rostrum and inform them of that malfunction.

Those in favor of the motion to rescind will vote "yes"; those against the motion will vote "no."

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. There is nothing in order but the taking of the roll.

The following roll call was recorded:

#### YEAS—189

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

Eachus	Levdansky	Quigley	Watson
Ellis	Longiotti	Quinn	Wheatley
Evans, D.	Mackereth	Rapp	White
Evans, J.	Maher	Raymond	Williams
Everett	Mahoney	Readshaw	Yewcic
Fabrizio	Major	Reed	Youngblood
Fairchild	Manderino	Reichley	Yudichak
Fleck	Mann	Roae	
Gabig	Mantz	Rock	O'Brien, D., Speaker
Galloway	Markosek	Roebuck	
Geist	Marshall	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

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.

#### RULE 24 SUSPENDED

The SPEAKER. The Chair recognizes Representative McCall, who moves to suspend rule 24 so that SB 1258 can move to final passage.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Maher, on the motion.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

The gentleman is not in order. The debate on the suspension is limited to the leaders, the maker of the motion, and the maker of the bill.

#### POINT OF ORDER

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

Mr. MAHER. Thank you, Mr. Speaker.

I was rising for a point of order, and I thank you for the opportunity to offer it, which is earlier today we voted on a motion to suspend rules in order to bring SB 1258 to the floor for an immediate vote. That motion to suspend was defeated. The rules of the House provide that once a question has been defeated, it or questions of similar effect cannot be brought up again in the same session. Now, this motion is slightly different on the surface, but is entirely equal in effect to the earlier motion. Therefore, I believe that this motion is out of order and violates our rules. I would suggest that – in the interest of bipartisan harmony – that a motion to reconsider the earlier vote by which suspension was defeated would be in order and then that motion itself could be reconsidered, but to establish a new practice whereby one motion to suspend can be followed by another, by another, by another seems contrary to our rules.

Thank you, Mr. Speaker.

The SPEAKER. Under Mason's, section 282, a motion to suspend the rules may be renewed if there is intervening business.

For what purpose does the gentleman rise?

Mr. MAHER. Thank you, Mr. Speaker.

I rise to appeal the decision of the Chair. I believe that this is not a renewal of the earlier motion; this is a new motion. I would suggest a renewal could be accomplished through a reconsideration motion as I suggested. I just encourage— We can get to the same point; let us just follow the rules to head down that path.

The SPEAKER. The Chair has made no ruling. If the gentleman— In the interest of abbreviating this dialogue, the Chair will make a ruling. The Chair rules that the gentleman's motion to renew the motion to suspend the rules was in order.

The Chair recognizes Representative Maher.

Mr. MAHER. I am sorry, sir; I did not understand what you just said. Could you repeat it for me?

The SPEAKER. The Chair announced that the Chair had made no ruling for the gentleman to appeal. In order to abbreviate this dialogue, the Chair will make a ruling, and that is that the gentleman's motion to renew was in order.

Mr. MAHER. Which gentleman's— Which motion, sir? I am not following you.

Are you talking about Mr. McCall's motion?

The SPEAKER. The gentleman will suspend.

The gentleman, Representative McCall, renewed his motion. That motion is in order. That is the ruling of the Chair.

**RULING OF CHAIR APPEALED**

Mr. MAHER. Thank you, Mr. Speaker.

I would like to appeal the decision of the Chair.

The SPEAKER. The gentleman, Representative Maher, has appealed the decision of the Chair. The decision is that the gentleman, Representative McCall's motion to renew was in order.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

**YEAS—95**

Belfanti	George	Mann	Shimkus
Bennington	Gerber	Markosek	Siptroth
Bianucci	Gergely	McCall	Smith, K.
Bishop	Gibbons	McGeehan	Smith, M.
Blackwell	Goodman	McI. Smith	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra
Carroll	Harhai	O'Brien, M.	Taylor, R.

Casorio	Harkins	Oliver	Thomas
Cohen	Hornaman	Pallone	Vitali
Conklin	James	Parker	Wagner
Costa	Keller, W.	Pashinski	Walko
Cruz	Kessler	Payton	Wansacz
Curry	King	Petrarca	Waters
Daley	Kirkland	Petrone	Wheatley
DeLuca	Kortz	Preston	White
DePasquale	Kotik	Readshaw	Williams
Dermody	Kula	Roebuck	Yewcic
DeWeese	Lentz	Sabatina	Youngblood
Donatucci	Levdansky	Sainato	Yudichak
Eachus	Longiotti	Samuelson	
Evans, D.	Mahoney	Santoni	O'Brien, D., Speaker
Fabrizio	Manderino	Seip	
Galloway			

**NAYS—94**

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

**NOT VOTING—0**

**EXCUSED—14**

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

**SUSPENSION OF RULE 24 CONTINUED**

The SPEAKER. The Chair returns to the motion of Representative McCall.

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

The following roll call was recorded:

## YEAS—140

Argall	Gerber	McGeehan	Santoni
Bear	Gergely	McI. Smith	Saylor
Belfanti	Gibbons	Melio	Scavello
Benninghoff	Gillespie	Micozzie	Seip
Bennington	Goodman	Miller	Shimkus
Biancucci	Grucela	Moul	Siptroth
Bishop	Haluska	Moyer	Smith, K.
Blackwell	Hanna	Mundy	Smith, M.
Brennan	Harhai	Myers	Smith, S.
Buxton	Harhart	Nickol	Solobay
Caltagirone	Harkins	O'Brien, M.	Staback
Carroll	Harper	Oliver	Stairs
Casorio	Harris	Pallone	Stevenson
Civera	Helm	Parker	Sturla
Cohen	Hennessey	Pashinski	Surra
Conklin	Hornaman	Payne	Taylor, J.
Costa	James	Payton	Taylor, R.
Cox	Keller, W.	Peifer	Thomas
Creighton	Kenney	Perzel	Turzai
Cruz	Kessler	Petrarca	Vitali
Curry	Killion	Petri	Vulakovich
Daley	King	Petrone	Wagner
Dally	Kirkland	Phillips	Walko
DeLuca	Kortz	Preston	Wansacz
DePasquale	Kotik	Quinn	Waters
Dermody	Kula	Readshaw	Watson
DeWeese	Lentz	Reed	Wheatley
DiGirolamo	Levdansky	Reichley	White
Donatucci	Longietti	Rock	Williams
Eachus	Mackereth	Roebuck	Yewcic
Evans, D.	Mahoney	Rohrer	Youngblood
Everett	Major	Ross	Yudichak
Fabrizio	Manderino	Rubley	
Fairchild	Mann	Sabatina	O'Brien, D.,
Galloway	Markosek	Sainato	Speaker
George	McCall		

## NAYS—49

Baker	Gingrich	Marsico	Quigley
Boback	Godshall	McIlhattan	Rapp
Boyd	Grell	Mensch	Raymond
Brooks	Hershey	Metcalfe	Roae
Cappelli	Hess	Millard	Samuelson
Causar	Hickernell	Milne	Schroder
Cutler	Hutchinson	Murt	Sonney
Denlinger	Kauffman	Mustio	Steil
Ellis	Keller, M.K.	Nailor	Stern
Evans, J.	Maher	O'Neill	Swanger
Fleck	Mantz	Pickett	True
Gabig	Marshall	Pyle	Vereb
Geist			

## NOT VOTING—0

## EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnarowski
Beyer	Josephs		

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.

## CONSIDERATION OF SB 1258 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?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

## YEAS—140

Argall	Galloway	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	Melio	Santoni
Bennington	Gibbons	Mensch	Saylor
Biancucci	Godshall	Metcalfe	Scavello
Bishop	Goodman	Micozzie	Schroder
Blackwell	Grucela	Milne	Seip
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, M.
Buxton	Harhai	Murt	Smith, S.
Caltagirone	Harhart	Myers	Solobay
Casorio	Harkins	Nickol	Staback
Civera	Harper	O'Brien, M.	Stairs
Cohen	Harris	Oliver	Sturla
Conklin	Hennessey	Pallone	Surra
Costa	Hickernell	Parker	Taylor, J.
Cox	Hornaman	Payton	Taylor, R.
Creighton	James	Peifer	True
Cruz	Keller, W.	Perzel	Vereb
Curry	Kenney	Petrarca	Vulakovich
Cutler	Kessler	Petri	Wagner
Daley	Killion	Petrone	Walko
Dally	King	Phillips	Wansacz
DeLuca	Kortz	Preston	Waters
Denlinger	Kotik	Quigley	Watson
DePasquale	Kula	Quinn	Wheatley
Dermody	Lentz	Raymond	White
DeWeese	Levdansky	Readshaw	Williams
DiGirolamo	Longietti	Reed	Yewcic
Donatucci	Mackereth	Reichley	Youngblood
Eachus	Mahoney	Roae	Yudichak
Evans, D.	Major	Roebuck	
Evans, J.	Mann	Rohrer	O'Brien, D.,
Everett	Mantz	Ross	Speaker
Fabrizio	Markosek		

## NAYS—49

Baker	Grell	McIlhattan	Rock
Boback	Helm	Millard	Rubley
Brooks	Hershey	Miller	Shimkus
Cappelli	Hess	Mundy	Smith, K.
Carroll	Hutchinson	Mustio	Sonney
Causar	Kauffman	Nailor	Steil
Ellis	Keller, M.K.	O'Neill	Stern
Fairchild	Kirkland	Pashinski	Stevenson
Fleck	Maher	Payne	Swanger
Gabig	Manderino	Pickett	Thomas
Geist	Marshall	Pyle	Turzai
Gillespie	Marsico	Rapp	Vitali
Gingrich			

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

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. The House will be at ease.

The House will come to order.

### VOTE CORRECTION

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

Mr. ELLIS. Mr. Speaker, I would like to be recorded in the affirmative on SB 1258.

The SPEAKER. The gentleman's remarks will be spread upon the record.

### SUPPLEMENTAL CALENDAR F

#### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2294, PN 4525**, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

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

The SPEAKER. The House will be at ease.

The House will come to order.

### MOTION TO SUSPEND RULE 21(E)

Mr. D. EVANS. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair recognizes Representative Evans.

Mr. D. EVANS. I would like to make a motion for suspension of the rules for the purpose of voting on HB 2294.

The SPEAKER. The Chair cannot hear the gentleman.

Mr. D. EVANS. Mr. Speaker, 2294, rule 24.

I would like to make a motion for suspension of the rules.

The SPEAKER. The gentleman, Representative Evans, moves to suspend rule 24, the 24-hour requirement, so that HB 2294, PN 4525, can be—

Mr. D. EVANS. Let me make a correction, Mr. Speaker.

My understanding is rule 21(e).

The SPEAKER. The gentleman, Representative Evans, moves to suspend rule 21(e) so that HB 2294, PN 4525, can be considered.

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE CANCELED

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

### CONSIDERATION OF HB 2294 CONTINUED

Mr. D. EVANS. Mr. Speaker?

The SPEAKER. Nothing is in order but the calling of the roll.

Mr. D. EVANS. The minority leader, he can speak for himself, but he said they did not have a chance to caucus on this bill.

### VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair is under the impression from the statement of Representative Evans that the minority leader, the minority caucus has not had a chance to caucus on this. That is why the Chair struck the vote.

### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2294 will be over temporarily.

The House will be at ease.

The House will come to order.

Mr. D. EVANS. Mr. Speaker? Mr. Speaker?

The SPEAKER. The House will come to order.

The Chair recognizes Representative Evans.

Mr. D. EVANS. HB 2200, Mr. Speaker; I would like to call that up for a vote, please.

Mr. McCALL. We would like to call up HB 2200.

The SPEAKER. The Chair thanks the gentleman.

### RULE 21(E) SUSPENDED

Mr. McCALL. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suspend rule 21(e) for the immediate consideration of HB 2200.



The SPEAKER. The gentleman, Representative McCall, moves to suspend rule 21(e) for the immediate consideration of HB 2200, PN 4526.

### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative BENNINGHOFF be placed on leave. The Chair hears no objection. The leave will be granted.

### SUSPENSION OF RULE 21(E) CONTINUED

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

The following roll call was recorded:

#### YEAS—157

Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Belfanti	Gerber	McGeehan	Sainato
Bennington	Gergely	McI. Smith	Santoni
Bianucci	Gibbons	McIlhattan	Saylor
Bishop	Gillespie	Melio	Scavello
Blackwell	Godshall	Mensch	Seip
Boback	Goodman	Micozzie	Shimkus
Brennan	Grucela	Miller	Siptroth
Brooks	Haluska	Moul	Smith, K.
Buxton	Hanna	Moyer	Smith, M.
Caltagirone	Harhai	Mundy	Smith, S.
Cappelli	Harhart	Mustio	Solobay
Carroll	Harkins	Myers	Sonney
Casorio	Harper	Nailor	Staback
Causar	Harris	Nickol	Stairs
Civera	Helm	O'Brien, M.	Stevenson
Cohen	Hennessey	Oliver	Sturla
Conklin	Hershey	Pallone	Surra
Costa	Hornaman	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Cruz	Keller, W.	Payne	Thomas
Curry	Kenney	Payton	Vereb
Daley	Kessler	Peifer	Vitali
Dally	Killion	Perzel	Vulakovich
DeLuca	King	Petrarca	Wagner
DePasquale	Kirkland	Petri	Walko
Dermody	Kortz	Petrone	Wansacz
DeWeese	Kotik	Phillips	Waters
DiGirolamo	Kula	Pickett	Watson
Donatucci	Lentz	Preston	Wheatley
Eachus	Levdansky	Pyle	White
Evans, D.	Longietti	Quinn	Williams
Evans, J.	Mackereth	Ramaley	Yewcic
Everett	Mahoney	Rapp	Youngblood
Fabrizio	Major	Raymond	Yudichak
Fairchild	Manderino	Readshaw	
Fleck	Mann	Reed	O'Brien, D.,
Gabig	Markosek	Roebuck	Speaker
Galloway	Marshall	Ross	

#### NAYS—32

Bear	Hess	Millard	Rohrer
Boyd	Hickernell	Milne	Samuelson
Creighton	Hutchinson	Murt	Schroder
Cutler	Kauffman	O'Neill	Steil
Denlinger	Keller, M.K.	Quigley	Stern
Ellis	Maher	Reichley	Swanger
Gingrich	Mantz	Roae	True
Grell	Metcalfe	Rock	Turzai

NOT VOTING—0

EXCUSED—14

Adolph	Beyer	Josephs	Shapiro
Barrar	Clymer	Leach	Tangretti
Bastian	Frankel	Perry	Wojnaroski
Benninghoff	Freeman		

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.

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2200, PN 4526**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

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

### MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Saylor, who moves to suspend the rules to offer amendment A09788.

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

### MOTION WITHDRAWN

The SPEAKER. The Chair recognizes Representative Saylor on the motion.

Mr. SAYLOR. Mr. Speaker, I am in support of HB 2200, and to move the process along today – I think there are a lot of things we can do to improve HB 2200 – but to move the process along, I am going to withdraw those amendments at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Representative George.  
Mr. GEORGE. Thank you, Mr. Speaker.

I know that many on both sides of the aisle have been patiently waiting to vote for this bill in that the majority, regardless of who they are, want to see because of the times and the economic situation that this General Assembly do something more than what has been done for some reason, even in the

Federal government, in protecting our consumers and those individuals that have been having a tough time.

Mr. Speaker, I hope you do not challenge. It has been said that the road to hell is often paved with good intentions. Unfortunately, this might be the scenario that I have created with HB 2200. The truth of the matter is there is much more that many of us would have liked to have seen, but I urge you to support this bill in that we do have time, should we have a bill signed into law, to be able to add to it, as I know I myself might like to do.

I know the legislation, unfortunately, eliminates the Office of Trial Staff, and as I understand, the Office of Trial Staff acts not unlike the Consumer Advocate but their mission is much broader.

Little has been said on why this was done, and the short time I have had the amended bill precludes me from an answer. The legislation has a cap of 25 percent on long-term contracts, which I think is somewhat advised. However, my biggest concern with the procurement language is it gives the utility sole discretion over the length of long-term contracts, which are defined as "contracts of more than 4 years."

Together I know we want to encourage and assure our constituency that we have their interest and their best regard, and I would urge that as a total body that we say to these constituents, these people that are concerned with the economic times, this is what we have been able to get and we will continue to keep your interest in mind.

I would urge, Mr. Speaker, that we support this bill.

Thank you very much.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

The Senate has actually approached this issue in a different way than I would have, but I notice that there are some elements in this bill that are actually very interesting and I think very helpful; in particular, the change in the responsibilities being offered to the Public Utility Commission. I think the Senate decided that they wanted to do that because they wanted to make sure that the Public Utility Commission would have the ability, clearly and understandably, to go beyond the mere targets that are being offered in this bill and also to reach out to other entities that might be interested in creating conservation and demand-side management. I encourage them to go ahead and do that for the good of the ratepayers as a whole, because in fact, conservation and demand-side management are the only realistic ways that we are going to help the ratepayers of Pennsylvania soften the blow for the upcoming repeal of price caps. It is critical for Pennsylvania because many other States have already gone far ahead of us in this area – New York, California. We are at risk of falling behind in a competitive marketplace. It is critical for us to be able to offer businesses that might want to locate here, low-income homeowners that are currently here, and the ratepayers – whether they be commercial, industrial, or residential – the best possible opportunity to use the power that we have most efficiently and most cheaply.

So I urge a positive vote on HB 2200. I urge the Public Utility Commission to take full advantage of the power that is being granted additionally to them here and to do the best by the ratepayers to improve and increase conservation and demand-side management, which will save us all lots of money.

Thank you, Mr. Speaker.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I have got a bonus for all the members; I am going to keep my comments short.

Mr. Speaker, I think that for us to suspend the rules on such a significant issue as this, with a 79-page bill that was just caucused on briefly, and which we had a limited amount of time and we even ran out of time to caucus the additional bills, I do not think that this really speaks well. I think it is actually an indictment of the process that we are using here, an indictment of the Reform Commission that the Speaker actually formed earlier this session.

Mr. Speaker, I think that passing HB 2200 today as we approach the dark of night once again, when many of our colleagues needed to leave for their own reasons, as was mentioned earlier today, I think that the membership list is getting shorter, and I do not think that we should be taking this vote up today. It is a vote that needs to be vetted more; it is a vote that needs to be read more. I think a 79-page bill that you are going to push through with a suspension of the rules is what a quarter of this Assembly ran against the last time they ran to get elected, Mr. Speaker. I think when they came in here and took that oath, and many of them served on your Reform Commission, I do not think they envisioned the end of session voting for a 79-page bill that was dropped on our desks at the last minute, that has severe impacts on the marketplace and, in my opinion and I know in many of my colleagues' opinions, will drive the costs up for consumers, not down.

Once again with our economy in the state that it is in, I think that to try and satisfy the radical leftist groups like the Sierra Club and others who actually endorse this, I think is a wrong move, Mr. Speaker. I think it is time to stand with the people of Pennsylvania. It is time to reject this government-mandated-type control of our energy market. It is time for energy independence, Mr. Speaker, and more government controls through this type of legislation will not deliver it. It is not the type of reform that the people of Pennsylvania expect. They like a different type of bonus; they like to be looked out for by the people that are supposed to be representing them.

Thank you, Mr. Speaker.

The SPEAKER. Representative Turzai.

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

With respect to HB 2200, I will support concurrence although I think that we could have had a much better bill from the Senate. There are some positive aspects to this and I think those override the negative aspects. I would like to point out that a bill that we had done with respect to our energy independence task force, lead by Representative Stan Saylor and Representative Scott Hutchinson, resulted in a bill, HB 2300, that I thought addressed electric rate stabilization really quite succinctly.

The issue really is, in the first instance, are we going to maintain the course with electric deregulation that started under Governor Ridge? The answer to that should be yes, and concededly, HB 2200 does reinforce the notion that we need to maintain electric deregulation. It will benefit, in the short term and long term, consumers, and secondly, it will benefit the energy industry in terms of job growth and meeting the needs of Pennsylvania's citizens. So in that first instance, HB 2200 is important because it continues to pursue electric deregulation started under Governor Ridge.

Now, part of that deals with this issue of procurement. Now, I know that that seems like, as it was to many of us a new

concept for many in understanding electric deregulation, but to this audience and to the listening audience, procurement is this: utilities and suppliers who sell you your electricity – and we all use electricity, right? We are plugging in toasters, TVs, and turning on lights. When we are doing that, we need to meet those energy demands that we have in our homes and our businesses. How can those that buy that electricity, how can we get that at the most reasonable price possible? The more that the utility companies and the suppliers have options in the market to be able to go out and get their product, the better they are able to provide that product to us at competitive prices.

This bill does, in many ways, follow HB 2300, introduced by myself and Representative Saylor, in terms of the options for procurement for utilities and suppliers from generators that can ultimately be passed on as savings to consumers. That is important.

One of the things that the bill does not do that many of us wish it did do; we wish it would have dealt with the potential for increases in a complete transition to electric deregulation. We are in the middle of that process, right?

Now, a lot of people think that as the, quote, unquote, "caps come off" that we automatically get these increased prices. That is not true. In the southwest, in the Duquesne Light territory, where I am from, actually prices went down in large part because of the ability to look for a product on the market in a competitive, free-market approach, and those savings have been passed on to consumers. That has not been true in all regions.

One of the things we would have liked to have seen is a phase-in or phase-out-type plan that would have allowed some consistency in terms of the transition to electric deregulation in parts of the State. That is not a component part of the plan. Now, I guess there is a good side to that. One of the good sides is because the Governor of this administration, as part of their mitigation plan or stabilization plan, there has been essentially a desire to, I would say, extort or shake down money from the energy companies. We have seen that in other paradigms with this administration, and I am glad to see that for now that is not part of this package, because speaking for myself and I think many of my colleagues on this side of the aisle, we do not want to be part of that racket, and that is good.

I am fearful that there is a second part coming to this that is going to be a shakedown or extortion of money from energy companies to put more dollars in the hands of government, elected officials, or bureaucrats so that they can be big shots around the State. I am hoping that that is not the case and that we are not seeing a second part to this.

I think also, in the procurement aspects of it, there are parts of the procurement package I think they would have been better off sticking with HB 2300's strict language. I think parts of it, arguably, do attempt or butt up against FERC (Federal Energy Regulatory Commission) or the Federal regulations that apply in this area, and I hope it does not present a constitutional or legal issue. I think HB 2300's language on procurement would have been better, and there was an opportunity for some diversified portfolio, for the lack of a better phrase, in terms of how utilities and suppliers get their product from generators, but nonetheless, broader procurement or more flexible procurement is important.

I do think that there are some opportunities for conservation education. I am not in favor of the mandate-type approach but the educational type of approach where consumers can make those decisions for themselves. But in the end, despite some

misgivings in this version versus the version that Representative Saylor and myself and the Republican Caucus put on the table, the fact of the matter is the three strongest points in favor of this bill are these: electric deregulation will continue and the free market is ultimately in place, and I think that you will see growth in the energy industry and jobs here. I think you will see more product getting to people and meeting the citizens' needs for energy in this State. I think also that the procurement aspects enhance that opportunity, and the fact is, even though they do not have a mitigation or a stabilization component to this, at least, thank goodness, there was not a shakedown or extortion component to this particular bill, and I am hoping we do not see it in the future.

Given that, I would urge a "yes" vote. If the Republicans had an opportunity in the House to forge this bill alone, I think it would look different, but at least it is some steps in the right direction, and I would urge a "yes" vote.

Thank you very, very much.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to take too long. I was surprised, though – and the last speaker did a pretty good job – I was surprised to hear him supporting a Bud George bill, but I guess if you stay around long enough, a lot of things can happen.

I want to first thank Representative George for his stewardship in helping to bring about the conservation component of HB 2200. The conservation component is a component that will help Pennsylvania achieve some level of independence, hold down costs, and benefit consumers in the long run. But there is a marketplace component to HB 2200 which is extremely troubling, and it is that marketplace and it is that maintaining this environment of deregulation that is troubling.

If the events of the last couple weeks, the events facing this country and facing the financial markets across the world, if we did not learn anything else, we learned that deregulation is not a good thing for consumers, that we need to always be mindful of the impact on the people that we represent. It is this maintenance of this deregulation that causes me grave concern, and I hope that whatever happens with HB 2200 – and I am not promoting HB 2200 – but whatever happens with HB 2200, I ask Representative George, the author, I ask Representative Preston, the chair of Consumer Affairs, and I ask leadership from both sides to let us not take our eyes off of the ball. There are too many people in Pennsylvania that are literally sitting in darkness as we speak because they are unable to pay for electricity, gas, or any utilities, and we did not help them in December of 2004 when we gave the utility companies unfettered authority to turn on and turn off consumers' utilities almost at will.

So I hope that Representative George, Representative Preston, leadership from the minority side, that we do not take our eyes off of this ball and that at the end of the day, we do not step away from putting people over politics, from looking out for the interests of the people that we represent. I am excited that jobs will be created. I am excited with how energy will be conserved, but I am troubled by the current situation facing people all over Pennsylvania with respect to electricity and heat, and I am concerned about how the marketplace and deregulation are going to aggravate an already bad situation.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

The hour is late respectively with our legislative day here. While it might be tempting to go through a lot of questioning, I think it is better just to put on the record my remarks regarding this legislation.

Quite frankly, Mr. Speaker, I think we are ducking our responsibility, but all we have heard from our constituents over the last few weeks and months is the need to address this question of whether rate caps will be extended, which I think is an unconstitutional provision and therefore illegal, or whether we are going to do something about mitigating the impact of increased prices at the end of 2009.

I think even the chairman, the majority chairman of the Environmental Committee would admit this legislation does not do one iota to address the issue of a mitigated rate structure. We received this bill 2 hours ago. It is 79 pages long. It is a huge power grab that we would authorize to the Public Utility Commission, and we are avoiding our responsibility to ensure for our constituents that we are mitigating, or lessening, the blow of rate increases starting in 2010.

In addition, some of our members know there is a separate regulatory body, the Federal Energy Regulatory Commission, which has exclusive purview under wholesale electricity rates. This legislation would seek to provide the Public Utility Commission of Pennsylvania with the comparable authority to interfere in the contracts by which wholesale electricity prices are set. Mr. Speaker, based upon correspondence I have had with the Public Utility Commission, that could potentially be unconstitutional.

I do not understand why we are in such a rush now at this eleventh hour to try to sell our constituency on the idea that we did something big when in fact we have done nothing except turn over our responsibility to the Public Utility Commission. They are certainly very well versed in these areas, but I do not think that serves as a justification for us to duck a tough one here. We still need to come back to this issue of mitigated rate structure, and instead of trying to suspend the rules and review a 79-page bill in less than 2 hours' time, we should have taken the opportunity to delay consideration of this bill. This chamber at least has had the guts to come back in November to consider tough pieces of legislation – the chamber on the other side of the building should have done the same thing – and we should be prepared to consider this kind of legislation in November and in January rather than rushing something through. I understand it is tempting to tell people, oh, we did something on electricity rates. With all due respect, you have done nothing.

So I would urge a "no" vote on this legislation. Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we concur in the Senate amendments.

I would agree with a lot of the previous speakers that this is a major first step. However, we are far from done in addressing the issues that the people of Pennsylvania want us to address. I think when you look at this legislation, it has been around the chamber now for 22 months, and I know a lot of our members really did not know what energy conservation was, demand-side management, smart meters, procurement, but in those 22 months we have all become well educated.

And one of the important aspects of this legislation is certainly what we are doing in conservation and demand-side management, because if we do not say to our utility companies

that we want you to further conserve and tell our constituents that we want them to cut down on demand and put together a plan to do that— We talk about rate mitigation; the cost to build the utilities that we will need in the next 20 or 30 years will far outweigh any cost of rate mitigation to our citizens. The cost to build more generation facilities is to the tune of \$20 to \$30 billion over the next 20 years. It is a cost that we cannot afford.

This legislation addresses that in saying to our utilities that we want you to conserve energy, and as a matter of fact, the bill that the Senate sent back to us is stronger than what we sent over to the Senate. The goals that they set are more stringent than the goals that we passed originally in this House of Representatives, and I think that in fact is a good thing.

This legislation is environmentally friendly and civically responsible because it also helps with the emissions and the clean-air concerns that many of us have with generation here in this Commonwealth.

We have not talked about what we are doing in the alternative energy portfolio as well, including low-impact hydropower plants to go online and put them into our first tier, or Tier I, of our alternative energy portfolio as well as defining what biomass is and allowing wood pulp and black liquor for electric generation and putting that into Tier I as well.

And then for all of those who are concerned about coal, what we are doing with clean coal technology: in doing a study to identify geological formations, doing a risk assessment and determining the viability of carbon sequestration in Pennsylvania so we can really capture some of these new and emerging technologies and put clean coal technology on the forefront of what we do here in Pennsylvania for generations.

So, Mr. Speaker, certainly it is not a perfect bill but it is a great first step, and the thing that I know we will all come back to in January is to work on a very aggressive rate mitigation plan, and that is the commitment that a lot of us have made when we started to work on HB 2200, to get that done, and we will get it done in the coming year.

I would ask the members to support HB 2200.

The SPEAKER. Representative Mensch.

Mr. MENSCH. Thank you, Mr. Speaker.

I would like to echo some of the sentiments that were just offered by the previous speaker. This is not the best bill that it could be, but I believe that it provides some benefits, and I think those benefits do outweigh the negatives.

The previous speaker mentioned that his primary goal, and I would agree with him, of this bill is to see that we lower the costs to our consumers and we do that in a free market and a competitive way. I think that is the important point that the previous speaker offered.

There is a lot of discussion when we talk about rate caps and we talk about mitigation that we focus too much on what I consider to be a red herring, and that is, do we regulate or do we deregulate? Certainly in today's economic climate there is some concern about regulation, but we cannot forget that we are in this position we are in with rate caps simply because of regulation.

I would also suggest that the economic landscape of our country is littered with bad examples of governments trying to regulate economic processes. All we have to do is look at the railroads as one example, Mr. Speaker. The railroads no longer really are a viable option for us because trucking was

deregulated at the same time that railroad regulation was strengthened.

I would also suggest in an environment that I lived for 35 years, the telecom industry, we had regulation that forced one company to compete in a very regulated environment while the rest of the companies were completely unregulated, and today all they did was bilk our investors out of billions of dollars. Where is MCI? Where is Adelphia? Where are these other companies today? They no longer exist.

So, Mr. Speaker, my comment is, let us move forward with HB 2200, but let us not focus on the wrong issue. Let us not focus on the regulation. Let us focus on the benefit that we can provide to the ratepayers in Pennsylvania. How do we get them the most affordable electric service in a competitive environment? I think we do that, Mr. Speaker, by taking the first step with HB 2200.

I agree with the previous speaker that in January this body needs to aggressively pursue a strategy for mitigation. Now, the electric companies themselves are already beginning to do that. That is truly the way to encourage it, but for those who cannot or will not, then we need to intercede. But again, I think we need to move cautiously in this whole area of regulation.

So, Mr. Speaker, with that I will suggest that we consider very strongly to concur on HB 2200 and begin the first step. Thank you.

**LEAVES OF ABSENCE CANCELED**

The SPEAKER. The Chair recognizes the presence of Representative Perry and Representative Barrar on the floor. Their names will be added to the master roll.

**CONSIDERATION OF HB 2200 CONTINUED**

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—186**

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

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

**NAYS—4**

Hutchinson	Maher	Metcalfe	Reichley
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**NOT VOTING—1**

Thomas

**EXCUSED—12**

Adolph	Beyer	Freeman	Shapiro
Bastian	Clymer	Josephs	Tangretti
Benninghoff	Frankel	Leach	Wojnaroski

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.

The House will come to order.

**RULE 21(E) SUSPENDED**

Mr. McCALL. Mr. Speaker?

The SPEAKER. The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suspend rule 21(e) for the purpose of immediately considering HB 1096, HB 2294, HB 2629, and HB 2525.

The SPEAKER. The gentleman, Representative McCall, moves to suspend House rule 21(e) for the immediate consideration of HB 1096, HB 2294, HB 2525, and HB 2629.

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

The SPEAKER. The Chair recognizes the minority leader, Representative Smith, on the motion to suspend.

Mr. S. SMITH. Mr. Speaker, I rise to support the motion to suspend the rules.

And for the information of the members, it is my understanding that there will be these four bills and then two other bills that are in order timely that will not require a suspension of the rules that would pretty much conclude the bills to be voted.

So I support the motion to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—160

Argall	Gergely	McCall	Rubley
Baker	Gibbons	McGeehan	Sabatina
Barrar	Gingrich	McI. Smith	Sainato
Belfanti	Godshall	McIlhattan	Santoni
Bennington	Goodman	Melio	Saylor
Bianucci	Grucela	Mensch	Scavello
Bishop	Haluska	Micozzie	Seip
Blackwell	Hanna	Millard	Shimkus
Boback	Harhai	Miller	Siptroth
Brennan	Harhart	Moul	Smith, K.
Buxton	Harkins	Moyer	Smith, M.
Caltagirone	Harper	Mundy	Smith, S.
Carroll	Harris	Mustio	Solobay
Casorio	Helm	Myers	Sonney
Civera	Hennessey	Nickol	Staback
Cohen	Hershey	O'Brien, M.	Stairs
Conklin	Hess	Oliver	Stern
Costa	Hornaman	Pallone	Stevenson
Creighton	James	Parker	Sturla
Cruz	Keller, M.K.	Pashinski	Surra
Curry	Keller, W.	Payne	Taylor, J.
Daley	Kenney	Payton	Taylor, R.
Dally	Killion	Peifer	Thomas
DeLuca	King	Perzel	Turzai
DePasquale	Kirkland	Petrarca	Vereb
Dermody	Kortz	Petri	Vitali
DeWeese	Kotik	Petrone	Vulakovich
DiGirolamo	Kula	Phillips	Wagner
Donatucci	Lentz	Pickett	Walko
Eachus	Levdansky	Preston	Wansacz
Ellis	Longietti	Pyle	Waters
Evans, D.	Mackereth	Quigley	Wheatley
Evans, J.	Maher	Quinn	White
Everett	Mahoney	Ramaley	Williams
Fabrizio	Major	Raymond	Yewcic
Fairchild	Manderino	Readshaw	Youngblood
Fleck	Mann	Reed	Yudichak
Galloway	Mantz	Reichley	
Geist	Markosek	Roebuck	O'Brien, D., Speaker
George	Marshall	Ross	
Gerber	Marsico		

#### NAYS—30

Bear	Gillespie	Murt	Rohrer
Boyd	Grell	Nailor	Samuelson
Brooks	Hickernell	O'Neill	Schroder
Causer	Hutchinson	Perry	Steil
Cox	Kauffman	Rapp	Swanger
Cutler	Kessler	Roae	True
Denlinger	Metcalfe	Rock	Watson
Gabig	Milne		

NOT VOTING—1

Cappelli

EXCUSED—12

Adolph	Beyer	Freeman	Shapiro
Bastian	Clymer	Josephs	Tangretti
Benninghoff	Frankel	Leach	Wojnaroski

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

### BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2525, PN 4524**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

On the question,

Will the House concur in Senate amendments?

### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative HERSHEY be placed on leave. The Chair hears no objection. The leave will be granted.

### CONSIDERATION OF HB 2525 CONTINUED

The SPEAKER. Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

Mr. Speaker, I understand that the Senate made some significant changes to HB 2525 including some of the provisions that failed here on the House floor, and certainly I do believe that these changes are worthwhile and worthy. However, Mr. Speaker, I still think that this bill establishes standards that if good for the dogs in commercial kennels, they should be good for dogs in all kennels.

The bill is very clear that the new standards only apply to certain dogs because of how their owner does business, and there does not seem to be any authority to establish any similar standards for other dogs. It seems if the Governor truly wanted to protect the animals that end up in our homes, he would apply the same standards to the nonprofit shelters and to all dog breeders.

I refer you to page 33, line 5, of the bill and all the language that follows up to and including page 45, line 14, Mr. Speaker. These 12 pages include language to regulate "Kennel Class C license holders only," the additional protections relating to such things as regulating the primary enclosure structures including height, length, materials, and this list goes on and on; I am not going to read it here this evening. Ensuring compatibility of dogs within the same enclosure; requiring a veterinarian-client-patient relationship; applying strict standards for heating, cooling, and exchange of air; strict standards for odor abatement; lighting requirements; availability of food and water; applying specific sanitary conditions and pest control; requiring availability of exercise areas. All of these restrictions and more only apply to commercial kennel operators, Mr. Speaker. They do not apply to nonprofit kennels, boarding kennels, rescue kennels, or any other entity that is covered by this act.

Now, Mr. Speaker, the last time I checked, a dog is a dog is a dog. However, HB 2525 effectively says that only dogs in this Commonwealth that are entitled to these added protections are those that are housed in commercial kennels.

Mr. Speaker, I have additional comments that I will submit for the record.

#### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, I understand that the Senate made some significant changes to HB 2525, including some provisions that failed here on the House floor. Certainly, I think those changes are worthy.

However, Mr. Speaker, I still think this bill establishes standards that if good for the dogs in commercial kennels, should be good for dogs in all kennels. The bill is very clear that the new standards only apply to certain dogs because of how their owner does business and there does not seem to be any authority to establish any similar standards for other dogs.

It seems if the Governor truly wanted to protect the animals that end up in our homes, he would apply the same standards to the nonprofit shelters and to all dog breeders.

I refer you to page 33, line 5, of the bill and all the language that follows, up to and including page 45, line 14, Mr. Speaker.

These 12 pages include language to regulate "Kennel Class C license holders only." The additional protections relating to such things as:

- Regulating the primary enclosure structures (including height, length, materials...the list goes on and on.)
- Ensuring compatibility of dogs within the same enclosure.
- Requiring a veterinarian-client-patient relationship.
- Applying strict standards for heating, cooling, and exchange of air.
- Strict standards for odor abatement.
- Lighting requirements.
- Availability of food and water.
- Applying specific sanitary conditions and pest control.
- Requiring availability of exercise areas.

All of these restrictions (and more) only apply to commercial kennel operators, Mr. Speaker. They do not apply to nonprofit kennels, boarding kennels, rescue kennels, or any other entity regulated by this act.

Now, Mr. Speaker, the last I checked, a dog is a dog is a dog. However, HB 2525 effectively says that the only dogs in the Commonwealth that are entitled to these added protections are those that are housed in commercial kennels.

Yet standards to protect against such harms as pest infestation, inadequate kennel size, inadequate availability of exercise facilities, spoiled food and bad water, Mr. Speaker, all impact the health and welfare of the dogs regardless of where they live. The type of harm that the prime sponsor intends to prevent by adding these additional "protections" for dogs in commercial kennels is the same type of harm that can come to dogs in nonprofit and rescue kennels.

I have heard from proponents of this legislation that these commercial kennels need to be more heavily regulated because the dogs from these kennels eventually find their way into people's homes. But, Mr. Speaker, I would venture to say that a large percentage of family dogs in Pennsylvania came from small, unregulated breeders, and rescue or nonprofit kennels.

When faced with an issue like this, where the Commonwealth chooses to make distinctions between classes of persons, courts must determine whether such classifications are constitutional under the Federal and Pennsylvania constitutional protection of equal protection under the law.

The equal protection clause of the 14th Amendment of the United States Constitution in pertinent part provides:

"No State shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article I, section 1, of the Pennsylvania Constitution provides for similar protections.

Now, Mr. Speaker, I will not venture a guess as to whether this legislation is intended to target a discrete and insular minority (like the Amish, for example). If so, courts are loath to uphold such laws and apply the strictest of scrutiny to such classifications.

But given the plain language of HB 2525, there can be no question that the Commonwealth is treating commercial kennel operators with a heavy hand, while refusing to apply these same standards to any other type of kennel.

Such a classification, Mr. Speaker, sets up a situation in which the Commonwealth's policy must pass a rational basis test. Effectively, the classification must be reasonably related to a legitimate governmental purpose.

Since some of the hard-core advocates of this legislation are prone to refer to their pets as "their children," I would like to remind the members of the House of an instance in which our courts were called upon to apply an equal protection analysis. This Friday marks the 13th anniversary of the Pennsylvania Supreme Court's decision in *Curtis v. Kline*.

In 1995 our court was presented with a situation where a noncustodial parent was compelled by statute to pay for the postsecondary (college) costs of a child. Effectively, the PA Supreme Court was called upon to determine whether a child in one circumstance was entitled to greater protection under the law than a child in another circumstance.

In its analysis, the court applies a test to determine "whether any classification is founded on a real and genuine distinction rather than an artificial one." Much like this instance, the court held the law up to a rational basis test.

If you read Justice Zappala's opinion, he concluded that "Ultimately, we can conceive of no rational reason why those similarly situated with respect to needing funds for college education, should be treated unequally...."

Mr. Speaker, the Governor has made no secret that his goal, as reported most recently by his Agriculture Department press secretary, is to strengthen Pennsylvania dog laws and improve standards for the health and safety of dogs in commercial breeding kennels without affecting other types of kennels that house dogs.

I submit to you, Mr. Speaker, that if this legislation as currently written reaches the courts, and I believe that it will in relatively short order, we should not be surprised when the court finds absolutely no rational basis whatsoever in allowing the disparate treatment of animals merely because one entity is engaged in a commercial enterprise and another is not.

Mr. Speaker, I agree that standards could and should be improved, but ignoring the standards for all dogs in kennels seems to do a great disservice to an entire population of pets and likely violates the equal protection clause of the Pennsylvania and U.S. Constitutions.

For that reason, Mr. Speaker, I intend to cast a "no" vote.

Mr. STERN. But in my conclusion in my remarks here this evening, Mr. Speaker, the Governor has made no secret that his goal, as reported most recently by his Agriculture Department press secretary, is to strengthen Pennsylvania dog laws and improve the standards for the health and the safety of dogs in commercial breeding kennels without affecting other types of kennels that house dogs.

I submit to you, Mr. Speaker, that if this legislation as currently written reaches the courts, and I believe that it will in relatively short order, we should not be surprised when the court finds absolutely no rational basis whatsoever in allowing this disparate treatment of animals because one entity is engaged in a commercial enterprise and another is not.

Mr. Speaker, I agree that standards should and have been improved, but ignoring the standards for all dogs in kennels seems to do a great disservice to an entire population of pets and likely violates the equal protection clause of the Pennsylvania and U.S. Constitutions. For that reason, Mr. Speaker, I intend to cast a "no" vote.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I recognize that the Senate has made improvements to this bill, HB 2525, and I appreciate the work that went into developing it. I do support many of the provisions it contains because it will improve the conditions for dogs, and I say, in certain kennels, and I want to amplify that term, "certain kennels." However, I have remaining concerns, and that is why I am going to vote against this legislation.

I am concerned that the penalties are excessive, especially with the addition of civil penalties that seem to be designed to put certain kennels out of business. I am concerned that only currently licensed kennels may apply for indoor exercise areas if local zoning prohibits outdoor exercise and the Secretary may deny these requests.

I am concerned that private kennels have a higher level of protection than other types of kennels as related to search warrants. I am concerned about the violation of private property rights that can occur under these provisions. I am concerned that the standards established for dogs in commercial kennels do not apply to dogs in all kennels. I am especially concerned that the new standards do not apply to nonprofit kennels from which many pets are adopted to live in our homes.

Mr. Speaker, if this bill is intended to address the problem of proper care of dogs, it should apply to all dogs. And, Mr. Speaker, I am fearful that once we enact this legislation that the day in court will soon come and the courts will deem, with the irregularities of the bill and the lack of fairness, that it would be declared unconstitutional.

So I oppose it and very, very sadly do oppose it, because I do want to help the dogs of our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support concurrence on HB 2525.

I want to thank Representative Casorio for his leadership and his vision, and I want to thank the Governor's Office and thank all of the members of the majority and minority parties that came together on this very necessary legislative prescription.

I especially want to thank everybody for a provision that I offered, which is still in the bill, especially those of you from urban populations of Pennsylvania – Philadelphia, Pittsburgh, and other places in Pennsylvania, and maybe some places in suburban and rural Pennsylvania, but in urban Pennsylvania, we have these young thugs who will go around and use certain dogs to intimidate folks in order to carry out their drug trafficking or carry out their violence. I wanted to put a stop to that in Philadelphia and other places. So a provision in this bill says to these young thugs, primarily, that if your dog, if your dog is declared dangerous, you cannot bring that dog out without a muzzle on its mouth or you cannot keep that dog in the backyard or in an open area without its mouth being covered, and I think that that is going to help tremendously in reducing acts of intimidation and even reducing attacks that these dogs have made on children and have made on other people in our communities.

So I want to thank all of the authors of this excellent piece of legislation, and I ask for your support from my colleagues on both sides of the aisle. Thank you.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise to urge concurrence on HB 2525. While the amendments of the Senate have watered-down provisions of this bill, it still is a good bill and is a great step forward for the regulation of these kennels.

I do want to respond to some of the concerns that were raised earlier by other members. The Department of Agriculture took over 14,000 public comments and the House Agriculture Committee took hours and hours of testimony, and if I could summarize the most important point that we were told, it would be this: that the original effort to change the regulation was too broad in that it attacked all kennels rather than just the problem kennels. We were told to focus, focus on the problem kennels, and that is what this legislation does as it addresses large commercial kennels, and that is why the legislation has taken that focus.

Again, I would urge concurrence, as this is a good piece of legislation that addresses the problem as it exists here in Pennsylvania today.

Thank you, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would just like to rise and say that HB 2525 is an advancement in the humane treatment of animals within this Commonwealth. We have had some sense externally across the country that Pennsylvania was the place where we did not value domestic dogs that were being raised in kennels. This advances the cause for the humane treatment of animals and really relinquishes some of the tough press.

This will help make sure that Pennsylvania moves forward in the humane treatment of animals. I just wanted to rise for a moment on concurrence. Thank you.

The SPEAKER. Representative Casorio.



Mr. CASORIO. Thank you, Mr. Speaker.

I will be brief. Thank you. Thank you very much.

I just want to take this moment to thank those on both sides of the aisle that have stood with us on this very important issue.

This is the day that we eliminate the black eye of Pennsylvania being the puppy mill capital of the East.

Mr. Speaker, 181 to 17 this bill passed the House. This bill passed the Senate 49 to 1. We have the Governor's assurance and certainty that he will sign this bill.

Again, I want to thank those folks on the other side of the aisle and my side of the aisle that have fought so hard, the constituents that have reached out to their members of the General Assembly and let them know that the mistreatment of thousands and thousands and thousands of dogs kept in deplorable, barbaric, inhumane, cruel, and draconian conditions will no longer stand in Pennsylvania, Mr. Speaker. I would strongly urge an affirmative vote on HB 2525.

Thank you, Mr. Speaker.

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—183

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

Fairchild	Mantz	Reed	Yudichak
Gabig	Markosek	Reichley	
Galloway	Marshall	Roae	O'Brien, D.,
Geist	Marsico	Rock	Speaker
George			

#### NAYS—7

Cappelli	Hutchinson	Smith, S.	Stern
Fleck	Metcalfe	Stairs	

#### NOT VOTING—0

#### EXCUSED—13

Adolph	Clymer	Hershey	Shapiro
Bastian	Frankel	Josephs	Tangretti
Benninghoff	Freeman	Leach	Wojnarowski
Beyer			

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.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative MICOZZIE and Representative PETRI be placed on leave. The Chair hears no objection. The leaves will be granted.

#### CONSIDERATION OF HB 2294 CONTINUED

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

The SPEAKER. Representative Mark Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am going to support HB 2294, but I would like to read a short letter into the record from the Consumer Credit Counseling Service of Pennsylvania that was sent to the Senate because it clarifies the issues and perhaps gives us some sort of direction for the future. The letter from the credit counseling agency to the Senate reads as follows: "We appreciate your efforts in hearing our concerns regarding House Bill 2294.

"Our position on the issue of permitting for-profit companies to offer credit counseling to Pennsylvania's consumers has remained consistent: We oppose such a move because we believe it has the potential to harm consumers. However, when we learned the bill was likely to be passed, we began an energetic endeavor to educate our representatives about steps they could take to minimize that harm.

"House Bill 2294 moved quickly through the State House of Representatives, despite the concerns raised by the nonprofit community. Fortunately, through the work of State Senators Jay Costa, Jim Ferlo, Vincent Fumo, Stewart Greenleaf, Michael Stack, Connie Williams and their staff members, the bill's fast track was slowed so that the concerns of Pennsylvania's nonprofit credit counseling agencies could be heard.

"These agencies submitted amendments to the Senators, who, in turn, were able to develop a comprehensive amendment (A09563) that addresses a considerable number of the issues raised. We support the amendment (A09563) being proposed to House Bill 2294, and believe it represents significant improvements to the legislation.

"We are grateful for your support, and look forward to working with you in the future to ensure that current and proposed legislation has protections for Pennsylvania consumers who are facing financial challenges."

This letter is signed by Stephen J. Piotrowski, the president and CEO (chief executive officer) of Advantage Credit Counseling Service; Patricia Hasson, the president and CEO of the Consumer Credit Counseling Service of Delaware Valley; and Michael Elick, president and CEO of CCCS of Northeastern Pennsylvania.

I think the record should show their support, and I will be voting for concurrence.

The SPEAKER. Representative Thomas. The gentleman waives off.

Representative Maher.

Mr. MAHER. Thanks.

Credit counseling is a great thing, and I am just wondering if under this bill – and I do not know if there is somebody over there who might be able to answer this – but under this bill, would the majority Appropriations chairman be eligible for credit counseling for Pennsylvania's dire economic state?

Because I think we know that this budget that was passed this year is going to be a billion dollars or more out of whack. Pennsylvania is not really going to be able to pay its bills. I would hope that the Appropriations chairman, who has attended to credit counseling for others, might give some thought to credit counseling for the Appropriations majority members. Thank you.

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-172

Argall	Galloway	McGeehan	Ross
Baker	Geist	McI. Smith	Rubley
Barrar	George	McIlhattan	Sabatina
Bear	Gerber	Melio	Sainato
Belfanti	Gergely	Mensch	Samuelson
Bennington	Gibbons	Metcalfe	Santoni
Biancucci	Gillespie	Millard	Saylor
Bishop	Godshall	Miller	Scavello
Blackwell	Goodman	Milne	Schroder
Boback	Grucela	Moul	Seip
Boyd	Haluska	Moyer	Shimkus
Brennan	Hanna	Mundy	Siptroth
Brooks	Harhai	Murt	Smith, K.
Buxton	Harhart	Mustio	Smith, M.
Caltagirone	Harkins	Myers	Smith, S.
Cappelli	Harper	Nailor	Solobay
Carrroll	Harris	Nickol	Sonney
Casorio	Helm	O'Brien, M.	Staback
Causser	Hennessey	O'Neill	Stairs
Civera	Hess	Oliver	Steil
Cohen	Hickernell	Pallone	Stern
Conklin	Hornaman	Pashinski	Stevenson

Costa	Hutchinson	Payne	Sturla
Cox	James	Payton	Surra
Creighton	Keller, W.	Peifer	Swanger
Cruz	Kenney	Perry	Taylor, J.
Curry	Kessler	Perzel	Taylor, R.
Cutler	Killion	Petrarca	True
Daley	King	Petrone	Vereb
Dally	Kirkland	Phillips	Vulakovich
DeLuca	Kortz	Pickett	Wagner
Denlinger	Kotik	Preston	Walko
DePasquale	Kula	Quigley	Wansacz
Dermody	Lentz	Quinn	Waters
DeWeese	Levdansky	Ramaley	Wheatley
DiGirolamo	Longietti	Rapp	White
Donatucci	Mackereth	Raymond	Williams
Eachus	Mahoney	Readshaw	Yewcic
Ellis	Major	Reed	Youngblood
Evans, D.	Mann	Reichley	Yudichak
Evans, J.	Mantz	Rock	
Fabrizio	Markosek	Roebuck	O'Brien, D.,
Fairchild	Marshall	Rohrer	Speaker
Fleck	McCall		

NAYS-16

Everett	Kauffman	Marsico	Thomas
Gabig	Keller, M.K.	Parker	Turzai
Gingrich	Maher	Pyle	Vitali
Grell	Manderino	Roae	Watson

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2629, PN 4517**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure.

On the question,

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-188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Biancucci	Godshall	Metcalfe	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1096, PN 4527**, 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 definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

On the question,  
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-188

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2289, PN 4518**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

On the question,

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—188

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnarowski
Beyer	Hershey	Petri	

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.

SUPPLEMENTAL CALENDAR C CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 301, PN 4508**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

On the question,

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—188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Bianucci	Godshall	Metcalfe	Saylor
Bishop	Goodman	Millard	Scavello
Blackwell	Grell	Miller	Schroder
Boback	Grucela	Milne	Seip
Boyd	Haluska	Moul	Shimkus
Brennan	Hanna	Moyer	Siptroth
Brooks	Harhai	Mundy	Smith, K.
Buxton	Harhart	Murt	Smith, M.
Caltagirone	Harkins	Mustio	Smith, S.
Cappelli	Harper	Myers	Solobay
Carroll	Harris	Nailor	Sonney
Casorio	Helm	Nickol	Staback
Causer	Hennessey	O'Brien, M.	Stairs
Civera	Hess	O'Neill	Steil
Cohen	Hickernell	Oliver	Stern
Conklin	Hornaman	Pallone	Stevenson
Costa	Hutchinson	Parker	Sturla
Cox	James	Pashinski	Surra
Creighton	Kauffman	Payne	Swanger
Cruz	Keller, M.K.	Payton	Taylor, J.
Curry	Keller, W.	Peifer	Taylor, R.
Cutler	Kenney	Perry	Thomas
Daley	Kessler	Perzel	True
Dally	Killion	Petrarca	Turzai
DeLuca	King	Petrone	Vereb

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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.

**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 1114, PN 2489**.

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

**SENATE MESSAGE**

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2644, PN 3986**, with information that the Senate has passed the same without amendment.

**SUPPLEMENTAL CALENDAR E**

**RESOLUTION PURSUANT TO RULE 35**

Mr. CRUZ called up **HR 943, PN 4532**, entitled:

A Resolution urging the district council person of the seventh district of the City of Philadelphia to take action in order to name the

public school at G and Hunting Park Avenue in Philadelphia after Officer Isabel Nazario.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

**CALENDAR CONTINUED**

**RESOLUTION**

Mr. FAIRCHILD called up **HR 929, PN 4490**, entitled:

A Resolution urging the Congress of the United States to restore full funding for fiscal year 2009-2010 and to provide the necessary \$2 million in the Federal fiscal year 2010-2011 budget and beyond for the National Oceanic and Atmospheric Administration to fully fund the Susquehanna Flood Forecasting and Warning System.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—188**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—15**

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. GRELL called up **HR 932, PN 4502**, entitled:

A Resolution designating October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—188**

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

Everett	Major	Reed	Yewcic
Fabrizio	Manderino	Reichley	Youngblood
Fairchild	Mann	Roae	Yudichak
Fleck	Mantz	Rock	
Gabig	Markosek	Roebuck	O'Brien, D.,
Galloway	Marshall	Rohrer	Speaker
Geist	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

\* \* \*

Mr. MENSCH called up **HR 933, PN 4503**, entitled:

A Resolution designating the week of October 20 through 24, 2008, as "National Business Women's Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

DeWeese	Kula	Pyle	Walko
DiGirolamo	Lentz	Quigley	Wansacz
Donatucci	Levdansky	Quinn	Waters
Eachus	Longiatti	Ramaley	Watson
Ellis	Mackereth	Rapp	Wheatley
Evans, D.	Maher	Raymond	White
Evans, J.	Mahoney	Readshaw	Williams
Everett	Major	Reed	Yewcic
Fabrizio	Manderino	Reichley	Youngblood
Fairchild	Mann	Roae	Yudichak
Fleck	Mantz	Rock	
Gabig	Markosek	Roebuck	O'Brien, D.,
Galloway	Marshall	Rohrer	Speaker
Geist	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

\* \* \*

Mr. ROEBUCK called up **HR 939, PN 4516**, entitled:

A Resolution honoring the Philadelphia Phillies' remarkable achievement in clinching the National League East division title for the second consecutive year with their 4-3 victory over the Washington Nationals at Citizens Bank Park on September 27, 2008.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Let us hope there is another one after this.

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

The following roll call was recorded:

YEAS—188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Biancucci	Godshall	Metcalfe	Saylor
Bishop	Goodman	Millard	Scavello
Blackwell	Grell	Miller	Schroder
Boback	Grucela	Milne	Seip
Boyd	Haluska	Moul	Shimkus
Brennan	Hanna	Moyer	Siptroth
Brooks	Harhai	Mundy	Smith, K.
Buxton	Harhart	Murt	Smith, M.
Caltagirone	Harkins	Mustio	Smith, S.
Cappelli	Harper	Myers	Solobay
Carroll	Harris	Nailor	Sonney
Casorio	Helm	Nickol	Staback

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

**RESOLUTION**

Mr. DeWEESE called up **HR 559, PN 3109**, entitled:

A Resolution urging the Pennsylvania Supreme Court to enact a rule of criminal procedure allowing written jury instructions pertaining to the elements of each crime charged and any relevant defenses to be provided to jurors for use as part of the deliberative process by the jury.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 559 be removed from the active calendar and placed on the tabled bill calendar.

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

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 559 be removed from the tabled bill calendar and placed on the active calendar.

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

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is very glad to inform the members there will be no more recorded votes this evening. The Chair will keep the desk open for communications with the Senate.

The Chair wishes everyone Godspeed and good luck in your elections.

**STATEMENT BY MR. CRUZ**

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

Mr. CRUZ. Mr. Speaker, I just wanted to take the opportunity to thank the members on both sides of the aisle for their vote on HR 943, naming the school in my district after fallen officer Nazario. So I wanted to thank the members on both sides.

The SPEAKER. The thoughts and prayers of this chamber are with the officer and her family.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. Representative Wheatley; for what purpose does the gentleman rise?

Mr. WHEATLEY. I want to submit some comments for the record.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Mr. WHEATLEY. Thank you.

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

Each year around this time the Federal government honors selected schools, both public and private schools that are either academically superior or that demonstrate dramatic gains in student achievement to high levels. They are rural, urban, suburban, but they all have shown that with hard work and commitment to success that you can make a difference.

Oftentimes we and the general public highlight all of the problems and challenges that these institutions, the administrators, teachers, and parents do not do, and rarely do we take some time to step back and honor their great work, even if that work is not completely finished.

Well, my friends, I want to take some time today to join with the U.S. Department of Education and recognize the 12 Pennsylvania schools that will be honored on Oct. 20-21 in Washington, DC, as the 2008 Blue Ribbon Schools.

In addition to being recognized for their students' performances compared to other schools in the Commonwealth regarding their academic performance or in that they made dramatic improvements from one year to the next, these schools serve as models for others to follow.



I want to especially recognize the parents, teachers, administrators, and the students of George Washington Carver High School of Engineering & Science in the city of Philadelphia for their great work and for being Pennsylvania's only high school to make the list this year.

Also, I am extremely proud and honored to recognize the great work of the teachers, parents, administrators, and students of Manchester Academic Charter School, which happens to be in my district. They are the only Charter school to make the list this year and the first ever from the city of Pittsburgh.

But more importantly, I would like for this great House to honor and encourage the parents, students, teachers, and administrators from all 12 PA schools to continue to move aggressively forward with providing loving, nurturing, and high expectations and true results for our children and to encourage all of those schools who are working tremendously hard to provide great learning places for all of the children in the Commonwealth to continue to push forward.

So take a bow:

Chadds Ford Elementary School parents, teachers, and students in Delaware County.

George A. Ferrell Elementary School parents, teachers, and students in Lycoming County.

Harriet Child Elementary School parents, teacher, and students in Bradford County.

Homer-Center Junior/Senior High School parents, teachers, and students in Indiana County.

Kingwood Elementary School parents, teachers, and students in Somerset County.

Russell Conwell Middle School parents, teachers, and students in the city of Philadelphia.

Seventh Street Elementary School parents, teachers, and students in Venango County.

South Abington Elementary School parents, teachers, and students in Montgomery County.

St. Aloysius Academy parents, teachers, and students in Montgomery County.

St. John the Evangelist School parents, teachers, and students in Bucks County.

Job well done and keep up the great work.

The SPEAKER. Are there any other announcements?

### **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 301, PN 4508**

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

#### **HB 1096, PN 4527**

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

#### **HB 2200, PN 4526**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

#### **HB 2289, PN 4518**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

#### **HB 2294, PN 4525**

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

#### **HB 2525, PN 4524**

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

#### **HB 2629, PN 4517**

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure.

#### **HB 2644, PN 3986**

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

#### **SB 100, PN 2484**

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

#### **SB 263, PN 2453**

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

**SB 295, PN 2485**

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

**SB 763, PN 2500**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

**SB 1028, PN 2471**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for public roads.

**SB 1258, PN 2487**

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

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

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. The Chair recognizes Representative Hanna. Mr. HANNA. Thank you, Mr. Speaker.

I would just like to submit some additional comments for the record on the Dog Law.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

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

Dear House Speaker O'Brien:

HB 2525 represents a victory for our dogs, animal lovers, and consumers who buy dogs from commercial kennels. We had overwhelming public support evidenced by thousands of letters and e-mails asking us to strengthen the State's Dog Law and put an end to animal cruelty that is currently perfectly legal.

HB 2525 improves conditions for dogs and allows for better enforcement of the State's Dog Law. We have the Governor's assurance that he will sign this legislation.

The bill defines commercial kennels and sets standards for these kennels that generally mirror those required by the U.S. Department of Agriculture. It will have little, if any, impact on noncommercial kennels such as boarding kennels, private sporting or hobby kennels, pet stores, rescue shelters, or nonprofit kennels.

The bill:

- doubles required cage space for dogs;
- requires dogs to be examined by a licensed veterinarian at least every 6 months;
- prohibits the use of metal-strand flooring to protect dogs' paws and allow for drainage of fluids;

- prohibits stacking dogs' cages on top of each other;
- requires dogs to have access to an attached exercise area in almost all circumstances; and
- allows euthanization of dogs to be performed only by a veterinarian and only if it is deemed medically necessary to alleviate suffering.

As the House Agriculture and Rural Affairs Committee chairman, I worked with fellow legislators, animal advocacy groups and veterinarians to reach a compromise on the bill's language and get it through the legislature for a vote.

Although the bill was watered down somewhat in the Senate, this is still a good bill and a victory for dogs and dog lovers in Pennsylvania. It gives us better ability to enforce the Dog Law to keep dogs in commercial kennels safe and healthy, and I am proud to have supported it.

Sincerely,  
Hon. Mike Hanna  
D-Clinton/Centre

**ADJOURNMENT RESOLUTION**

Mr. DeWEESE offered the following resolution, which was read, considered, and adopted:

**CONCURRENT RESOLUTION**

RESOLVED, (the Senate concurring), That when the House adjourns this week, that it reconvene on Wednesday, November 12, 2008; and be it further

RESOLVED, That when the House adjourns November 12, 2008, it reconvene the week of November 17, 2008; and be it further

RESOLVED, That when the House adjourns the week of November 17, 2008, it reconvene at the call of the Chair.

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

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 7 p.m.

**RECESS**

The SPEAKER. Regular session of the House will now stand in recess.

**AFTER RECESS**

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

**SENATE MESSAGE****RECESS RESOLUTION  
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,  
October 8, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene at the call of the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene at the call of the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The Chair announces its intention to recess regular session and reconvene special session at 7:22.

### RECESS

The SPEAKER. Regular session of the House will now stand in recess.

### AFTER RECESS

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

### BILLS AND RESOLUTIONS PASSED OVER

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

### RECESS

The SPEAKER. The Chair recognizes Representative DePasquale of York, Pennsylvania, who moves that this House do now recess until Wednesday, November 12, 2008, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 7:25 p.m., e.d.t., the House recessed.