

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 27, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 80

HOUSE OF REPRESENTATIVES

The House convened at 10:15 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

God of might and Lord of love, greater than we can imagine and wiser than we can comprehend, patient with us beyond our deserving and generous past anything we can ask or desire, again we assemble in this building to do what is best for the Commonwealth of this State. Help us to be guided by compassion and led by wisdom.

Be patient with us now as we endeavor to serve this State with honesty and faithfulness. Remind us that we are to serve You first, and all other things will fall into place. Keep us from being impatient with one another today as we struggle to stay focused in order to complete the very long list of items on our agenda. When we speak, guide our words so that only what needs to be spoken is said. Let not our weakness leave us querulous nor our strength make us proud. Remind us that we are here to serve, not to be served.

This morning, the day before Thanksgiving, may we be reminded for all of which we have to be thankful. We lift up our collective thankfulness for the courage and sensitivity of the early leaders of our country. Their unquenchable thirst for freedom brought them to our shores. The same insatiable thirst made hallowed such phrases as "worship according to the dictates of your own heart" and "each individual is invaluable." Their consuming delight in these reflections of freedom have become our inheritance. May we in gratitude devote ourselves again to this gift offered through our forefathers. May our nation continue to value the idea of freedom on which this great country was founded, and may our prayers be with all of the men and women who are serving our nation far away from home this Thanksgiving for the idea of freedom. May this country continue to be a model of freedom so that the world might come to experience this basic joy.

We have so much to be thankful for. Help us to remember and be faithful to offer our thankfulness every day that we have a chance to begin again anew. Now as we begin this day, give us the endurance needed to remain on track and to serve You and all of Your people with honor, integrity, and joy.

Hear our prayers of thanksgiving. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, November 26, 2002, will be postponed until printed. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House seventh graders from Eagle View Middle School in the Cumberland Valley School District, who are here as the guests of Representative Patricia Vance. Would they please rise.

HOUSE BILLS INTRODUCED AND REFERRED

No. 3013 By Representatives HANNA, GEORGE, KELLER, LEVDANSKY, MELIO, MUNDY, SHANER, SATHER, SOLOBAY, STABACK, THOMAS, TIGUE, G. WRIGHT and YOUNGBLOOD

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, providing for securing compensation for surface damage.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 27, 2002.

No. 3014 By Representatives McGEEHAN, CASORIO, DALEY, FICHTER, FRANKEL, HARHAI, HORSEY, JOSEPHS, KELLER, KENNEY, YOUNGBLOOD, KIRKLAND, LEDERER, MELIO, PETRONE, ROEBUCK, SATHER, SCHRODER, STURLA, TANGRETTI and WALKO

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for denial of certificates, licenses and official documents.

Referred to Committee on PROFESSIONAL LICENSURE, November 27, 2002.

No. 3015 By Representatives CORNELL, BARD, BUNT, GABIG, GEIST, GEORGE, HERSHEY, HORSEY, JOSEPHS, LAUGHLIN, S. MILLER, MUNDY, SAYLOR,

R. STEVENSON, E. Z. TAYLOR, THOMAS and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for classes of income.

Referred to Committee on FINANCE, November 27, 2002.

No. 3016 By Representatives CORNELL, BARD, BUNT, DALEY, GABIG, GEIST, GEORGE, HERSHEY, HORSEY, LAUGHLIN, MUNDY, SAYLOR, E. Z. TAYLOR, THOMAS and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for special tax provisions for poverty.

Referred to Committee on FINANCE, November 27, 2002.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 967, PN 1108; and HB 2424, PN 3440**, 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 850, PN 4678; HB 851, PN 4679; HB 1804, PN 4006; HB 2055, PN 4694; HB 2183, PN 4638; HB 2190, PN 4681; and HB 2599, PN 4589**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILLS 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 824, PN 2435; and SB 1370, PN 2428**.

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

COMMUNICATION FROM GOVERNOR

APPROVAL OF HOUSE BILL

The Speaker pro tempore laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 590.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

There are no requests from either the Democrats or the Republicans today for leaves of absence, except those that have been placed on for the week at a prior time.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steel
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafiglia	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski

Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Diven	Mackereth	Sather	
Donatucci	Maher	Saylor	Ryan,
Eachus	Maitland		Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Laughlin	Lescovitz	Zimmerman
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LEAVES ADDED—7

Bishop	Dermody	Lawless	Ruffing
Colafella	Krebs	Lynch	

COMMUNICATION FROM PENNSYLVANIA SUPREME COURT

The SPEAKER pro tempore. The Chair acknowledges receipt of the annual report pursuant to the Wiretapping and Electronic Surveillance Control Act.

(Copy of communication is on file with the Journal clerk.)

CALENDAR

RULES SUSPENDED

The SPEAKER pro tempore. Turning to page 1 of today's calendar, the Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I ask that the rules of the House be suspended in order to offer SB 958, PN 2437.

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

The following roll call was recorded:

YEAS—200

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.

Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horseley	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Diven	Mackereth	Sather	
Donatucci	Maher	Saylor	Ryan,
Eachus	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Laughlin	Lescovitz	Zimmerman
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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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 958, PN 2437**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for corporation interests in unincorporated entities for purposes of corporate net income tax and capital stock and franchise tax and for applicability.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Madam Speaker, is there anyone who can explain what this bill does?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Madam Speaker.

The Appropriations Committee amended this bill to clarify that a corporation's interest in a business trust which qualifies as a real estate investment trust or a business trust and also qualifies as a regulated investment company is not considered direct ownership interest in the assets of the unincorporated entity. It is a clarification, Madam Speaker.

The SPEAKER pro tempore. The Chair again recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Just by way of continuing interrogation, is there any – I mean, to make this a little more understandable – is there any fact scenario you could relay that this would affect?

The SPEAKER pro tempore. Would you like to repeat your question? The gentleman cannot hear.

Mr. VITALI. Yes.

The SPEAKER pro tempore. And could we have some quiet in the hall of the House. The gentleman, Mr. Argall, cannot hear the questions that he is being asked. Could we please have some quiet in the hall of the House so that we can hear the questions.

Mr. VITALI. Madam Speaker, the question is, in order to make this bill a little more understandable to members, because I have read it a couple of times and I have no idea what it means, could you relay a fact scenario that this change might affect?

Mr. ARGALL. We are looking at a very minute piece of the overall code, and this is just to clarify something that was done at budget time. It is my understanding that if an out-of-State corporation were to buy mutual funds, this would ensure that it would not increase their tax liability.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Tulli.

Mr. TULLI. Thank you, Madam Speaker.

If I may interrogate the chairman of the Appropriations Committee on this, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. TULLI. Thank you.

Madam Speaker, in October we passed a bill that included in its language, one of the trusts that was included in the language was the Hershey Trust, which protected thousands of jobs in Pennsylvania from possibly going to Chicago or elsewhere. My question to you, does this bill or is there the intent in this bill to free the Hershey Trust from those restrictions?

Mr. ARGALL. This bill is unrelated to that statute.

Mr. TULLI. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, will the Appropriations chair rise for brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I have a question regarding the real estate investment trusts as they are affected by this legislation. I know

in my district and I believe in districts throughout the Commonwealth, large real estate tracts – in most cases, shopping malls – are owned by real estate investment trusts, and what happens when those trusts, the shareholders in those trusts, change hands, they try and avoid real estate transfer tax. So what you can have is a real estate investment trust that is owned 51 percent by a shareholder, and they can sell their 51 percent or greater controlling interest in that property to someone else who then has control of that property, and they are not subject, I believe under this legislation, to real estate transfer taxes to either the State or to the local governments. And what has happened, at least in my district, was we had to take them to court in order to try and get them to pay, and we settled out of court for a portion of the local share. But if you or I go to sell our property and change the controlling interest in who runs our property, we have to pay the State and the local government real estate transfer tax. When these real estate investment trusts that own properties that are worth multimillions of dollars sell controlling interests in their property, they are trying to get around paying transfer tax to the State and the local governments, and this has a huge impact on local economies and on dollars to the State.

Can you tell me, does this language affect those real estate trusts and their requirement to pay real estate transfer tax to the State and local governments?

Mr. ARGALL. There is no impact in this bill on that situation whatsoever.

Mr. STURLA. Okay. So this just deals with— Could you explain to me then what it is that this deals with, because I do not quite get this yet.

Mr. ARGALL. It has to do with investments, not in transferring properties.

Mr. STURLA. So if the real estate investment trust with their investments in nonproperty entities, is that what it deals with? I mean, if they invest in other properties, are they subject to taxes or not?

Mr. ARGALL. It is meant not to change law but to clarify the law so that the income is indeed taxable.

Mr. STURLA. I understand the income being taxable. What I am concerned about is, most real estate investment trusts, as I understand them, their investments are in other pieces of real estate, and if as a result of those investments you do not need to pay real estate transfer tax because you are a real estate investment trust, not Joe, you know, Six-pack off the street, I think there is an unfair situation where they are avoiding taxes to the State and local governments, and in fact what has started to happen is that all properties that are worth multimillions of dollars, not just shopping malls but any property that is worth multimillion dollars, are being set up as a real estate investment trust to avoid the transfer tax. So what you have is a company leasing their own property from the real estate investment trust that they set up, because then they can sell and divvy that up and move things around in there and avoid the taxes. I mean—

Mr. ARGALL. I will repeat, that situation is unrelated to this bill.

Mr. STURLA. So when you talk about not paying on investments—

Mr. ARGALL. Madam Speaker, I think my suggestion would be, if he would meet with our committee's staff who specialize on this issue every day, I think we could speed up this movement on the House floor.

Mr. STURLA. I would be glad to.
The SPEAKER pro tempore. The gentleman agrees.
Mr. STURLA. Thanks.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

My question relates to the fiscal note on this legislation. On the computer you can read that the fiscal note, there is a zero impact whether or not this legislation passes. Now, in answer to Representative Vitali's question, I understood the Appropriations chair to say there would be some effect on the amount of tax that an out-of-State corporation that buys mutual funds pays in Pennsylvania, but my question is, if the fiscal impact is zero, what is the necessity of this legislation if there is going to be no change in the amount of tax collected by the Commonwealth?

Mr. ARGALL. The reason for that number is because we are clarifying something that we have already done. We are simply trying to, I guess, if you will, cross all our t's and dot our i's on a bill that was passed in June.

Mr. SAMUELSON. So in previous fiscal years, there was no tax collected in this category? Is that correct? If we did not pass this legislation, would there be a fiscal impact on the Commonwealth receiving more funds from out-of-State corporations?

Mr. ARGALL. Much would depend on, I guess, a multiple layer of interpretations. But we are doing this to ensure that we do not drive the jobs in these firms out of State because a word or two was not included in the statute when it was passed in June.

Mr. SAMUELSON. Thank you, Madam Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence.

The majority whip moves that the gentleman, Mr. LYNCH, from Warren County be placed on leave. The Chair hears no objection.

CONSIDERATION OF SB 958 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Eachus	Maitland	Scavello
Allen	Egolf	Major	Schroder
Argall	Evans, D.	Manderino	Schuler
Armstrong, G.	Evans, J.	Mann	Scrimenti
Armstrong, T.	Fairchild	Markosek	Semmel
Baker, J.	Feese	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback
Bebko-Jones	Frankel	McIlhattan	Stairs
Belardi	Freeman	McIlhinney	Steelman
Belfanti	Gabig	McNaughton	Steil

Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalfe	Stetler
Bishop	George	Michlovic	Stevenson, R.
Blaum	Godshall	Micozzie	Stevenson, T.
Boyes	Gordner	Miller, R.	Strittmatter
Brooks	Grucela	Miller, S.	Sturla
Browne	Gruitza	Mundy	Surra
Bunt	Habay	Myers	Tangretti
Butkovitz	Haluska	Nailor	Taylor, E. Z.
Buxton	Hanna	Nickol	Taylor, J.
Caltagirone	Harhai	O'Brien	Thomas
Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Perzel	Travaglio
Cawley	Hasay	Petrarca	Trello
Civera	Hennessey	Petrone	Trich
Clark	Herman	Phillips	Tulli
Clymer	Hershey	Pickett	Turzai
Cohen, L. I.	Hess	Pippy	Vance
Cohen, M.	Horse	Pistella	Veon
Colafella	Hutchinson	Preston	Walko
Coleman	Jadlowiec	Raymond	Wansacz
Cornell	James	Readshaw	Washington
Corrigan	Josephs	Reinard	Waters
Costa	Kaiser	Rieger	Watson
Coy	Keller	Roberts	Williams, J.
Creighton	Kenney	Robinson	Wilt
Cruz	Kirkland	Roebuck	Wojnaroski
Curry	Krebs	Rohrer	Wright, G.
Dailey	LaGrotta	Rooney	Wright, M.
Daley	Lawless	Ross	Yewcic
Dally	Lederer	Rubley	Youngblood
DeLuca	Leh	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zug
DeWeese	Lewis	Samuelson	
DiGirolo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maher	Saylor	Speaker

NAYS—2

Pallone Vitali

NOT VOTING—0

EXCUSED—4

Laughlin Lescovitz Lynch Zimmerman

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.

RULES SUSPENDED

The SPEAKER pro tempore. Turning to page 2 of today's calendar, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Madam Speaker, I move that the rules of the House be suspended in order to offer SB 1478, PN 2438.

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Mandrino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1478, PN 2438**, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for definitions, for keystone opportunity zones and for keystone opportunity expansion zones; providing for keystone opportunity improvement zones; further providing for applications, for review, for criteria and for qualified businesses; providing for decertification; and further providing for sales and use tax, for personal income tax, for residency, for corporate net income tax, for capital stock franchise tax, for taxes on financial institutions, for job tax credits, for job creation tax credits, for real property tax, for local income and privilege tax, for mercantile licenses, for local sales and use tax, for recapture, for code compliance, for applications, for State tax credits and for expiration.

On the question,

Will the House agree to the bill on third consideration?

Mr. **PERZEL** offered the following amendment No. **A6722**:

Amend Bill, page 70, by inserting between lines 12 and 13

Section 7. Notwithstanding the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, or 53 Pa.C.S. § 8402(c) (relating to scope and limitations), no political subdivision shall levy, assess or collect a tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling center or bowling lane to engage in one or more games of bowling.

Amend Sec. 7, page 70, line 13, by striking out “7” and inserting
8

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Madam Speaker, the amendment is not yet on the screens.

The SPEAKER pro tempore. We do realize that, and we will have somebody explain it. Thank you very much.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will go over this bill temporarily.

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 133, PN 2354.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Heather Carlini, who is the guest of Representative Petrone. She is seated in the balcony. Would the lady please rise.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 133, PN 2354**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further defining “passenger-carrying boat.”

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

I rise to speak on final passage of this bill, and at first glance, this bill seems like we are streamlining an inspection process for Penn’s Cave, the passenger boat up at Penn’s Cave in central Pennsylvania. My concern is that down the road, this action we are taking today could cause some concerns.

Right now, Penn’s Cave, my understanding is, has two inspections: one – the passenger boat – one inspection is required by the Fish and Boat Commission and the other inspection is required by the private insurance carrier. The inspections are identical, and so the intent of this legislation is to eliminate the duplication and only have one inspection. The bill would eliminate the Fish and Boat Commission inspection and continue relying on the private insurance company’s inspection.

While that may seem harmless today, my concern arises from what could happen years from now. If the Fish and Boat Commission no longer inspects the passenger boat up there at Penn’s Cave and the insurance company would change its inspection in future years, we may never hear about this bill again unless there were a terrible tragedy or something 10, 15, 20 years from now.

I intend to vote “no,” because I think the Fish and Boat Commission, a public agency, should continue to have a role in the inspection process, and we should not rely exclusively on the inspection of a private insurance company.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Smith.

Mr. B. SMITH. Thank you, Madam Speaker.

I do support this bill. It will save money; it is a duplicate service. The Fish and Boat Commission supports this legislation. We see no reason why anyone should undergo two inspections that duplicate one another.

It is a savings for the business; it is a savings for the Fish and Boat Commission. I ask for your support.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Good morning, Madam Speaker, and the rest of the chamber.

I just want to also stand in support of this. It is not a big major issue.

Those of you who have visited Penn’s Cave realize that this body of water is pretty shallow, primarily about 2 to 3 feet. It is a small, little pond area that is at the end of the tour throughout the cave, and as the chairman said, we are talking about making things more efficient. You have got to think about the fact that a private insurer who has some financial loss to incur if something were to go wrong is not going to take this chance. They have a vested interest to make sure that the safety is there. This is not changing any equipment or safety features that are provided by this establishment. It is a very good establishment, for those of you who have toured it and visited it, which I would also encourage you to do, and I would ask the members to please support this. It makes more efficient government.

Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Eachus	Major	Scavello
Allen	Egolf	Manderino	Schroder
Argall	Evans, D.	Mann	Schuler
Armstrong, G.	Evans, J.	Markosek	Semmel
Armstrong, T.	Fairchild	Marsico	Shaner
Baker, J.	Feese	Mayernik	Smith, B.
Baker, M.	Fichter	McCall	Smith, S. H.
Bard	Fleagle	McGeehan	Solobay
Barrar	Flick	McGill	Staback
Bastian	Forcier	McIlhattan	Stairs
Bebko-Jones	Frankel	McIlhinney	Steelman
Belardi	Gabig	McNaughton	Steil
Belfanti	Gannon	Melio	Stern
Benninghoff	Geist	Metcalfe	Stetler
Birmelin	George	Michlovic	Stevenson, R.
Bishop	Godshall	Micozzie	Stevenson, T.
Blaum	Gordner	Miller, R.	Strittmatter
Boyes	Grucela	Miller, S.	Sturla
Brooks	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O’Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Travaglio
Casorio	Hasay	Perzel	Trello
Cawley	Hennessey	Petrarca	Trich
Civera	Herman	Petrone	Tulli
Clark	Hershey	Phillips	Turzai
Clymer	Hess	Pickett	Vance
Cohen, L. I.	Horsey	Pippy	Veon
Cohen, M.	Hutchinson	Pistella	Vitali
Colafella	Jadlowiec	Preston	Walko
Coleman	James	Raymond	Wansacz
Cornell	Kaiser	Readshaw	Washington
Corrigan	Keller	Reinard	Waters
Costa	Kenny	Rieger	Watson
Coy	Kirkland	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wojnaroski
Curry	Lawless	Rohrer	Wright, G.
Dailey	Lederer	Rooney	Wright, M.

Daley	Leh	Ross	Yewcic
Dally	Levdansky	Rubley	Youngblood
DeLuca	Lewis	Ruffing	Yudichak
Dermody	Lucyk	Sainato	Zug
DeWeese	Mackereth	Santoni	
DiGirolamo	Maher	Sather	Ryan,
Diven	Maitland	Saylor	Speaker
Donatucci			

NAYS—4

Freeman	Josephs	Samuelson	Scrimenti
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NOT VOTING—0

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 without amendment.

RULES SUSPENDED

The SPEAKER pro tempore. Turning to page 5 of today's calendar, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Madam Speaker, I move that the rules of the House be suspended in order to offer SB 1569, PN 2393.

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

The following roll call was recorded:

YEAS—198

Adolph	Eachus	Maitland	Saylor
Allen	Egolf	Major	Scavello
Argall	Evans, D.	Manderino	Schroder
Armstrong, G.	Evans, J.	Mann	Schuler
Armstrong, T.	Fairchild	Markosek	Semmel
Baker, J.	Feese	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback
Bebko-Jones	Frankel	McIlhattan	Stairs
Belardi	Freeman	McIlhinney	Steelman
Belfanti	Gabig	McNaughton	Steil
Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalfe	Stetler
Bishop	George	Michlovic	Stevenson, R.
Blaum	Godshall	Micozzie	Stevenson, T.
Boyes	Gordner	Miller, R.	Strittmatter
Brooks	Grucela	Miller, S.	Sturla
Browne	Gruitza	Mundy	Surra
Bunt	Habay	Myers	Tangretti
Butkovitz	Haluska	Nailor	Taylor, E. Z.
Buxton	Hanna	Nickol	Taylor, J.
Caltagirone	Harhai	O'Brien	Thomas
Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli

Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Horsley	Pippy	Veon
Colafella	Hutchinson	Pistella	Vitali
Coleman	Jadlowiec	Preston	Walko
Cornell	James	Raymond	Wansacz
Corrigan	Josephs	Readshaw	Washington
Costa	Kaiser	Reinard	Waters
Coy	Keller	Rieger	Watson
Creighton	Kenney	Roberts	Williams, J.
Cruz	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wojnaroski
Dailey	LaGrotta	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zug
DiGirolamo	Lucyk	Samuelson	
Diven	Mackereth	Santoni	Ryan,
Donatucci	Maher	Sather	Speaker

NAYS—0

NOT VOTING—1

Scrimenti

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1569, PN 2393**, entitled:

An Act providing for counterterrorism planning, preparedness and response; imposing powers and duties on the Pennsylvania Emergency Management Agency, the Department of Health, counties and municipalities; and providing for the organization of various response teams.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 without amendment.

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The House proceeded to third consideration of **SB 807, PN 2323**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for awards.

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

Mr. **GANNON** offered the following amendment No. **A6158**:

Amend Title, page 1, line 12, by removing the period after "AWARDS" and inserting
; and making a transfer to the Crime Victim's Compensation Fund.

Amend Bill, page 28, by inserting between lines 14 and 15
Section 2. The sum of \$1,000,000 is hereby transferred on a one-time basis from the Victim Witness Services Fund to the Crime Victim's Compensation Fund.

Amend Sec. 2, page 28, line 15, by striking out "2" and inserting
3

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

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. **COHEN**. Thank you.

Will Mr. Gannon or some other knowledgeable person consent to interrogation?

The **SPEAKER** pro tempore. The lady, Ms. Harper, will consent to interrogation.

Mr. **COHEN**. Why are we making this transfer, Madam Speaker?

Ms. **HARPER**. Madam Speaker, I have been informed that the Victim Advocate and the Governor's Office are asking the General Assembly to make a one-time transfer from the Victim Services Fund to the Crime Victim's Compensation Fund to pay claims that are coming in and for which the money is not yet available.

Mr. **COHEN**. Do we have a financial crisis in the Crime Victim's Compensation Fund?

Ms. **HARPER**. My understanding, although I am not an expert in this area, Madam Speaker, is that we are awaiting some Federal funding that has not come through in the time that we expected it.

Mr. **COHEN**. Is the Victim Services Fund in good shape? Do we have adequate funds to meet the needs of victims?

Ms. **HARPER**. My understanding is that they are paying the claims as they come in. Whether we have enough money in the fund to pay all the claims that may come in in the future is not a certainty and not something I can comment on reliably.

Mr. **COHEN**. Thank you, Madam Speaker.

Madam Speaker, I have no objection to this amendment, but I think that the situation, the financial situation, of both these funds is something that we will have to look at very closely in the next session.

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan, Speaker
Donatucci	Maitland	Saylor	
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 pro tempore. Does the gentleman, Mr. Clymer, wish to make a motion?

Mr. CLYMER. Madam Speaker, I have an amendment, but we are getting the fiscal note right now. So I wonder if we could just go over temporarily or— Well, can I have a sidebar?

The SPEAKER pro tempore. The House will be at ease for just a moment.

(Conference held at Speaker's podium.)

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Clymer, on a motion to suspend.

Mr. CLYMER. Madam Speaker, what I have is amendment 6705. During the—

The SPEAKER pro tempore. Just the motion to suspend, sir.

Mr. CLYMER. Yes. I would like to suspend the rules so I can submit my amendment 6705, and the reason that I have this bill in front of me, this amendment, is to provide an 18-month moratorium on gambling expansion in the Commonwealth of Pennsylvania.

The SPEAKER pro tempore. The gentleman, Mr. Clymer, moves that the rules of the House be suspended in order to offer amendment No. 6705.

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

The SPEAKER pro tempore. Will the gentleman, Mr. Clymer, come to the podium, please.

(Conference held at Speaker's podium.)

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Clymer, has withdrawn his motion.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horse	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 (MATTHEW J. RYAN)
PRESIDING

RULES SUSPENDED

The SPEAKER. The Chair turns to page 4 of today's calendar, SB 1365.

The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 1365.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-196

Adolph	Eachus	Maitland	Saylor
Allen	Egolf	Major	Scavello
Argall	Evans, D.	Manderino	Schroder
Armstrong, G.	Evans, J.	Mann	Schuler
Armstrong, T.	Fairchild	Markosek	Scrimenti
Baker, J.	Feese	Marsico	Semmel
Baker, M.	Fichter	Mayernik	Shaner
Bard	Fleagle	McCall	Smith, B.
Barrar	Flick	McGeehan	Smith, S. H.
Bastian	Forcier	McGill	Solobay
Bebko-Jones	Frankel	McIlhattan	Staback
Belardi	Freeman	McIlhinney	Stairs
Belfanti	Gabig	McNaughton	Steelman
Benninghoff	Gannon	Melio	Steil
Birmelin	Geist	Metcalfe	Stern
Bishop	George	Michlovic	Stetler
Blaum	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.
Brooks	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli
Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Horse	Pippy	Veon
Colafella	Hutchinson	Pistella	Vitali
Coleman	Jadlowiec	Preston	Walko
Cornell	James	Raymond	Wansacz
Corrigan	Josephs	Readshaw	Washington
Costa	Kaiser	Reinard	Waters
Coy	Keller	Rieger	Watson
Creighton	Kenney	Roberts	Williams, J.
Cruz	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wojnaroski
Dailey	LaGrotta	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Youngblood
DeLuca	Leh	Rubley	Yudichak
Dermody	Levdansky	Ruffing	Zug
DeWeese	Lewis	Sainato	
DiGirolamo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maher		Speaker

NAYS—2

Samuelson Yewcic

NOT VOTING—1

Thomas

EXCUSED—4

Laughlin Lescovitz Lynch Zimmerman

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 1365, PN 2412**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining “arts council,” “eligible entity” and “pecuniary interest”; and further providing for the definitions of “eating place” and “restaurant,” for bonds required of members and secretary, for board and enforcement bureau subject to State ethics and adverse interest acts, for wine marketing, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores, for applications for hotel, restaurant and club liquor licenses, for issuance of hotel, restaurant and club liquor licenses, for sales by liquor licensees, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers’ licenses, for malt and brewed beverages (excluding manufacturers), for malt and brewed beverages retail licenses, for application for distributors’, importing distributors’ and retail dispensers’ licenses, for prohibitions against the grant of licenses, for retail dispensers’ restrictions on purchases and sales, for hearings upon refusal of licenses, renewals or transfers, for renewal of licenses, for revocation and suspension of licenses, for local option and for exchange of certain licenses; providing for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee; further providing for renewal of amusement permit, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for unlawful advertising, for limited wineries and for business hours.

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

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

On the question of final passage, the Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

I have an amendment that has been timely filed to this bill and the printer’s number that I submitted yesterday.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill has been agreed to on third reading.

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

Mr. **CASORIO** offered the following amendment No. **A6536**:

Amend Title, page 1, lines 23 and 24, by striking out “FOR WHEN SALES MAY BE MADE AT PENNSYLVANIA LIQUOR STORES,”

Amend Sec. 4, page 11, line 2, by striking out “, 304”

Amend Sec. 4 (Sec. 304), page 11, lines 25 through 30; page 12, lines 1 through 23, by striking out all of said lines on said pages

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

The SPEAKER. Mr. Reinard, are you desiring recognition on this particular amendment?

Mr. REINARD. Yes, Mr. Speaker, if—

The SPEAKER. Let me first recognize the prime sponsor, Mr. Casorio, on his amendment.

Mr. CASORIO. Thank you, Mr. Speaker, and I will be brief.

The amendment that I have guts the language permitting Sunday sales. My amendment would prohibit the language allowing for Sunday sales.

The SPEAKER. You are referring to wholesale as opposed to retail sales?

Mr. CASORIO. My amendment would prohibit the sale of liquor at 10 percent of the State stores on Sundays.

The SPEAKER. Thank you.

The gentleman, Mr. Reinard, on the amendment.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this House last week passed the exact legislation that is before us today. The amendment that is before us here attempts to erase all that work, to gut the legislation, and basically render the issue neutral.

Mr. Speaker, I would request that the House vote against this amendment and keep this process moving forward.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I rise in support of the Casorio amendment, as I did a week ago. The biggest concern I have with this is that it just does not limit it to 10 percent forever. It says 10 percent now, but at the end of 2 years, it now becomes the Liquor Control Board and not us who determines whether sales are done at all of the State stores around the State. Again, this does not just say 10 percent now and forever. It says after 2 years, our authority is taken away. We will no longer have our input into it but it will become the Liquor Control Board that will make that decision, and I think that is wrong, and I think that should be the main reason why we should support the Casorio amendment.

The second reason, as I mentioned a week ago, is, the proponents of this have stated that this will raise an additional \$100 million or so of revenues. So it does not say that this is being done for convenience purposes. It is not like, well, people are having parties on Sundays so let us be open on Sundays for their convenience. This says that people who otherwise would not be buying alcohol will be buying over 100 million dollars’ worth of alcohol on Sundays. At the same time when we are passing legislation to reduce blood alcohol contents, we are passing legislation to increase penalties for drunk drivers,

here we are encouraging an additional \$100 million or more of sales on Sundays. It does not make sense.

And as was stated very eloquently by Senator Armstrong over on the Senate side, look and see who is really pushing for this Sunday sales; look and see who is pushing it, and you will find out it is the alcohol industry that is pushing for this amendment. They are trying to come up with ways to sell additional alcohol across this country, and one way they see they can do it is by selling alcohol on Sundays. So look and see who is pushing for this amendment for Sunday sales.

So I would urge a “yes” vote on the Casorio proposal. Thank you.

The SPEAKER. The Chair thanks the gentleman.

This is not pointed at anyone, but the Chair is urging that the members in the course of debate – and it strikes me particularly on this matter where we have really given it full debate within the past several days – that we do not rerun these arguments over and over and over again. Abbreviate the arguments, and let us move on.

We have a very, very serious – let me see the list – we have a very serious list today, which includes, at a glance, 17 matters, and that does not include any amendments, nor does it include anything that may yet come over from the Senate, so please, hold the debate to what is reasonable, reasonably brief.

Mr. Clymer, you now have the benefit of my thoughts.

Mr. CLYMER. Thank you, Mr. Speaker, and I will be brief.

I also rise in support of the Casorio amendment.

As has been mentioned in previous debates here, alcohol abuse is still our number one drug problem, and unfortunately, it has devastated far too many of our Pennsylvania families. It has hurt innocent lives, and we stand today with Mothers Against Drunk Drivers and other concerned people in opposing Sunday sales at our State stores.

My final comment is that several months ago teenagers throughout the Commonwealth of Pennsylvania rallied in the rotunda here at the Capitol, hundreds of them, asking legislators to help them protect their own peers on underage drinking.

This public policy issue that would allow more alcohol to be sold in the Commonwealth and, as the previous speaker so noted, is probably being pushed by the alcohol industry is something that we do not need, and I would urge strong support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen; Mr. Mark Cohen.

Mr. COHEN. Mr. Speaker, this bill gives us a dilemma – a dilemma of whether or not we want to expand liquor sales and expand revenue for the State of Pennsylvania, as this bill will do, or whether we want to hew towards the traditional goal of liquor control.

My position and the position of my constituents is to hew towards the traditional goal of liquor control, and therefore, I support the Casorio amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Reinard, for the second time.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, just some clarification on some points that were talked about.

This is a 2-year phase-in program. This General Assembly always has authority over every statute that we pass, and nothing we are doing today ever prevents this House from changing it if the reports that are required under this legislation

to be referred back to this House on an annual basis as to how successful the pilot program is going. We can change it at any time. It is not etched in stone.

Also, this is a convenience issue; it is not simply a revenue issue. It was never addressed only as a revenue issue. When we discussed this in the House last time, remember, we are talking about adults who want to take a product home. Every licensed establishment that we have in this Commonwealth that is open on Sunday, whether it be golf courses, whether it be restaurants, whether it be bars and taverns, whether it be sports stadiums – baseball, football – all of those entail driving there, consuming the alcohol on the premises, and driving home. This is the one that allows you to take it home and have it for Sunday dinner.

Finally, who is pushing it. Mr. Speaker, through two public meetings that we had, roundtable discussions across Pennsylvania, in Philadelphia and in Pittsburgh, it did not matter who you were, what organization, whether you were for or against alcohol sales in this Commonwealth, every organization said, specifically, the State LCB is the appropriate agency to be responsible for alcohol distribution in this State and that they do an excellent job. Minors are not getting consumption. Stores are not going to be placed in areas that are not going to be inner city or other areas that may be problem areas that the LCB is already aware of.

This is simply a Sunday convenience, because if you look at sales in Pennsylvania, the weakest sales are on Monday; the strongest sales are on Saturday. It is simply that Saturday and Sunday are when people do their shopping.

I would ask the House to reject the Casorio amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–98

Allen	Dally	Markosek	Smith, B.
Argall	DeLuca	McIlhatten	Smith, S. H.
Armstrong, G.	Diven	Metcalfe	Solobay
Armstrong, T.	Egolf	Michlovic	Steelman
Baker, J.	Fairchild	Miller, S.	Stern
Baker, M.	Feese	Mundy	Stevenson, R.
Barrar	Fleagle	Myers	Strittmatter
Bastian	Forcier	Nailor	Surra
Bebko-Jones	Gabig	Petrarca	Tangretti
Birmelin	Geist	Petrone	Thomas
Bishop	George	Phillips	Tigue
Blaum	Godshall	Pickett	Travaglio
Boyes	Gordner	Preston	Trello
Browne	Gruitza	Roberts	Trich
Cappelli	Habay	Robinson	Turzai
Casorio	Harhai	Rohrer	Vance
Cawley	Harhart	Ruffing	Walko
Clark	Hess	Sainato	Washington
Clymer	Hutchinson	Samuelson	Williams, J.
Cohen, M.	James	Sather	Wojnaroski
Coleman	Kenney	Schuler	Wright, G.
Coy	Kirkland	Scrimenti	Yewic
Creighton	Krebs	Semmel	Yudichak
Dailey	LaGrotta	Shaner	Zug
Daley	Major		

NAYS–100

Adolph	Frankel	Mann	Rubley
Bard	Freeman	Marsico	Santoni

Belardi	Gannon	Mayernik	Saylor
Belfanti	Grucela	McCall	Scavello
Benninghoff	Haluska	McGeehan	Schroder
Brooks	Hanna	McGill	Staback
Bunt	Harper	McIlhinney	Stairs
Butkovitz	Hasay	McNaughton	Steil
Buxton	Hennessey	Melio	Stetler
Caltagirone	Herman	Micozzie	Stevenson, T.
Civera	Hershey	Miller, R.	Sturla
Cohen, L. I.	Horsey	Nickol	Taylor, E. Z.
Colafella	Jadlowiec	O'Brien	Taylor, J.
Cornell	Josephs	Oliver	Tulli
Corrigan	Kaiser	Pallone	Veon
Costa	Keller	Perzel	Vitali
Cruz	Lawless	Pippy	Wansacz
Curry	Lederer	Pistella	Waters
Dermody	Leh	Raymond	Watson
DeWeese	Levdansky	Readshaw	Wilt
DiGirolamo	Lewis	Reinard	Wright, M.
Donatucci	Lucyk	Rieger	Youngblood
Eachus	Mackereth	Roebuck	
Evans, D.	Maher	Rooney	
Evans, J.	Maitland	Ross	Ryan,
Fichter	Manderino		Speaker

NOT VOTING—1

Flick

EXCUSED—4

Laughlin Lescovitz Lynch Zimmerman

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Walko, who offers the following amendment, which the clerk will— The gentleman withdraws his amendments.

The gentleman, Mr. Sturla, do you have amendments?
Withdrawn.

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. The question is, shall the bill pass finally?

On the question of final passage, the gentleman, Mr. Pistella, is recognized.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to draw the attention of the members to a section of this particular bill which poses a problem, and the way the situation can be explained is as follows: On page 29, lines 1 to 7, under the "special occasion permits," this legislation will allow the Three Rivers Regatta that is held annually in Pittsburgh to fence off all of or a portion of Point State Park for the purposes of enforcing security and for the ability to charge an admission fee to the park on that particular day. The dilemma that it poses is that I currently serve

as a member of the Fort Pitt Museum Associates, and the Pennsylvania Historical and Museum Commission site for Fort Pitt is located on the same parcel of land. As a result, what this does have the potential to do is to require two admissions to the Fort Pitt Museum – one to the park during the course of the regatta and a second admission fee to be charged by the museum.

In addition to my position on the board of the Fort Pitt Museum Association, I have also been a very, very strong advocate for the modernization of the Liquor Control Board. Needless to say, the opportunity to offer sales on Sunday, I think, overrides the concern that I have as it relates to the museum.

What I wanted to do is have put into the record the efforts that Mr. Donatucci from Philadelphia, as the Democratic chairman of the Liquor Control Committee, has made and also the hopes that his corresponding Republican chairperson would be willing to come back and revisit this issue.

I have had the opportunity to speak with Mr. Tony Renda of the Three Rivers Regatta organizing committee, who has stressed the importance and the need for this legislation as it relates to the regatta in order to keep it a centerpiece, if you will, for being one of the premier regional events that are held in Pittsburgh, in the Northeast, that would include high-speed motorboat racing and a number of other activities in the Pittsburgh area.

I would ask for the members to vote in favor of this legislation, but please be mindful that I would like to revisit this one small provision again in the spring to see if there can be something that can be done to work out this problem between these two organizations.

Thank you very much, Mr. Speaker.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill has been considered for the third time.

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

AMENDMENT A6536 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Casorio, who moves that the vote by which amendment 6536 was defeated to SB 1365, PN 2412, this 27th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—180

Adolph	Donatucci	Maitland	Scavello
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Armstrong, G.	Evans, D.	Mann	Semmel
Armstrong, T.	Fairchild	Markosek	Smith, B.
Baker, J.	Feese	Marsico	Smith, S. H.
Baker, M.	Fichter	Mayernik	Solobay

Barrar	Fleagle	McCall	Staback
Bastian	Flick	McGeehan	Steelman
Bebko-Jones	Forcier	McGill	Steil
Belardi	Freeman	McIlhattan	Stern
Belfanti	Gabig	McIlhinney	Stetler
Benninghoff	Gannon	Melio	Stevenson, R.
Birmelin	Geist	Metcalfe	Stevenson, T.
Bishop	George	Michlovic	Strittmatter
Blaum	Godshall	Micozzie	Sturla
Boyes	Gordner	Miller, R.	Surra
Brooks	Grucela	Miller, S.	Tangretti
Browne	Gruitza	Mundy	Taylor, E. Z.
Bunt	Habay	Myers	Taylor, J.
Butkovitz	Haluska	Nailor	Thomas
Buxton	Hanna	O'Brien	Tigue
Caltagirone	Harhai	Oliver	Travaglio
Cappelli	Harhart	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Turzai
Civera	Herman	Petrone	Vance
Clymer	Hershey	Phillips	Veon
Cohen, L. I.	Hess	Pickett	Vitali
Cohen, M.	Horsey	Pippy	Walko
Colafella	Hutchinson	Pistella	Wansacz
Coleman	James	Preston	Washington
Corrigan	Josephs	Raymond	Waters
Costa	Kaiser	Readshaw	Watson
Coy	Keller	Rieger	Williams, J.
Creighton	Kenney	Roberts	Wilt
Cruz	Kirkland	Robinson	Wojnaroski
Curry	Krebs	Roebuck	Wright, G.
Dailey	LaGrotta	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ruble	Yudichak
DeLuca	Leh	Ruffing	Zug
Dermody	Levdansky	Sainato	
DeWeese	Lucyk	Samuelson	
DiGirolamo	Mackereth	Santoni	Ryan,
Diven	Maher		Speaker

NAYS-19

Bard	Harper	Reinard	Shaner
Clark	Jadlowiec	Ross	Stairs
Cornell	Lewis	Sather	Tulli
Evans, J.	McNaughton	Saylor	Wright, M.
Frankel	Nickol	Schroder	

NOT VOTING-0

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 agree to the amendment?

The clerk read the following amendment No. **A6536**:

Amend Title, page 1, lines 23 and 24, by striking out "FOR WHEN SALES MAY BE MADE AT PENNSYLVANIA LIQUOR STORES,"

Amend Sec. 4, page 11, line 2, by striking out " 304"

Amend Sec. 4 (Sec. 304), page 11, lines 25 through 30; page 12, lines 1 through 23, by striking out all of said lines on said pages

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

The SPEAKER. On the question of the adoption of the amendment, Mr. Casorio. Will the gentleman yield.

Mr. Casorio has reconsidered the last vote, and he has the floor. We are going to run that vote again. Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

I would ask for an affirmative vote for my amendment. It simply, again, takes out the language permitting Sunday sales in this Liquor Code bill.

The SPEAKER. The Chair thanks the gentleman.

Mr. Reinard.

Mr. REINARD. Mr. Speaker, this amendment guts the legislation. I would ask the House to again vote against it. Thank you.

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

The following roll call was recorded:

YEAS-97

Allen	Diven	Mackereth	Semmel
Argall	Egolf	Major	Smith, B.
Armstrong, G.	Fairchild	Markosek	Smith, S. H.
Armstrong, T.	Feese	McIlhattan	Solobay
Baker, J.	Fleagle	Metcalfe	Steelman
Baker, M.	Forcier	Miller, S.	Stern
Bastian	Gabig	Mundy	Stevenson, R.
Birmelin	Geist	Myers	Strittmatter
Bishop	George	Petrarca	Surra
Blaum	Godshall	Petrone	Tangretti
Boyes	Gordner	Phillips	Thomas
Browne	Gruitza	Pickett	Tigue
Cappelli	Habay	Preston	Travaglio
Casorio	Harhai	Readshaw	Trello
Cawley	Harhart	Roberts	Trich
Clark	Hershey	Robinson	Turzai
Clymer	Hess	Rohrer	Vance
Cohen, M.	Hutchinson	Ruffing	Walko
Coleman	James	Sainato	Washington
Coy	Kenney	Samuelson	Williams, J.
Creighton	Kirkland	Sather	Wojnaroski
Dailey	Krebs	Scavello	Yewcic
Daley	LaGrotta	Schuler	Yudichak
Dally	Levdansky	Scrimenti	Zug
DeLuca			

NAYS-101

Adolph	Fichter	Marsico	Santoni
Bard	Flick	Mayernik	Saylor
Barrar	Frankel	McCall	Schroder
Bebko-Jones	Freeman	McGeehan	Shaner
Belardi	Gannon	McGill	Staback
Belfanti	Grucela	McIlhinney	Stairs
Benninghoff	Haluska	McNaughton	Steil
Brooks	Hanna	Melio	Stetler
Bunt	Harper	Michlovic	Stevenson, T.
Butkovitz	Hasay	Micozzie	Sturla
Buxton	Hennessey	Miller, R.	Taylor, E. Z.
Caltagirone	Herman	Nailor	Taylor, J.
Civera	Horsey	Nickol	Tulli
Cohen, L. I.	Jadlowiec	O'Brien	Veon
Cornell	Josephs	Oliver	Vitali
Corrigan	Kaiser	Pallone	Wansacz
Costa	Keller	Perzel	Waters
Cruz	Lawless	Pippy	Watson
Curry	Lederer	Pistella	Wilt

Dermody	Leh	Raymond	Wright, G.
DeWeese	Lewis	Reinard	Wright, M.
DiGirolamo	Lucyk	Rieger	Youngblood
Donatucci	Maher	Roebuck	
Eachus	Maitland	Rooney	
Evans, D.	Manderino	Ross	Ryan,
Evans, J.	Mann	Rubley	Speaker

NOT VOTING—1

Colafella

EXCUSED—4

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—124

Adolph	Frankel	Marsico	Sainato
Baker, J.	Freeman	Mayernik	Santoni
Bard	Gannon	McCall	Saylor
Barrar	Godshall	McGeehan	Schroder
Belardi	Grucela	McGill	Shaner
Benninghoff	Gruitza	McIlhinney	Staback
Boyes	Haluska	McNaughton	Stairs
Brooks	Hanna	Melio	Steil
Bunt	Harhai	Michlovic	Stetler
Butkovitz	Harhart	Micozzie	Stevenson, T.
Buxton	Harper	Miller, R.	Sturla
Caltagirone	Hasay	Mundy	Taylor, E. Z.
Civera	Hennessey	Myers	Taylor, J.
Clymer	Herman	Nailor	Travaglio
Cohen, L. I.	Horsey	Nickol	Trich
Colafella	Jadlowiec	O'Brien	Tulli
Cornell	James	Oliver	Turzai
Corrigan	Josephs	Pallone	Vance
Costa	Kaiser	Perzel	Veon
Cruz	Keller	Pippy	Vitali
Curry	Kenney	Pistella	Wansacz
Daley	LaGrotta	Preston	Washington
Dally	Lawless	Raymond	Watson
Dermody	Lederer	Reinard	Williams, J.
DeWeese	Leh	Rieger	Wilt
DiGirolamo	Lewis	Robinson	Wojnaroski
Donatucci	Lucyk	Roebuck	Wright, M.
Eachus	Maher	Rooney	Youngblood
Evans, D.	Maitland	Ross	
Evans, J.	Major	Rubley	
Fichter	Manderino	Ruffing	Ryan,
Flick	Mann		Speaker

NAYS—75

Allen	Creighton	Levdansky	Smith, B.
Argall	Dailey	Mackereth	Smith, S. H.
Armstrong, G.	DeLuca	Markosek	Solobay
Armstrong, T.	Diven	McIlhattan	Steelman
Baker, M.	Egolf	Metcalf	Stern
Bastian	Fairchild	Miller, S.	Stevenson, R.
Bebko-Jones	Feese	Petrarca	Strittmatter
Belfanti	Fleagle	Petrone	Surra
Birmelin	Forcier	Phillips	Tangretti
Bishop	Gabig	Pickett	Thomas
Blaum	Geist	Readshaw	Tigue
Browne	George	Roberts	Trello
Cappelli	Gordner	Rohrer	Walko
Casorio	Habay	Samuelson	Waters
Cawley	Hershey	Sather	Wright, G.
Clark	Hess	Scavello	Yewcic
Cohen, M.	Hutchinson	Schuler	Yudichak
Coleman	Kirkland	Scrimenti	Zug
Coy	Krebs	Semmel	

NOT VOTING—0

EXCUSED—4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 without amendment.

CONSIDERATION OF SB 1478 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Perzel, has withdrawn his amendment.

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.

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	Eachus	Maitland	Scavello
Allen	Egolf	Major	Schroder
Argall	Evans, D.	Manderino	Schuler
Armstrong, G.	Evans, J.	Mann	Scrimenti
Armstrong, T.	Fairchild	Markosek	Semmel
Baker, J.	Feese	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback
Bebko-Jones	Frankel	McIlhattan	Stairs

Belardi	Freeman	McIlhinney	Steelman
Belfanti	Gabig	McNaughton	Steil
Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalf	Stetler
Bishop	George	Michlovic	Stevenson, R.
Blaum	Godshall	Micozzie	Stevenson, T.
Boyes	Gordner	Miller, R.	Strittmatter
Brooks	Grucela	Mundy	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Habay	Nailor	Tangretti
Butkovitz	Haluska	Nickol	Taylor, E. Z.
Buxton	Hanna	O'Brien	Taylor, J.
Caltagirone	Harhai	Oliver	Thomas
Cappelli	Harhart	Pallone	Tigue
Casorio	Harper	Perzel	Travaglio
Cawley	Hasay	Petrarca	Trello
Civera	Hennessey	Petrone	Trich
Clark	Herman	Phillips	Tulli
Clymer	Hershey	Pickett	Turzai
Cohen, L. I.	Hess	Pippy	Vance
Cohen, M.	Horse	Pistella	Veon
Colafella	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	Krebs	Rohrer	Wojnaroski
Dailey	LaGrotta	Rooney	Wright, G.
Daley	Lawless	Ross	Wright, M.
Dally	Lederer	Rubley	Yewcic
DeLuca	Leh	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zug
DiGirolo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—1

Miller, S.

EXCUSED—4

Laughlin Lescovitz Lynch Zimmerman

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1515, PN 2399**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of harassment and stalking; and making conforming amendments to Titles 5, 18, 23 and 42.

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

The SPEAKER. The Chair is aware of the fact that Mr. Haluska and Mr. Williams have amendments to SB 1515. Very good, Mr. Williams. They should be withdrawn, because they are out of order as they have been drafted, and we would not be allowed to take them up, so I appreciate your withdrawing them.

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.

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—199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalf	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horse	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-4

Laughlin Lescovitz Lynch Zimmerman

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.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 850, PN 4678 By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages.

RULES.

HB 851, PN 4679 By Rep. PERZEL

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making repeals; and making editorial changes.

RULES.

HB 1804, PN 4006 By Rep. PERZEL

An Act providing for pooled trusts for persons with disabilities.

RULES.

HB 2055, PN 4694 By Rep. PERZEL

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances; providing for inventory of personal property; authorizing the storage of personal property by elder care facilities; providing for applicability of other laws; and imposing a penalty.

RULES.

HB 2183 PN 4638 By Rep. PERZEL

An Act specifically authorizing collective bargaining between first-level supervisors and their public employer; providing for arbitration in order to settle disputes rather than striking; and requiring compliance with collective bargaining agreements and findings of arbitrators.

RULES.

HB 2190, PN 4681 By Rep. PERZEL

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "municipality"; further providing for the recycling fee sunset provisions, for Recycling Fund and for awarding of grants; providing for the development of a recycling program plan; and making a repeal.

RULES.

HB 2599, PN 4589 By Rep. PERZEL

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for definitions, for licensing, for sanctions, for administration, for records, for contracts, for assignments, for insurance, for finance costs, for refinancing, for default, for repossession and redemption, for prohibited charges, for exemptions and for penalties.

RULES.

SB 824, PN 2435 By Rep. PERZEL

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for definitions, for powers and duties of the Secretary of the Commonwealth; providing for voting standards development board and State plan advisory board; further providing for qualifications of election officers and for vacancies in election boards; providing for the compensation of district election officers; further providing for district boundaries, for manner of signing nomination petitions, for nominations by political bodies, for placing the question on the ballot, for examination and approval of electronic voting systems by the Secretary of the Commonwealth, for experimental use of electronic voting system, for assistance in voting, for applications for official absentee ballots, for duties of common pleas court on days of primaries and elections; providing for creation of new election districts by court, for petitions for new election districts, for reference to county board of elections and report, for petitions by county board and action by court on petition or report, for creation, division, realignment or consolidation of wards in cities of the first class, for alterations after period of restriction, for Title III complaints; further providing for manner of applying to vote, for assistance in voting by certain absentee electors, for canvassing of official absentee ballots and for enforcement; providing for regulatory procedure; and making repeals.

RULES.

SB 1370, PN 2428 By Rep. PERZEL

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; recodifying the Machinery and

Equipment Loan Fund Act; further providing for tax-exempt bond allocation and for loan eligibility; and making repeals.

RULES.

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 967, PN 1108

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistant licenses.

HB 2424, PN 3440

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, further defining “persons with a disability” or “people with disabilities.”

SB 413, PN 2385

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for Substance Abuse Education and Demand Reduction Fund; and imposing assessments.

SB 654, PN 2386

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for newborn protection.

SB 831, PN 2289

An Act amending the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, further defining “examination and diagnosis” and “practice of optometry”; and providing for requirements concerning pharmaceutical agents for the treatment of glaucoma and for approval of drugs.

SB 1204, PN 1547

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled, as amended, “An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions,” further providing for methods for the copying of certain records.

SB 1222, PN 2158

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, relating to credit unions; making revisions, corrections and additions; providing for parity with Federal credit unions and for involuntary dissolution; and making editorial changes.

SB 1290, PN 1699

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing certain members of the Pennsylvania National Guard to operate State-owned vehicles for certain security purposes.

SB 1325, PN 1990

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for animal exhibition sanitation; and imposing penalties.

SB 1528, PN 2244

An Act providing for a deposit into the Agricultural Conservation Easement Purchase Fund.

SB 1554, PN 2394

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for composition of commission, its membership and removal of commission members, for proposed regulations, procedures and criteria for review, and for final-form regulations and final-omitted regulations, procedures and criteria for review; providing for criteria for review of regulations; and further providing for procedures for disapproval of final-form and final-omitted regulations and emergency-certified regulations, for procedures for subsequent review of disapproved final-form or final-omitted regulations and for existing regulations.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Ms. Youngblood, yesterday you sought recognition towards the end of the day, and for some reason or another, you were delayed. I know what it is you wanted to do; you wanted to call to the attention of the House the aging birthday boy, Michael McGeehan, who would say a few words to us, except he does not have his jacket on at the moment.

Happy birthday, Michael.

SB 133 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who moves that the vote by which SB 133, PN 2354, was passed on the 27th of November be reconsidered.

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

The following roll call was recorded:

YEAS—198

Adolph	Eachus	Maitland	Scavello
Allen	Egolf	Major	Schroder
Argall	Evans, D.	Manderino	Schuler
Armstrong, G.	Evans, J.	Mann	Scrimenti
Armstrong, T.	Fairchild	Markosek	Semmel
Baker, J.	Feese	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback

Bebko-Jones	Frankel	McIlhattan	Stairs
Belardi	Freeman	McIlhinney	Steelman
Belfanti	Gabig	McNaughton	Steil
Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalfe	Stetler
Bishop	George	Michlovic	Stevenson, R.
Blaum	Godshall	Micozzie	Stevenson, T.
Boyes	Gordner	Miller, R.	Strittmatter
Brooks	Grucela	Miller, S.	Sturla
Browne	Gruitza	Mundy	Surra
Bunt	Habay	Myers	Tangretti
Butkovitz	Haluska	Nailor	Taylor, E. Z.
Buxton	Hanna	Nickol	Taylor, J.
Caltagirone	Harhai	O'Brien	Thomas
Cappelli	Harhart	Oliver	Tigue
Casorio	Harper	Pallone	Travaglio
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli
Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Horsey	Pippy	Veon
Colafella	Hutchinson	Pistella	Vitali
Coleman	Jadlowiec	Preston	Walko
Cornell	James	Raymond	Wansacz
Corrigan	Josephs	Readshaw	Washington
Costa	Kaiser	Reinard	Waters
Coy	Keller	Rieger	Watson
Creighton	Kenney	Roberts	Williams, J.
Cruz	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wojnaroski
Dailey	LaGrotta	Rooney	Wright, G.
Daley	Lawless	Ross	Wright, M.
Dally	Lederer	Rublely	Yewcic
DeLuca	Leh	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-1

Rohrer

EXCUSED-4

Laughlin Lescovitz Lynch Zimmerman

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

The SPEAKER. The bill will be placed on the regular calendar.

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 850, PN 4678**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages.

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

The SPEAKER. On the question of concurrence, would the gentleman, Mr. Clymer, briefly describe what the Senate has done.

Mr. CLYMER. Thank you, Mr. Speaker.

The Senate deleted all language prohibiting certain practices by telemarketers, which had really nothing to do with the bill, but that was omitted.

Training for participation must be approved by the Bureau of Liquor Control Enforcement – that is, those who are under 21 years of age who are going to be licensed to go into these taverns.

This is the bill on compliance checks, just so that we know what we are speaking about.

The Senate also restricted the bill's application only to State Police. When it went over to the Senate, it included local police. It requires the Pennsylvania State Police to promulgate regulations prescribed in a manner in which compliance checks are to be performed, and it strengthens the requirement that Pennsylvania State Police notify the licensee that they were in compliance with the law when they are in there for a compliance check.

I do want to extend my thanks to Chairmen Gannon and Blaum for their help in moving this legislation through the process.

The SPEAKER. The Chair thanks the gentleman.

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-199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai

Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 851, PN 4679**, entitled:

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making repeals; and making editorial changes.

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

The SPEAKER. Would the gentleman, Mr. Clymer, briefly describe the amendments by the Senate.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the amendments, the changes made by the Senate, are these: the removal of a provision of the bill that would have allowed the Secretary of the Commonwealth to accept electronic notary applications and elimination of a provision that would have permitted House members to endorse notary applications.

Those were the two changes made to the notary bill, and I do want to extend my appreciation to Chairman Josephs and the

Democrat side of the aisle for their help in this notary bill that is bringing things up to date after 50 years.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Metcalfe, who asks that the rules of the House be suspended to permit him to— Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would withdraw my amendment. If I could just make a couple comments on it.

The SPEAKER. The gentleman may speak to it.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to bring this to the attention of the members. If I could have their attention for just a moment, I will be quick.

I think that the amendment that I had prepared would have been passed unanimously by all members of this House. As it is in current law, Senators are the only ones that are allowed to endorse for someone to become a notary. We had amended the language that we had sent to the Senate that would have allowed all legislators to endorse their constituents to become notaries, thereby making a better service available to all of our constituents. Instead of just having a constituent to have to rely on one of 50 Senators, they would have been able to come to one of 253 State legislators, be it Senate or House members, and the Senate once again stripped our language out that would have given us the ability to also endorse our constituents who would like to become notaries.

So I do not want to hold this bill up at all, and for time's sake, I wanted to withdraw my amendment, and I will not ask for suspension of the rules but would ask for the members' support, as we come into a new session, to make this change in the future. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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.

(Members proceeded to vote.)

The SPEAKER. The board temporarily went down, so revote that vote. Check your votes.

The following roll call was recorded:

YEAS-198

Adolph	Eachus	Maitland	Scavello
Allen	Egolf	Major	Schroder
Argall	Evans, D.	Manderino	Schuler
Armstrong, G.	Evans, J.	Mann	Scrimenti
Armstrong, T.	Fairchild	Markosek	Semmel
Baker, J.	Feeze	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback
Bebko-Jones	Frankel	McIlhattan	Stairs
Belardi	Freeman	McIlhinney	Steelman
Belfanti	Gabig	McNaughton	Steil
Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalfe	Stetler
Bishop	George	Michlovic	Stevenson, R.

Blaum	Godshall	Micozzie	Stevenson, T.
Boyes	Gordner	Miller, R.	Strittmatter
Brooks	Grucela	Miller, S.	Sturla
Browne	Gruitza	Mundy	Surra
Bunt	Habay	Myers	Tangretti
Butkovitz	Haluska	Nailor	Taylor, E. Z.
Buxton	Hanna	O'Brien	Taylor, J.
Caltagirone	Harhai	Oliver	Thomas
Cappelli	Harhart	Pallone	Tigue
Casorio	Harper	Perzel	Travaglio
Cawley	Hasay	Petrarca	Trello
Civera	Hennessey	Petrone	Trich
Clark	Herman	Phillips	Tulli
Clymer	Hershey	Pickett	Turzai
Cohen, L. I.	Hess	Pippy	Vance
Cohen, M.	Horse	Pistella	Veon
Colafella	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	Krebs	Rohrer	Wojnaroski
Dailey	LaGrotta	Rooney	Wright, G.
Daley	Lawless	Ross	Wright, M.
Dally	Lederer	Rubley	Yewcic
DeLuca	Leh	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Diven	Mackereth	Sather	Ryan,
Donatucci	Maher	Saylor	Speaker

NAYS-1

Nickol

NOT VOTING-0

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1576, PN 2365**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County, certain lands in Benner Township, Centre County.

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

The SPEAKER. It is the understanding of the Chair that the lady, Ms. Josephs— Ms. Josephs, it is the understanding of the Chair that you and the gentleman, Mr. Kenney, have withdrawn your amendments to this bill. Is that accurate? Mr. Kenney?

The Chair thanks the members.

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.
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-199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horse	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED—4

Laughlin Lescovitz Lynch Zimmerman

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 MR. CAWLEY

The SPEAKER. The gentleman, Mr. Cawley, requested a moment to make a brief statement. The gentleman is recognized.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, as we know, the majority of members voted for and passed three laws since March of this year regarding tort reform. And, Mr. Speaker, I am very disappointed. We had two bills submitted. One was HB 3004, which, according to our Parliamentarian and some other people, there may be constitutional problems with it, and the other bill was HB 2973, which would have frozen the rates, insurance rates, on malpractice premiums for 6 months.

Despite the three bills that we passed, the problem still exists. Hundreds and hundreds of doctors have been notified that their rates are going up in January, some as high as 46 percent. The legislators from the northeast have received phone calls and faxes and letters from thousands of people.

I want to make this perfectly clear. There was one of the bills that we passed since March that I did not support; I supported the other two. I am not blaming anyone, but what I am disappointed about is, I believe, because this crisis still exists, people have been calling me saying that they are told that the doctors in the Scranton/Wilkes-Barre area are not receiving any new patients, and even if a new problem happens, the patients are told they have to go somewhere else, that the doctors are not taking the clients.

There is a very, very real crisis up in northeastern Pennsylvania. This is really a health and safety issue. And I honestly mean this, that I believe if we put our mind to it, we could have passed both bills. Even though we have the calendar, that a bill has to be on the calendar for 3 days, we could have placed the bills on the calendar by moving the bills out last Monday.

This crisis is not going to go away – and we all know this – by us not paying attention to it, and no different than myself, I had hoped that those three bills were going to do something, because they were very good intentions. However, they did not correct the problem. As I mentioned, the notices are still going out; the rates are going up; doctors have been told they are being dropped.

And I was honestly hoping that if this bill passed that would freeze the rates – not lower the rates, freeze the rates – for 6 months, we then can honestly find out, once and for all, what the real problem is. If we had those insurance people come in here during that 6-month period and just said, we want to know exactly what you are doing with the money, what percent of the money is going for payouts because of lawsuits, once we found out that information, I think that we would be justified in saying

what we said in HB 3004, that we want to change the Constitution and place caps on awards.

I think that this is coming. I honestly believe it is going to happen. We know this is going to happen eventually, and now, because of our lack of action, we have to wait another 2 years to put a constitutional amendment in to change the Constitution for caps on awards.

Mr. Speaker, I will conclude with, and I will say it about me, about my own duty: A duty dodged, dodging a duty, is like a debt unpaid; eventually we are going to have to come back and settle it up.

And I really mean this. I know the days are very, very short, but I have seen things happen in this General Assembly for 22 years, that I am very disappointed that we did not follow through. We could gut bills; we could put amendments in. You know we could do it. And I just hope that come January, I want the members of the General Assembly to know that I recognize this is a serious problem and will work with everyone for us to solve this. But I honestly think that after January 5, it is a little late, because the rates will have gone up; more doctors will have left northeastern Pennsylvania.

And in closing, Mr. Speaker, many doctors said to me, if we do this with the insurance industry, the two companies that are left are going to drop the insurance of all the doctors, and my statement was, I hope they do. I really and honestly would hope and I am asking the two insurance companies that are left to notify all of the doctors in Pennsylvania that you no longer have insurance. What that will do, Mr. Speaker, is create the crisis in Pennsylvania—

The SPEAKER. Mr. Cawley, you are speaking under unanimous consent, and really, it is going much further than you indicated you were going to be. You are taking up much more time than you indicated you were going to take up.

Mr. CAWLEY. Thank you, Mr. Speaker.

I know we have an awful lot of bills to run.

But just to let the constituents back home know, I will be part of helping to solve this problem.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 253, PN 2417**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for international commercial arbitration; further providing for attachment of personal earnings; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon. Mr. Veon, I have you down for 12 amendments to this bill. Can we cut that down? Down to 11.

SB 253. I have amendments from the gentleman, Mr. Veon; Mr. Benninghoff; Ms. Manderino; and Mr. George. Are there any other amendments? Benninghoff withdraws his.

Mr. Miller, you have amendments? You filed late. You have to suspend for yours.

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

Mr. VEON offered the following amendment No. **A6452**:

Amend Title, page 1, line 6, by inserting a period after “ARBITRATION”

Amend Title, page 1, lines 6 and 7, by striking out “; FURTHER PROVIDING FOR ATTACHMENT OF PERSONAL” in line 6 and all of line 7

Amend Bill, page 25, lines 26 through 30; pages 26 through 34, lines 1 through 30; page 35, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 4, page 35, line 5, by striking out “4” and inserting
2

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

The SPEAKER. On the question of the adoption of the Veon amendment, the Chair recognizes the gentleman.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to offer this amendment. This amendment would strip out the language in this bill that provides for wage attachment for debt collection.

Mr. Speaker, as this issue has been discussed over the last few months, proponents of allowing for wage attachment, I know, have talked to members on both sides, Republicans and Democrats, and I have had a chance to have discussions with some of those proponents over the last few months also.

Mr. Speaker, certainly, as this issue started, my understanding at that time was that even the proponents were suggesting or proposing a rather limited ability to have wage attachment for debt collection, very specifically, of credit cards, and I think that at least my understanding, again, is that, to a large degree, the credit card industry were the strongest proponents and the driving force in proposing to allow an expansion of wage attachment in law in the State of Pennsylvania.

And, Mr. Speaker, when I looked at the language in this bill, if you have a chance to look at it or if you have had a chance to look at it, you will see and notice that this language in fact allows for wage attachment for any debt whatsoever. This is a tremendous expansion. It is allowing, again, essentially the attachment of a person’s wages for any debt – credit card debt or any other kind of debt that someone may have assumed. Mr. Speaker, this is a very significant expansion of that law, much beyond what I believe even the proponents were discussing initially and originally.

Mr. Speaker, I think this is bad public policy, the wrong way to go. I want to give the members an opportunity to take this language out of this bill and still be able to deal with other provisions that are in the bill that are here before us, that could be passed here today.

Mr. Speaker, I would ask for an affirmative vote to remove the wage attachment language from SB 253.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia County, Ms. Manderino, on the question of the adoption of the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise in support of the Veon amendment.

I just want to call attention to members, even those who think in theory you support the notion of wage attachment, you should really look at the provisions in here. Let me point you just to one.

On page 32, there is language with regard to interest rates. It is kind of complicated to read, because everything is written in the negative, but the net effect of the language on interest rates is that once the wage attachment happens, for any debts – consumer debts, landlord-tenant, whatever the debt is – there is an ongoing, accruing interest rate that could be 10 percent above the mortgage interest rate for renters, so it could be 17 percent, and if mortgage interest rates go up, it could be 20, 22, 24, and for consumer debts, there is no cap, so if somebody has a credit card and that credit card annualized rate is 21 or 22 percent since we have no caps in Pennsylvania, those accruing interest rates stay accruing on the debt and on the judgment, and the person will never be able to get out from underneath that.

This interest rate language is very bad, very onerous, and I think that most people, even if you support the theory of wage attachment, would not support this kind of language with these kinds of ongoing, accruing, uncapped, very high and onerous interest rates – another reason to support the Veon amendment. Thank you.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Veon amendment.

As the previous speaker said, even if you support wage attachment in principle, this bill goes far beyond any notions of reasonableness. In fact, Mr. Speaker, the language regarding interest rates and the language regarding other aspects of garnishment, not only does it go beyond any notion of reasonableness but it is closely bordering on being egregious – egregious in both its application and its intent.

So, Mr. Speaker, it is important that we support the Veon amendment and strip this bill of all of this egregious language, because there is no way that you can clean it up. Anything that is good around it is going to be infected by it, so it is important to take it out.

And last but not least, we do not need to be passing any additional burdens on small businesses. Small businesses make up over 60 percent, over 60 percent, of the jobs in the Commonwealth of Pennsylvania. They are already strapped in trying to manage health-care insurance for people whom they have not had to customarily provide health insurance; they are already trying to deal with complicated tax laws that have them overburdened, and now we want to pass on to them an additional responsibility of not only attaching individual wages but also making sure that that attachment is carried out.

Mr. Speaker, I do not think that we want to put this additional burden on employers, especially small business owners. There are plenty of remedies in law that allow for attachment in circumstances where attachment is necessary, and to try and burden small businesses and small employers with this additional obligation is not going to do anything but create more problems rather than provide solutions.

So I urge support for the Veon amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Mercer, Mr. Wilt.

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

I rise to oppose the Veon amendment. There has been a lot of rhetoric on the floor so far, so I would like the members' attention so they can pay attention to some of these arguments as to why wage garnishment in Pennsylvania on this particular issue, in this particular bill the way it is written, is actually a good idea.

Currently there are 46 other States that allow judgment creditors – and I stress, judgment creditors – to garnish the wages of delinquent debtors. These are people that owe money. They have incurred costs. They have incurred charges. They bought things. They have not paid for them.

One of the previous speakers said that interest charges would accrue. I would like to clarify that section on page 32 for the members. I want you to know that a judgment is a fixed amount which, upon execution, will include all recorded costs, accrued interest, and attorney fees, not subject to further interest or other charges. So once the confession of judgment is entered, those charges are capped. It is for a fixed amount.

There are nine things that need to happen prior to an employer having to garnish somebody's wages. First of all, for debts of under \$5,000, the creditor may sue in district justice court, and creditor corporations must utilize an attorney. Second, the summons and complaint must be served on the debtor providing notice of the suit. Third, a hearing date must be set within 90 days of the complaint being filed. Fourth, at the hearing, the plaintiff must present evidence of the debt and the default, and the debtor can appear and defend without an attorney, but the debtor may use an attorney. Fifth, judgment is issued 30 days from the filing date. Sixth, if the judgment is in favor of the creditor, it must be delivered to the sheriff with a writ of garnishment. Seven, the sheriff must deliver the writ of garnishment to the employer. Eight, if no response is received, the employer hands over the funds to the creditor. Nine, the garnishment is good for 90 days only.

So I do not think this puts an unnecessary burden on our small business owners. Small business is actually for this bill.

So I would urge a "no" vote on the Veon amendment, and hopefully that will eliminate some of the other amendments that have been filed on this bill.

Thank you very much.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. On the amendment, the gentledady, Ms. Mundy, is recognized.

Ms. MUNDY. Thank you, Mr. Speaker.

In my former life, I was the manager of a small business, so I know whereof I speak.

This bill is not good for small business; it is not good for big business; it is not good for any employer in Pennsylvania, who is now going to have to be a bill collector for credit card companies and other people, landlords and others, who are owed money.

The AFL-CIO sent around a letter regarding this issue, and I just highlighted some of the issues that I as a former employer and someone who had to deal with personnel issues on a regular basis, some of the issues that really hit home with me.

They said, "Garnishment is a direct interference with the employer/employee relationship." That is true. My employees

I want a good relationship with. I do not want to have to collect bills from them. That should not be my responsibility as an employer.

"Friction in the workplace caused by reducing a person's take-home pay is not good for business or workers." That is true.

"Workers will be disciplined or fired if the employer is ordered to pay the worker's wage to a creditor...." And I would suggest something different. I would suggest that if I wanted to discipline an employee and he had a wage attachment, if I were him, I would go to the unemployment office and say that I was unjustly fired because of that wage attachment. That is not fair to me as an employer.

"Mistakes; miscalculations; payments made to the wrong party; failures to expunge the court order timely; calculating the 25% – all will cause chaos in the workplace." And I can tell you for sure, that is what is going to happen.

Now, I know that the Pennsylvania Chamber of Business and Industry has not come out in opposition to this bill, but I want to read to you what my local chamber of commerce had to say when I brought this bill to their attention back in 1997, and it was not even as broad as the one that is before us now. They said, "This type of legislation is intrusive to the business community and does nothing to promote economic growth.

"Officially, the Board opposed the...legislation for the following reasons:

"The act could negatively impact upon the employer/employee relationship.

"The 2% deduction allowed the employer is NOT enough to cover the additional bookkeeping costs.

"A business should not be expected to serve as a collection agency for other businesses who may have been lax in their credit procedures."

Mr. Speaker, wait until your employers back home find out that you have turned them into bill collectors and that they are now going to have to garnish the wages of their employees. They will not be happy with you, as I would not.

Please vote for the Veon amendment.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Pennsylvania has traditionally not permitted creditors to attach the wages of working families to collect debts. Under our current law, we permit wage attachment only for limited purposes, such as child support, taxes, crime victim restitution, and repaying student loans. In 1996 the legislature added a limited right of attachment for rents due from residential leases, limiting the attachment to no more than 10 percent of the debtor's net wages and providing that the attachment cannot reduce the debtor's income below Federal poverty guidelines.

The proponents of SB 253 now propose to enable any judgment creditor to attach wages to collect debts in Pennsylvania. We all know that this is being done at the behest of the credit card companies. There was a time when the State of Pennsylvania regulated credit card companies, setting fair standards for the rates and fees that they could charge. The result is that they all moved out of the State so that they could charge unlimited interest and fees.

The credit card companies have always told us that they needed 24 percent interest and 10 percent penalties because of

the high number of defaults on credit card debt. Of course, while complaining about the default rate, they inundated this State with unsolicited credit cards, encouraging people to spend beyond their means. Now they are telling us that these astronomical interest rates and fees are not enough. Now they say they need wage attachment to collect their debts.

I suggest that you take a close look at the provisions of this bill and consider its implications before you choose the interests of the credit card companies over the interests of your constituents. Under this bill the credit card companies can seize up to 25 percent of your constituents' paychecks, and that is not 25 percent of take-home pay; that is 25 percent of gross wages. Why are we letting our State credit card companies attach 25 percent of total wages of Pennsylvania workers when, under current Pennsylvania law, a Pennsylvania landlord has only a right to attach up to 10 percent of the net wages? I guess that the credit card companies have better lobbyists.

You had also better pay attention to section (D.5), and under this provision the credit card company can charge 17 percent interest on the total amount that is claimed to be due, and this interest can increase if other interest rates go up. That means that when the credit card companies take one-fourth of a family's paycheck, they will apply it first to their new 17-percent interest charge and then any pittance that is left over will actually be applied to the balance. And of course, under this bill the credit card companies can charge 17 percent interest on the interest which has already been included in the judgment. So that means that 17 percent interest is being charged on top of the 24 percent interest. This is not debt collection; this is not wage attachment. This is wage slavery.

As we all know, our economy is coming out of a recession and working people are struggling. I have here an article from yesterday's Washington Post. It says that in the last calendar quarter, consumer bankruptcy filings set new records – increasing 12 percent from the same period of last year – and according to the executive director of the American Bankruptcy Institute, quoted in the article, consumer debt is now at very high levels. Families are under a lot of stress and living paycheck to paycheck.

If we pass this bill without the Veon amendment, we are going to make and take a bad situation and make it even worse. While a working family has 25 percent of its total gross income seized to pay credit card debt, they will not be able to pay their rent or their mortgage or their utilities or their food bill. We will see bankruptcies rise to even higher levels. We will see more people with their utilities shut off, more people losing their homes. This bill is not about collecting debts. It is about victimizing working people who are struggling financially. The provisions in this bill are a disgrace.

I urge anyone with any decency of concern about working people to vote for the Veon amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Vitali. He waives off.

Mr. Belfanti, from Northumberland County, is recognized.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, some of the points I intended to make were made by Representative Mundy and Representative Caltagirone, so I will be brief, but I would like to reiterate one or two points that were just made by the gentleman.

Many years ago and for my first decade and a half here in the House, we had a cap on credit card interest rates of 15 percent. At one point we were told that credit card companies were going to leave this State in droves and go to Delaware, and they did that anyway. We had at one point provisions prepared to allow credit card companies to fix their interest rate at 10 points over prime – 10 points over prime – and it was rejected basically on a party-line vote. The credit card companies said back then that they needed no cap. That is how they would stay here in Pennsylvania. Well, they got their way, and they got their way because they said that the additional interest that they needed to collect was for the very purpose of being able to write off bad debts or have to hire collection companies, collection agencies, to collect these debts. Mr. Speaker, there are credit card companies in this State that are charging 29- and 30-percent interest rates to unwitting college students and people in lower economic, socioeconomic status of life – 28, 29, 30 percent interest.

We also allow in this State something that we debated less than a year ago – predatory lending. There are unscrupulous people out there that are talking people into taking loans that they know darn well these people cannot pay off, and they are going to lose that car; they will lose that boat; they will lose that TV set; they will lose that house anyway.

We allow predatory lending. We allow the credit card companies to artificially charge triple, quadruple the prime interest rate of what they are paying for their dollars to loan out in merchandise, and now they want to be able to add another 18 percent on top of that and attach people's wages, their gross wage, 25 percent. This is just ridiculous.

If the Veon amendment does not pass and the bill before us does pass, then I believe this legislature should revisit the issue of capping interest rates to 10 points over prime. Then, then we would have some fairness here, but to give the fox the henhouse and then allow the fox to let all of his brother and sister foxes in the henhouse is really ridiculous.

The Veon amendment needs to be passed. This bill as it stands gives every credit card company, every Sears and Roebuck, every other major store out there, but worse yet, it gives predatory lenders even bigger incentive to loan people money to buy things they know they cannot afford, they know they cannot pay off, and they are going to be able to collect a huge interest rate on the front end and another huge interest rate on the back end. This is totally unfair, and if this amendment goes down, we should certainly revisit the issue of recapping or putting a cap on interest rates in the State.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

For the record I would like to correct the remarks of one of the prior speakers. The gentelady from Luzerne made comments about a concern of discharge of employees if their wages were garnished. There are express provisions in the legislation that exist providing or prohibiting discharge and providing penalties and opportunities for aggrieved employees to bring action for damages and attorneys' fees. So in the legislation itself the employees are protected and cannot be discharged because their wages are garnished.

When I look at this legislation, there are 46 other States that have wage garnishment throughout this country, and when I look at the Veon proposal today, one has to ask themselves a question – do you believe it is right for someone to walk into a restaurant to buy a nice dinner, to eat and drink, and to walk out and not pay? Because in essence, that is what we are doing to the builders, the retailers, the financial institutions throughout this Commonwealth by not having wage garnishments. We are not looking to garnish the wages of low-income employees or unemployed workers or struggling families.

May I have some order, Mr. Speaker? May I have some order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct. There is entirely too much noise. Please break up. Members will take their seats.

You may proceed.

Mr. MAYERNIK. Thank you, Mr. Speaker.

We are not looking to garnish the wages of low employees or unemployed workers or struggling families, but, however, Pennsylvania is currently a haven for a select group of individuals who, although they possess the financial means to pay their debts, deliberately choose not to. This is not right, Mr. Speaker. We need to set something in motion to make sure that those debts are paid.

One of the speakers earlier today on this amendment stated that the businesses are not in favor of it. I have with me a list of several businesses throughout this Commonwealth that favor this legislation and would oppose the Veon amendment – the Pennsylvania Retailers Association; PA Collectors Association; PA Credit Union League; PA Creditor Bar Association; NFIB (National Federation of Independent Business) – all those small businesses we worry about, we worry about them collecting the garnishment? They are in favor of this bill; they are against the Veon amendment – PA Bankers Association; PA Financial Services Association; PA Builders Association; PA Residential Owners Association; FirstEnergy; Columbia Gas.

Mr. Speaker, the issue is really, when somebody goes in and charges something, should they pay their bill, and if they do not pay the bill, who pays? I think it is very simple who pays. We pay; our constituents pay. We pay because the credit card rates go up. We pay because the cost of businesses and services throughout this Commonwealth go up, and I am tired of paying the bill; our constituents are tired of paying the bill.

Vote against the Veon amendment and permit a commonsense approach to let businesses throughout this Commonwealth collect the debt that is due to them.

Thank you, Mr. Speaker. I ask for a negative vote on the Veon amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

The gentleman misunderstood my point about employees being fired because of wage garnishment. I am speaking from the employer's point of view. I have an employee who is not performing the way he should. He misses a lot of work; he loafs on the job; and I want to fire him, but he has a wage garnishment. So he goes to the unemployment office after I have tried to let him go, and he says to them, she did not fire me because I am not a good employee; she fired me because

I have a wage garnishment and it is too much trouble for her to collect it.

Respectfully, the issue is not about debt and whether you should pay your bills or not. The issue is, who should collect that debt, and I am telling you that it should not be the employers of Pennsylvania collecting that debt.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Mercer County, Representative Wilt, for the second time.

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

Mr. Speaker, we are talking about Pennsylvania being one of only four States that does not allow this to occur. Wage garnishment in Pennsylvania is already occurring. It is occurring for child support, alimony, PHEAA (Pennsylvania Higher Education Assistance Agency) loans, back taxes. We allow it for everything other than consumers that do not pay their bills.

In 1994 President Clinton signed into Federal law legislation which ended a longstanding prohibition on the ability of creditors to attach wages of Federal employees, but in Pennsylvania we do not even get that benefit because our State law preempts Federal law in that issue.

According to the Federal Reserve for 2 years ago, the year 2000, bad debts cost every person more than \$680 a year. On average, a family of four pays over \$2,700 in higher consumer costs because people do not pay their bills and legislatures like ours do not allow creditors to come and get what is rightfully theirs from people's paychecks.

There are 675 billion worthless checks written every year, and we are one of only four States that preclude someone who is owed money, that gets a confession of judgment, goes through those nine steps that I offered earlier before they can get wage attachment, and we are still preventing them from getting wage attachment.

I say we need to vote down this amendment, pass SB 253, send it back over to the Senate.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority leader, Mr. DeWeese, from Greene County.

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

My comments will be abbreviated, and they are directed to people like the young man from the 60th Legislative District, from Armstrong and Indiana, and other men and women in this chamber including the Republican whip, people who have United Mine Workers in their districts.

The most aggressively negative term in the mine worker lexicon of the 1920s and '30s and '40s and '50s was garnishment, and for an economy that has been buffeted and pounded by the travails of the 1970s and '80s and '90s, when jobs are few and scarce in some of those hardscrabble coal mining valleys of western Pennsylvania, people remember the company store and the ethos that surrounded the garnishing of wages.

For innumerable reasons that have been so eloquently declared from mostly this side of the aisle today, I want to support the Veon amendment which would extirpate the language in the bill concerning garnishing of wages. It has a sorry, melancholy history in the United States and especially in Pennsylvania and keenly in western Pennsylvania. How any

man or woman who represents any coal miner – and we just celebrated these men who work underground – how any one of you members can vote to support garnishing of wages and still represent coal miners is utterly and abjectly dishonest with the men and women you represent.

I would ask for an affirmative vote on the Veon amendment, which would take out the language considering garnishing of wages.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Beaver County, Mr. Veon, for the second time.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a number of comments have been made about how we can and do collect debts in this country and in the State of Pennsylvania, and I would submit to the members of the House that we do have a commonsense approach; we do have a commonsense way; we do have a commonsense current law that does allow creditors to collect their debts. We are all familiar with the method. A creditor can get a judgment that allows for an execution of a judgment against a debtor's assets. It happens every day. It is done every day. It is a process. It is a commonsense approach to try to collect that debt from those debtors who should and ought to pay some of that debt, and they do have the ability today to execute that judgment against those creditors. It is a commonsense approach. This is, in my judgment, a horrific, terrible expansion of current law to kick people when they are down.

Mr. Speaker, also on a practical level, a number of speakers have commented on this but I think it is worth emphasizing that in fact anyone who takes a moment to think about it has to come to the conclusion that an employee working for any employer who has had a tough time, who has had a difficult time for whatever reasons – and we have seen them with our constituents; we have seen them, many of us, in our own families – and on a practical level, to think that that employer-employee relationship will not somehow be jeopardized when creditors start showing up at the employer's door with judgments to attach wages, to think that that employer will always look at that employee the same way I think is silly, and why we would want to put employees in that position or employers in that position, to me, just does not make any sense.

Mr. Speaker, also on a practical level, not only are we talking about credit card companies and perhaps other large financiers who would be able to execute judgments, but across this Commonwealth we know that on a practical level today Larry can walk into the district justice's office and sue George, can sue him for \$5,000. That district justice has the ability to make a decision on that civil suit in that dispute. Again, we have all experienced these kinds of disputes in our districts; we have seen some in our families, these personal disputes that end up in civil suits in front of a district magistrate. In this case that district magistrate can rule against George, and 30 days after that ruling Larry can show up at George's employer's door with a judgment in hand and demand that those wages be attached.

This is far beyond, far beyond credit card companies or other large financiers who may be seeking to collect that debt. Neighbor versus neighbor can show up at your door, your neighbor's door, your employer's door with a judgment in hand and demand under this law that your wages be attached.

Mr. Speaker, I would submit that this is a tremendous, incredible expansion of current law. We do have a

commonsense approach to collecting the debt today, and I would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Caltagirone, from Berks County, for the second time.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I will make this quick.

It was mentioned earlier that the letter that was sent from the retailers included the Pennsylvania Bankers. They were in my office this morning, and they have taken no position. The credit bureaus and the credit unions, I daresay, the truth of the matter be told that I do not think they were consulted to be in favor of this kind of legislation. If anything, they would either take a neutral position or they would be opposed to it. So let us get the facts straight. PBA has not taken a position. The retailers put out a piece of material on paper indicating that thus and such was true. That is not the case. I want to set that record straight for the members.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—135

Bard	DiGirolamo	McCall	Shaner
Barrar	Diven	McGeehan	Smith, B.
Bastian	Donatucci	McIlhinney	Solobay
Bebko-Jones	Eachus	Melio	Staback
Belardi	Evans, D.	Michlovic	Stairs
Belfanti	Evans, J.	Micozzie	Steelman
Benninghoff	Flick	Miller, R.	Steil
Bishop	Frankel	Mundy	Stetler
Blaum	Freeman	Myers	Sturla
Boyes	Gabig	Nickol	Surra
Brooks	Gannon	O'Brien	Tangretti
Browne	George	Oliver	Taylor, E. Z.
Butkovitz	Gordner	Pallone	Taylor, J.
Caltagirone	Grucela	Petrone	Thomas
Cappelli	Gruitza	Pippy	Tigue
Casorio	Habay	Pistella	Travaglio
Cawley	Haluska	Preston	Trello
Civera	Harhai	Raymond	Trich
Clymer	Harhart	Readshaw	Vance
Cohen, L. I.	Harper	Reinard	Veon
Cohen, M.	Hasay	Rieger	Vitali
Colafella	Herman	Roberts	Walko
Coleman	Horsey	Robinson	Wansacz
Corrigan	James	Roebuck	Washington
Costa	Josephs	Rooney	Waters
Coy	Keller	Ross	Watson
Creighton	Kirkland	Rubley	Williams, J.
Cruz	Krebs	Ruffing	Wojnaroski
Curry	Lawless	Samuelson	Wright, G.
Daley	Lederer	Santoni	Wright, M.
Dally	Levdansky	Sather	Yewcic
DeLuca	Lucyk	Schuler	Youngblood
Dermody	Mackereth	Scrimenti	Yudichak
DeWeese	Manderino	Semmel	

NAYS—62

Adolph	Fleagle	Maitland	Rohrer
Allen	Forcier	Major	Sainato

Argall	Geist	Mann	Saylor
Armstrong, G.	Godshall	Markosek	Scavello
Armstrong, T.	Hanna	Marsico	Schroder
Baker, J.	Hennessey	Mayernik	Smith, S. H.
Baker, M.	Hershey	McGill	Stern
Birmelin	Hess	McIlhattan	Stevenson, R.
Bunt	Hutchinson	McNaughton	Stevenson, T.
Buxton	Jadlowiec	Metcalfé	Strittmatter
Clark	Kaiser	Miller, S.	Turzai
Cornell	Kenney	Nailor	Wilt
Dailey	LaGrotta	Perzel	Zug
Egolf	Leh	Petrarca	
Feese	Lewis	Phillips	Ryan,
Fichter	Maher	Pickett	Speaker

NOT VOTING—2

Fairchild	Tulli
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EXCUSED—4

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

On the question,

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

Mr. **GEORGE** offered the following amendment No. **A6531**:

Amend Title, page 1, line 6, by removing the semicolon after “ARBITRATION” and inserting

and for protection for employees who report a violation or suspected violation of Federal, State or local law and for employees who participate in hearings, investigations, legislative inquiries or court actions; prescribing remedies and penalties;

Amend Bill, page 25, by inserting between lines 25 and 26 Section 2. Title 42 is amended by adding a chapter to read:

CHAPTER 76

WHISTLEBLOWER PROTECTION

Sec.

- 7601. Definitions.
- 7602. Protection of employees.
- 7603. Remedies.
- 7604. Enforcement.
- 7605. Penalties.
- 7606. Construction.
- 7607. Notice.

§ 7601 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:

“Appropriate authority.” A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the Office of Attorney General, the Department of the Auditor General, the Treasury Department, the General Assembly and committees of the General Assembly having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics or waste.

“Employee.” A person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied.

“Employer.” A person supervising one or more employees, including the employee in question; a superior of that supervisor; or an agent of an employer.

“Good faith report.” A report of conduct defined in this chapter as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

“Waste.” An employer’s conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision sources.

“Whistleblower.” A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person’s superiors, to an agent of the employer or to an appropriate authority.

“Wrongdoing.” A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.

§ 7602. Protection of employees.

(a) Persons not to be discharged.—No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste.

(b) Discrimination prohibited.—No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

§ 7603. Remedies.

(a) Civil action.—A person who alleges a violation of this chapter may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation.

(b) Necessary showing of evidence.—An employee alleging a violation of this chapter must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee or a person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

(c) Defense.—It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

(d) Civil service employees.—An employee covered by civil service who contests a civil service action, believing it to be motivated by his having made a good faith report, verbally or in writing, of an instance of wrongdoing or waste, may submit as admissible evidence any or all material relating to the action as whistleblower and to the resulting alleged reprisal.

§ 7604. Enforcement.

A court, in rendering a judgment in an action brought under this chapter, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

§ 7605. Penalties.

A person who, under color of an employer's authority, violates this chapter shall be liable for a civil fine of not more than \$500. Additionally, if the court specifically finds that the person committed a violation of this chapter with the intent to discourage the disclosure of criminal activity, the court may order a civil fine of not more than \$10,000.

§ 7606. Construction.

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by an appropriate authority, or impair the rights of any person under a collective bargaining agreement.

§ 7607. Notice.

An employer shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations under this chapter.

Amend Sec. 2, page 25, line 26, by striking out "2" and inserting
3

Amend Bill, page 35, lines 3 and 4, by striking out all of said lines and inserting

Section 4. The following acts and parts of acts are repealed to the extent specified:

The act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, is repealed.

All acts and parts of acts are repealed insofar as they are inconsistent with 42 Pa.C.S. § 8127.

Amend Sec. 4, page 35, line 5, by striking out "4" and inserting
5

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. George, is recognized.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, we just heard an hour of argument on what we believe that we do here that we do always right, and I am amazed that each and every day I learn, if you will, Mr. Speaker, there is so much expertise in this hall, which we are very fortunate. I hear from people who have never been in business but they know as much as I do, and I have been in business for 61 years, and I learn from people who are here for 2 years at a time and never have to miss a paycheck, and I learn from these folks that they know and they feel the anguish in an individual when they cannot meet their obligation. And so if we are concerned about holding individuals accountable for paying their debts, then I really believe we ought to hold the companies responsible for their illegal actions.

Now, whistle protection was put into law many years ago to protect certain workers from unfair treatment by their employers simply for what they are doing that is legally and morally right. So no worker in any industry who is decent enough to speak out against his or her employer for the betterment of society should have to suffer retaliation by that employer. This holds true in all work environments. Are we not held accountable for what our constituents feel we have not done for them or that we have done against them?

Now, what this amendment does, it simply puts a whistleblowing clause in for private companies, and I believe the decent thing to do would be to support this amendment, and I ask that you do that.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. McNaughton, from Dauphin County is recognized.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I appreciate what the gentleman is trying to do with the whistleblower language that he is presenting here today, but we already have in existing law a whistleblower statute here in the Commonwealth of Pennsylvania. The whistleblower statute has gone through cases after cases after cases in the court system. It is in effect. It is working well. We do not need another whistleblower statute introduced into the Commonwealth of Pennsylvania when we already have one, and I urge the members to vote against the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the gentleman, Mr. George, is recognized.

Mr. GEORGE. I appreciate the gentleman, Mr. McNaughton's kind words that he appreciates what I am trying to do. He is a businessman, as I have been. I am not trying to hurt anyone. I am trying to help those. I would believe he would want to help one of his neighbors if someone called him and said that somebody is being unfair. I heard that he now is versed in the law, but unfortunately, the law does not prescribe to whistleblowing protection in private industry.

So he may think for some reason it is not well put. I think it would be a very fine balance and that we ought to support it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Smith, from Jefferson County is recognized.

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

Mr. Speaker, just real quickly, I would urge the members to vote "no" on this amendment for the reasons that were articulated by the gentleman from Dauphin County.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—99

Bard	Evans, D.	McCall	Solobay
Bebko-Jones	Frankel	McGeehan	Staback
Belardi	Freeman	Melio	Steelman
Belfanti	George	Michlovic	Stetler
Bishop	Grucela	Mundy	Sturla
Blaum	Gruitza	Myers	Surra
Butkovitz	Haluska	Oliver	Tangretti
Buxton	Hanna	Pallone	Thomas
Caltagirone	Harhai	Petrarca	Tigue
Casorio	Horsey	Petrone	Travaglio
Cawley	James	Pistella	Trello
Cohen, M.	Josephs	Preston	Trich
Colafella	Kaiser	Readshaw	Veon
Corrigan	Keller	Rieger	Vitali
Costa	Kenney	Roberts	Walko
Coy	Kirkland	Robinson	Wansacz
Cruz	LaGrotta	Roebuck	Washington
Curry	Lawless	Rooney	Waters
Daley	Lederer	Rubleby	Williams, J.
DeLuca	Levdansky	Ruffing	Wojnaroski
Dermody	Lucyk	Sainato	Wright, G.
DeWeese	Manderino	Samuelson	Yewcic
Diven	Mann	Santoni	Youngblood

Donatucci Eachus	Markosek Mayernik	Scrimenti Shaner	Yudichak
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NAYS—99

Adolph	Egolf	Mackereth	Saylor
Allen	Evans, J.	Maher	Scavello
Argall	Fairchild	Maitland	Schroder
Armstrong, G.	Feese	Major	Schuler
Armstrong, T.	Fichter	Marsico	Semmel
Baker, J.	Fleagle	McGill	Smith, B.
Baker, M.	Flick	McIlhattan	Smith, S. H.
Barrar	Forcier	McIlhinney	Stairs
Bastian	Gabig	McNaughton	Steil
Benninghoff	Gannon	Metcalfe	Stern
Birmelin	Geist	Micozzie	Stevenson, R.
Boyes	Godshall	Miller, R.	Stevenson, T.
Brooks	Gordner	Miller, S.	Strittmatter
Browne	Habay	Nailor	Taylor, E. Z.
Bunt	Harhart	Nickol	Taylor, J.
Cappelli	Harper	O'Brien	Tulli
Civera	Hasay	Perzel	Turzai
Clark	Hennessey	Phillips	Vance
Clymer	Herman	Pickett	Watson
Cohen, L. I.	Hershey	Pippy	Wilt
Coleman	Hess	Raymond	Wright, M.
Cornell	Hutchinson	Reinard	Zug
Creighton	Jadlowiec	Rohrer	
Dailey	Leh	Ross	Ryan,
Dally	Lewis	Sather	Speaker
DiGiroloam			

NOT VOTING—1

Krebs

EXCUSED—4

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

On the question recurring,

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

Ms. **MANDERINO** offered the following amendment No. **A6505**:

Amend Sec. 4, page 35, line 5, by striking out "60 DAYS" and inserting
2 years

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the gentelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

All of my amendments are premature at this time. I only plan to offer them if an amendment by Representative Miller is inserted into the bill.

The SPEAKER pro tempore. The Chair thanks the lady.

Ms. MANDERINO. Thank you.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Miller, who, I believe, is about to make a motion to suspend the rules.

Mr. MILLER. Thank you, Mr. Speaker.

I would like to offer a motion to suspend the rules so that I may introduce an amendment.

The SPEAKER pro tempore. Do you have the number, Mr. Miller? Can you send it up.

Mr. MILLER. It is A6453.

The SPEAKER pro tempore. Thank you.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion to suspend, only the leaders or their designees can be recognized.

The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Democratic leadership, I would urge a "no" vote on suspension of the rules.

We had a very, very long discussion on this yesterday. This is a very, very important matter that would require further extensive debate. Many of us would like to be home with our families on Thanksgiving, and this will only make that much less likely. The majority leader was needling me earlier about how long we could theoretically be here tonight. I would hope we would prove that he was just kidding.

Voting against this will enable us to focus on the rest of our agenda with a lot greater clarity, and I would urge that we vote against suspending the rules.

The SPEAKER pro tempore. The gentleman, Mr. Smith, is recognized.

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

Mr. Speaker, I would urge the members to support the suspension of the rules.

I believe the gentleman's amendment is worthy of continued consideration and would simply ask the members to give him a chance to offer this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—103

Adolph	Egolf	Lewis	Saylor
Allen	Evans, J.	Mackereth	Scavello
Argall	Fairchild	Maher	Schroder
Armstrong, G.	Feese	Maitland	Schuler
Armstrong, T.	Fichter	Major	Scrimenti
Baker, J.	Fleagle	McGill	Semmel
Baker, M.	Flick	McIlhattan	Smith, B.
Bard	Forcier	McIlhinney	Smith, S. H.
Barrar	Gabig	McNaughton	Stairs
Bastian	Gannon	Metcalfe	Steil
Benninghoff	Geist	Micozzie	Stern

Birmelin	Godshall	Miller, R.	Stevenson, R.
Boyes	Gordner	Miller, S.	Stevenson, T.
Brooks	Habay	Nailor	Strittmatter
Browne	Harhart	Nickol	Taylor, E. Z.
Bunt	Harper	O'Brien	Taylor, J.
Cappelli	Hasay	Perzel	Tulli
Civera	Hennessey	Phillips	Turzai
Clark	Herman	Pickett	Vance
Clymer	Hershey	Pippy	Watson
Cohen, L. I.	Hess	Raymond	Wilt
Coleman	Hutchinson	Reinard	Wright, M.
Cornell	Jadlowiec	Rohrer	Zug
Creighton	Kenney	Ross	
Dailey	Krebs	Rubley	Ryan,
Dally	Leh	Sather	Speaker
DiGirolamo			

NAYS-95

Bebko-Jones	Evans, D.	McCall	Staback
Belardi	Frankel	McGeehan	Steelman
Belfanti	Freeman	Melio	Stetler
Bishop	George	Michlovic	Sturla
Blaum	Grucela	Mundy	Surra
Butkovitz	Gruitza	Myers	Tangretti
Buxton	Haluska	Oliver	Thomas
Caltagirone	Hanna	Pallone	Tigue
Casorio	Harhai	Petrarca	Travaglio
Cawley	Horsey	Petrone	Trello
Cohen, M.	James	Pistella	Trich
Colafella	Josephs	Preston	Veon
Corrigan	Kaiser	Readshaw	Vitali
Costa	Keller	Rieger	Walko
Coy	Kirkland	Roberts	Wansacz
Cruz	LaGrotta	Robinson	Washington
Curry	Lawless	Roebuck	Waters
Daley	Lederer	Rooney	Williams, J.
DeLuca	Levdansky	Ruffing	Wojnaroski
Dermody	Lucyk	Sainato	Wright, G.
DeWeese	Manderino	Samuelson	Yewcic
Diven	Mann	Santoni	Youngblood
Donatucci	Markosek	Shaner	Yudichak
Eachus	Mayernik	Solobay	

NOT VOTING-1

Marsico

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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 as amended?
Bill as amended was agreed to.

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

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-199

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Bishop	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Colafella	Jadlowiec	Preston	Vitali
Coleman	James	Raymond	Walko
Cornell	Josephs	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-4

Laughlin	Lescovitz	Lynch	Zimmerman
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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.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, who makes an announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, upon the call of the recess, the House Republicans will caucus for a brief period of time.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Mr. Speaker, there will be a Democratic caucus and informal discussions. We will be going over the rest of today's calendar. Hopefully, we will be able to get out of here at a reasonable hour.

The SPEAKER pro tempore. We will be coming back at 2 o'clock. Members are free to leave at this time.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 976, PN 4725; HB 1401, PN 4732; HB 1553, PN 4726; HB 2445, PN 4722; and HB 2729, PN 4723**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Stetler, rise?

Mr. STETLER. Mr. Speaker, I have some comments regarding HB 1493 that I would like to submit for the record.

The SPEAKER pro tempore. The gentleman may submit them and be spread upon the record.

Mr. STETLER. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

Today I rise in support of HB 1493.

When William Penn founded our great Commonwealth, I am sure that he envisioned communities that would be diverse and excel and thrive through the practice of justice. In my opinion, HB 1493 is a continuation of this principle.

We cannot hide from the ugly yet historical fact that members of our Commonwealth have at times practiced the most detestable forms of hatred possible. Out of cowardice or prejudice, persons have committed crimes against society because of the differences embodied in another person. This was not acceptable in the 1980s when the Pennsylvania legislature passed the Ethnic Intimidation Act and it is not acceptable now.

It does not matter whether you approve of someone's sexual orientation or gender identity. What does matter is that you do not approve of hatred. We as a society have stated we do not tolerate hatred. In fact, this body enacted the Ethnic Intimidation Act because

we believed that hate crimes are wrong. All I am asking you to do today is make the commitment that Pennsylvania's most vulnerable citizens are included in that law.

This bill in no way, shape, or form institutes special rights for a special group of our citizens. The issue, my friends, is whether or not any law-abiding individual has the freedom to live his life in his own way without fear of attack brought about by hatred.

As Martin Luther King said during the 1960s, "Somewhere somebody must have a little sense, and that's the strong person. The strong person is the person who can cut off the chain of hate, the chain of evil. And that is the tragedy of hate – that it doesn't cut it off. It only intensifies the existence of hate and evil in the universe. Somebody must have religion enough and morality enough to cut it off and inject within the very structure of the universe that strong and powerful element of love."

Today, my colleagues, we are in the position of the strong person. Do we have the religion and morality to cut the chain? I believe we do.

I would ask for the members to vote for freedom in this instance, and I would ask the members for a "yes" vote on this measure, and I thank the Speaker for the opportunity to speak on this matter.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. An immediate meeting of the Rules Committee is now called.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1401, PN 4738 (Amended)

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for a Low-Income Home Energy Assistance Block Grants; exempting certain persons from Federal law relating to public assistance; and providing for women's pregnancy support services.

RULES.

RECESS

The SPEAKER pro tempore. The House will be in recess until 2 o'clock.

AFTER RECESS

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

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 1100, PN 2436**.

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that Representative COLAFELLA and Representative BISHOP be placed on leave for the rest of the day. The Chair hears no objections.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

On SB 253 I was recorded as a “yes.” I would ask to be recorded as a “no.”

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1804, PN 4006**, entitled:

An Act providing for pooled trusts for persons with disabilities.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Does the gentleman, Mr. Samuelson, seek recognition?

Mr. SAMUELSON. Yes. Thank you, Mr. Speaker.

It is my understanding that the Democratic Caucus is still meeting or at least will be meeting for another minute or two. I just wanted to ask if the business of the House could wait for the members to come to the floor.

The SPEAKER pro tempore. We will keep the board open until there is a quorum.

On the question, the Chair recognizes Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I may be out of order. I wanted to correct the record, but I know you are doing a couple things at once. So maybe I should sit down and be quiet until the appropriate time. Okay?

The SPEAKER pro tempore. We will recognize you at a later point.

Mr. STAIRS. Okay.

The SPEAKER pro tempore. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Reinard, that the House concur in the amendments inserted by the Senate.

Mr. COY. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Coy.

Mr. COY. Just a brief explanation of the amendments inserted by the Senate.

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. The Senate simply put in an amendment that said that the reports had to be filed in the Office of the Attorney General rather than in the Department of Public Welfare.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—195

Adolph	Evans, J.	Mann	Schroder
Allen	Fairchild	Markosek	Schuler
Argall	Feece	Marsico	Scrimenti
Armstrong, G.	Fichter	Mayernik	Semmel
Armstrong, T.	Fleagle	McCall	Shaner
Baker, J.	Flick	McGeehan	Smith, B.
Baker, M.	Forcier	McGill	Smith, S. H.
Bard	Frankel	McIlhattan	Solobay
Barrar	Freeman	McIlhinney	Staback
Bastian	Gabig	McNaughton	Stairs
Bebko-Jones	Gannon	Melio	Steelman
Belardi	Geist	Metcalfe	Steil
Belfanti	George	Michlovic	Stern
Benninghoff	Godshall	Micozzie	Stetler
Birmelin	Gordner	Miller, R.	Stevenson, R.
Blaum	Grucela	Miller, S.	Stevenson, T.
Boyes	Gruitza	Mundy	Strittmatter
Brooks	Habay	Myers	Sturla
Browne	Haluska	Nailor	Surra
Bunt	Harhai	Nickol	Tangretti
Butkovitz	Harhart	O'Brien	Taylor, E. Z.
Buxton	Harper	Oliver	Taylor, J.
Caltagirone	Hasay	Pallone	Thomas
Cappelli	Hennessey	Perzel	Tigue
Casorio	Herman	Petrarca	Travaglio
Cawley	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pickett	Tulli
Clymer	Hutchinson	Pippy	Turzai
Cohen, L. I.	Jadlowiec	Pistella	Vance
Cohen, M.	James	Preston	Veon
Coleman	Josephs	Raymond	Vitali
Cornell	Kaiser	Readshaw	Walko
Corrigan	Keller	Reinard	Wansacz
Costa	Kenney	Rieger	Washington
Coy	Kirkland	Roberts	Waters
Creighton	Krebs	Robinson	Watson
Cruz	LaGrotta	Roebuck	Williams, J.
Curry	Lawless	Rohrer	Wilt
Dailey	Lederer	Rooney	Wojnaroski
Dally	Leh	Ross	Wright, G.
DeLuca	Levdansky	Rubley	Wright, M.
Dermody	Lewis	Ruffing	Yewwic
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Mackereth	Samuelson	Yudichak
Diven	Maher	Santoni	Zug
Donatucci	Maitland	Sather	
Eachus	Major	Saylor	Ryan,
Egolf	Manderino	Scavello	Speaker
Evans, D.			

NAYS—1

Hanna

NOT VOTING—1

Daley

EXCUSED—6

Bishop Laughlin Lynch Zimmerman
Colafella Lescovitz

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 2599, PN 4589**, entitled:

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for definitions, for licensing, for sanctions, for administration, for records, for contracts, for assignments, for insurance, for finance costs, for refinancing, for default, for repossession and redemption, for prohibited charges, for exemptions and for penalties.

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

The SPEAKER pro tempore. Does the gentleman, Mr. Samuelson, seek recognition?

Mr. SAMUELSON. Yes. Thank you, Mr. Speaker.

I just ask if Representative Allen could give a brief description of the changes made by the Senate on HB 2599.

The SPEAKER pro tempore. The gentleman agrees. Mr. Allen is recognized.

Mr. ALLEN. Thank you, Mr. Speaker.

There were three changes to the bill. First of all, definitions were added to add installment sales credit, debit calculation agreement, and debit suspension agreement; that is the first. The second is, it requires the holder to furnish the buyer with a written notice of repossession when a motor vehicle is repossessed, and thirdly, it adds a member of the general public to the commission established by the Joint State Government Commission. This passed the Senate 49 to 0 and previously in the House 198 to 0.

Thank you.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

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—195

Adolph Evans, D. Major Scavello
Allen Evans, J. Manderino Schroder
Argall Fairchild Mann Schuler

Armstrong, G.	Feese	Markosek	Scrimenti
Armstrong, T.	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McGill	Solobay
Bastian	Freeman	McIlhattan	Staback
Bebko-Jones	Gabig	McIlhinney	Stairs
Belardi	Gannon	McNaughton	Steelman
Belfanti	Geist	Melio	Steil
Benninghoff	George	Metcalfe	Stern
Birmelin	Godshall	Michlovic	Stetler
Blaum	Gordner	Micozzie	Stevenson, R.
Boyes	Grucela	Miller, R.	Stevenson, T.
Brooks	Gruitza	Miller, S.	Strittmatter
Browne	Habay	Mundy	Sturla
Bunt	Haluska	Nailor	Surra
Butkovitz	Hanna	Nickol	Tangretti
Buxton	Harhai	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappelli	Harper	Pallone	Tige
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Waters
Creighton	Kenney	Roberts	Watson
Cruz	Kirkland	Robinson	Williams, J.
Curry	Krebs	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Mackereth	Santoni	
Donatucci	Maher	Sather	Ryan, Speaker
Eachus	Maitland	Saylor	
Egolf			

NAYS—0

NOT VOTING—2

Myers Thomas

EXCUSED—6

Bishop Laughlin Lynch Zimmerman
Colafella Lescovitz

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 2055, PN 4694**, entitled:

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances; providing for inventory of personal

property; authorizing the storage of personal property by elder care facilities; providing for applicability of other laws; and imposing a penalty.

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

The SPEAKER. Mr. Hennessey.
Mr. HENNESSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the bill?

The SPEAKER. The gentleman, Mr. Smith, will stand for interrogation.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, the bill, HB 2055, contains a reference to a security deposit, and I would like to just ask a few questions, if I can, to clarify the record.

In the normal sense, security deposits are offered in addition to payments which occur on a periodic or monthly basis in order to secure payment of the full bill at the end of the term. The term "security deposit," as used in HB 2055, is exempted from the definition of "payment," or medical payments for elder care. Is it your intention that HB 2055 as amended will deal only with refunds for costs paid for the medical care?

Mr. B. SMITH. HB 2055 refers to costs for elder care; that is correct.

Mr. HENNESSEY. Thank you.

One other question. It is not your intention in HB 2055 to change any of the rules which currently exist regarding the return of security deposits to families once all bills for medical care have been paid?

Mr. B. SMITH. No, that is not the intent of the legislation.

Mr. HENNESSEY. Thank you, Mr. Speaker.

That concludes my interrogation, Mr. Speaker. May I comment on the bill?

The SPEAKER. The gentleman is in order.

Mr. HENNESSEY. Thank you, Mr. Speaker.

With that clarification of legislative intent, I ask people to vote in favor of HB 2055 on concurrence. 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—197

Adolph	Evans, D.	Manderino	Schroder
Allen	Evans, J.	Mann	Schuler
Argall	Fairchild	Markosek	Scrimenti
Armstrong, G.	Feese	Marsico	Semmel
Armstrong, T.	Fichter	Mayermik	Shaner
Baker, J.	Fleagle	McCall	Smith, B.
Baker, M.	Flick	McGeehan	Smith, S. H.
Bard	Forcier	McGill	Solobay
Barrar	Frankel	McIlhattan	Staback
Bastian	Freeman	McIlhinney	Stairs
Bebko-Jones	Gabig	McNaughton	Steelman
Belardi	Gannon	Melio	Steil
Belfanti	Geist	Metcalfe	Stern
Benninghoff	George	Michlovic	Stetler
Birmelin	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla

Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horshey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Waters
Creighton	Kenney	Roberts	Watson
Cruz	Kirkland	Robinson	Williams, J.
Curry	Krebs	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Mackereth	Santoni	
Donatucci	Maher	Sather	
Eachus	Maitland	Saylor	Ryan,
Egolf	Major	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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 2183, PN 4638**, entitled:

An Act specifically authorizing collective bargaining between first-level supervisors and their public employer; providing for arbitration in order to settle disputes rather than striking; and requiring compliance with collective bargaining agreements and findings of arbitrators.

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—174

Adolph	Eachus	Manderino	Scrimenti
Allen	Evans, D.	Mann	Semmel

Argall	Evans, J.	Markosek	Shaner
Armstrong, T.	Fairchild	Marsico	Smith, B.
Baker, J.	Feese	Mayernik	Smith, S. H.
Baker, M.	Fichter	McCall	Solobay
Bard	Flick	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Michlovic	Stetler
Birmelin	George	Micozzie	Stevenson, T.
Blaum	Godshall	Miller, R.	Strittmatter
Boyes	Gordner	Mundy	Sturla
Brooks	Grucela	Myers	Surra
Browne	Gruitza	O'Brien	Tangretti
Bunt	Habay	Oliver	Taylor, E. Z.
Butkovitz	Haluska	Pallone	Taylor, J.
Buxton	Hanna	Perzel	Thomas
Caltagirone	Harhai	Petrarca	Tigue
Cappelli	Harhart	Petrone	Travaglio
Casorio	Hasay	Phillips	Trello
Cawley	Hennessey	Pickett	Trich
Civera	Herman	Pippy	Tulli
Clymer	Hershey	Pistella	Turzai
Cohen, L. I.	Hess	Preston	Veon
Cohen, M.	Horsey	Raymond	Vitali
Cornell	Hutchinson	Readshaw	Walko
Corrigan	Jadlowiec	Reinard	Wansacz
Costa	James	Rieger	Washington
Coy	Josephs	Roberts	Waters
Creighton	Kaiser	Robinson	Watson
Cruz	Keller	Roebuck	Williams, J.
Curry	Kirkland	Rooney	Wojnaroski
Dailey	Krebs	Ross	Wright, G.
Daley	LaGrotta	Rubley	Wright, M.
Dally	Lawless	Ruffing	Yewcic
DeLuca	Lederer	Sainato	Youngblood
Dermody	Levdansky	Samuelson	Yudichak
DeWeese	Lewis	Santoni	Zug
DiGirolamo	Lucyk	Sather	
Diven	Maher	Saylor	Ryan,
Donatucci	Major	Schuler	Speaker

NAYS—23

Armstrong, G.	Forcier	McNaughton	Scavello
Benninghoff	Harper	Metcalfe	Schroder
Clark	Kenney	Miller, S.	Stevenson, R.
Coleman	Leh	Nailor	Vance
Egolf	Mackereth	Nickol	Wilt
Fleagle	Maitland	Rohrer	

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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 2190, PN 4681**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste

Reduction Act, further defining “municipality”; further providing for the recycling fee sunset provisions, for Recycling Fund and for awarding of grants; providing for the development of a recycling program plan; and making a repeal.

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—197

Adolph	Evans, D.	Manderino	Schroder
Allen	Evans, J.	Mann	Schuler
Argall	Fairchild	Markosek	Scrimenti
Armstrong, G.	Feese	Marsico	Semmel
Armstrong, T.	Fichter	Mayernik	Shaner
Baker, J.	Fleagle	McCall	Smith, B.
Baker, M.	Flick	McGeehan	Smith, S. H.
Bard	Forcier	McGill	Solobay
Barrar	Frankel	McIlhattan	Staback
Bastian	Freeman	McIlhinney	Stairs
Bebko-Jones	Gabig	McNaughton	Steelman
Belardi	Gannon	Melio	Steil
Belfanti	Geist	Metcalfe	Stern
Benninghoff	George	Michlovic	Stetler
Birmelin	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Waters
Creighton	Kenney	Roberts	Watson
Cruz	Kirkland	Robinson	Williams, J.
Curry	Krebs	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Mackereth	Santoni	
Donatucci	Maher	Sather	
Eachus	Maitland	Saylor	Ryan,
Egolf	Major	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 824, PN 2435**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for definitions, for powers and duties of the Secretary of the Commonwealth; providing for voting standards development board and State plan advisory board; further providing for qualifications of election officers and for vacancies in election boards; providing for the compensation of district election officers; further providing for district boundaries, for manner of signing nomination petitions, for nominations by political bodies, for placing the question on the ballot, for examination and approval of electronic voting systems by the Secretary of the Commonwealth, for experimental use of electronic voting system, for assistance in voting, for applications for official absentee ballots, for duties of common pleas court on days of primaries and elections; providing for creation of new election districts by court, for petitions for new election districts, for reference to county board of elections and report, for petitions by county board and action by court on petition or report, for creation, division, realignment or consolidation of wards in cities of the first class, for alterations after period of restriction, for Title III complaints; further providing for manner of applying to vote, for assistance in voting by certain absentee electors, for canvassing of official absentee ballots and for enforcement; providing for regulatory procedure; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

MOTION TO SUSPEND RULES

The SPEAKER. Ms. Josephs, it is my understanding you have two amendments which will require suspension of the rules.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to do amendment 6731 first. Well, perhaps I should—

The SPEAKER. The lady, Ms. Josephs, moves that the House suspend its rules to permit her to offer two amendments.

On the question,

Will the House agree to the motion?

The SPEAKER. Is there any question on suspension?

Mr. Clymer.

Mr. CLYMER. Yes. Thank you, Mr. Speaker.

On suspension of the rules—

The SPEAKER. Mr. Clymer, if you are going to object to suspension, I would like Ms. Josephs to have an opportunity to describe briefly her amendments.

Ms. Josephs.

Ms. JOSEPHS. May I ask, Mr. Speaker, is this for both amendments? I should describe them both briefly? which I can do.

The SPEAKER. We should do them separately. So just take one at a time.

Ms. JOSEPHS. Okay.

For amendment 6731, the problem here is we are setting up standards by which we— We are doing regulations for the SURE system, the Statewide Uniform Registry of Electors, which you, I am sure, remember is the database for all of the voters in the State.

As that bill stands now, it is exempt, these regulations are exempt from the Commonwealth Documents Law, which means that the General Assembly is cut out of the process that has to do with setting up the statewide standards for this registry. I think as a legislative body we ought to—

The SPEAKER. Ms. Josephs, stay on suspension with a brief explanation of your amendments. Do not debate the amendments.

Ms. JOSEPHS. Thank you, Mr. Speaker.

We ought not to let that happen. If we suspend the rules, we can correct that oversight. I ask for a suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question of suspension, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, I would ask the members not to suspend. The concerns of Chairman Josephs can be worked out, perhaps in the new session, but we have come a long way with this legislation, a long way, and we need to move forward.

I would ask that we do not suspend.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Bebko-Jones	Freeman	Melio	Staback
Belardi	George	Michlovic	Steelman
Belfanti	Grucela	Mundy	Stetler
Blaum	Gruitza	Myers	Sturla
Butkovitz	Haluska	Oliver	Surra
Buxton	Hanna	Pallone	Tangretti
Caltagirone	Harhai	Petrarca	Thomas
Casorio	Horsey	Petrone	Tigue
Cawley	James	Pistella	Travaglio
Cohen, M.	Josephs	Preston	Trello
Corrigan	Kaiser	Readshaw	Trich
Costa	Keller	Rieger	Veon
Coy	Kirkland	Roberts	Vitali
Cruz	LaGrotta	Robinson	Walko
Curry	Lawless	Roebuck	Wansacz
Daley	Lederer	Rooney	Washington
DeLuca	Levdansky	Ruffing	Waters
Dermody	Lucyk	Sainato	Williams, J.
DeWeese	Manderino	Samuelson	Wojnaroski
Diven	Mann	Santoni	Wright, G.
Donatucci	Markosek	Scrimenti	Yewcic
Eachus	Mayernik	Shaner	Youngblood
Evans, D.	McCall	Solobay	Yudichak
Frankel	McGeehan		

NAYS—103

Adolph	Egolf	Lewis	Sather
Allen	Evans, J.	Mackereth	Saylor
Argall	Fairchild	Maher	Scavello
Armstrong, G.	Feese	Maitland	Schroder
Armstrong, T.	Fichter	Major	Schuler
Baker, J.	Fleagle	Marsico	Semmel

Baker, M.	Flick	McGill	Smith, B.
Bard	Forcier	McIlhattan	Smith, S. H.
Barrar	Gabig	McIlhinney	Stairs
Bastian	Gannon	McNaughton	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.
Brooks	Habay	Miller, S.	Strittmatter
Browne	Harhart	Nailor	Taylor, E. Z.
Bunt	Harper	Nickol	Taylor, J.
Cappelli	Hasay	O'Brien	Tulli
Civera	Hennessey	Perzel	Turzai
Clark	Herman	Phillips	Vance
Clymer	Hershey	Pickett	Watson
Cohen, L. I.	Hess	Pippy	Wilt
Coleman	Hutchinson	Raymond	Wright, M.
Cornell	Jadlowiec	Reinard	Zug
Creighton	Kenney	Rohrer	
Dailey	Krebs	Ross	Ryan,
Dally	Leh	Rubley	Speaker
DiGirolamo			

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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

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

MOTION TO SUSPEND RULES

The SPEAKER. Does the lady desire recognition on suspension for your second amendment?

Ms. JOSEPHS. Yes, please, Mr. Speaker.

The SPEAKER. Let me put the question.

The lady, Ms. Josephs, moves that the rules of the House be suspended to permit her to offer amendment, what number, please?

Ms. JOSEPHS. Amendment 6729, Mr. Speaker.

The SPEAKER. 6729.

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

The SPEAKER. On that question, Ms. Josephs.

Ms. JOSEPHS. I am asking for a vote to suspend the rules; a very similar problem as the last vote. The bill before us requires appointment of a board. The board is supposed to issue regulations. The bill as it stands exempts those regulations from the independent regulatory review process, which we just amended and made better. If we suspend the rules, we will bring them under the IRRC (Independent Regulatory Review Commission) process.

I ask for a suspension of the rules.

The SPEAKER. On the question, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.
For the reasons that I just articulated a few minutes ago, I would ask that we do not suspend the rules.
Thank you.

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

The following roll call was recorded:

YEAS—94

Bebko-Jones	Freeman	Melio	Staback
Belardi	George	Michlovic	Steelman
Belfanti	Grucela	Mundy	Stetler
Blaum	Gruitza	Myers	Sturla
Butkovitz	Haluska	Oliver	Surra
Buxton	Hanna	Pallone	Tangretti
Caltagirone	Harhai	Petrarca	Thomas
Casorio	Horsey	Petrone	Tigue
Cawley	James	Pistella	Travaglio
Cohen, M.	Josephs	Preston	Trello
Corrigan	Kaiser	Readshaw	Trich
Costa	Keller	Rieger	Veon
Coy	Kirkland	Roberts	Vitali
Cruz	LaGrotta	Robinson	Walko
Curry	Lawless	Roebuck	Wansacz
Daley	Lederer	Rooney	Washington
DeLuca	Levdansky	Ruffing	Waters
Deirdy	Lucyk	Sainato	Williams, J.
DeWeese	Manderino	Samuelson	Wojnaroski
Diven	Mann	Santoni	Wright, G.
Donatucci	Markosek	Scrimenti	Yewcic
Eachus	Mayernik	Shaner	Youngblood
Evans, D.	McCall	Solobay	Yudichak
Frankel	McGeehan		

NAYS—103

Adolph	Egolf	Lewis	Sather
Allen	Evans, J.	Mackereth	Saylor
Argall	Fairchild	Maher	Scavello
Armstrong, G.	Feese	Maitland	Schroder
Armstrong, T.	Fichter	Major	Schuler
Baker, J.	Fleagle	Marsico	Semmel
Baker, M.	Flick	McGill	Smith, B.
Bard	Forcier	McIlhattan	Smith, S. H.
Barrar	Gabig	McIlhinney	Stairs
Bastian	Gannon	McNaughton	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.
Brooks	Habay	Miller, S.	Strittmatter
Browne	Harhart	Nailor	Taylor, E. Z.
Bunt	Harper	Nickol	Taylor, J.
Cappelli	Hasay	O'Brien	Tulli
Civera	Hennessey	Perzel	Turzai
Clark	Herman	Phillips	Vance
Clymer	Hershey	Pickett	Watson
Cohen, L. I.	Hess	Pippy	Wilt
Coleman	Hutchinson	Raymond	Wright, M.
Cornell	Jadlowiec	Reinard	Zug
Creighton	Kenney	Rohrer	
Dailey	Krebs	Ross	Ryan,
Dally	Leh	Rubley	Speaker
DiGirolamo			

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not deny that there are some good provisions in SB 824, and it is with great reluctance that I will not be supporting those provisions. I particularly like the provision as it deals with the provisional ballot, something we have needed in this State for a long time – it is long overdue – and will improve the electoral process here in Pennsylvania.

However, I am deeply troubled by the fact that in previous legislation this session, we exempted the Statewide Uniform Registry of Electors – the SURE system that was adopted by the Department of State – we exempted them from IRRC regulations, the kind of oversight that is needed to ensure that regulations are appropriate and that no funny business is going on. In this legislation we now exempt that same SURE system from the Commonwealth Documents Law, another provision of the law which was set up to ensure for public comment and public input and public oversight.

Mr. Speaker, something is wrong with the way in which this SURE system has been set up here in Pennsylvania. It has eluded the kind of oversight that is required or should be required here in Pennsylvania. It deals with a major new system for election process in Pennsylvania, and yet it has not come under IRRC because we exempted it from IRRC oversight. It will not have the kind of review that we as a legislature should be doing with this significant piece of legislation, and now we have exempted it from the Commonwealth Documents Law, another important piece of legislation which is needed to ensure public input.

Something is wrong with how this SURE system has been applied, and as such, I intend to vote “no.” I will not be putting my name to concur in a piece of legislation that is cloaked in mystery and can affect important electoral decisions here in the Commonwealth of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor— Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Could someone stand for brief interrogation?

The SPEAKER. Mr. Clymer will stand for interrogation.

You may proceed.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I see that there is a new provision here that was put in by the Senate, and it allows them to appoint 17-year-olds into the positions of clerk and machine inspector, which the majority and minority inspectors, I believe, are elected positions. Now, many of our senior citizens serve in those positions now and they must work an entire day. Would that same stipulation in the law still be here for someone that is 17 years of age?

Mr. CLYMER. Yes. Mr. Speaker, currently under present law, the counties are allowed to split shifts, and they would be included in that legislation.

Mr. NAILOR. They are allowed to split shifts?

Mr. CLYMER. Yes; yes. It is up to the counties, the individual counties. If they want to split shifts with their workers, with the election poll workers, they can do that now, and they would fall under that criteria, the 17-year-olds. They could work the entire day – I think that is your question – or they could work the half day.

Mr. NAILOR. Okay. Well, I thank you, Mr. Speaker.

I know I had in three separate bills I sent over to the Senate language that would permit senior citizens to work part of the day and have replacements there, because they could not work these lengthy days from 6 o'clock in the morning until 9 or 10 at night without going home. I never saw any of that legislation come back that was enacted. Do you happen to know when it was enacted or in what bill?

Mr. CLYMER. Mr. Speaker, the senior citizens would also be included under the same provision that we have for any age group, and that would include 17-year-olds up to the senior citizens. But their county may not permit it. It depends on whether or not the county wants to adopt such a regulation or a procedure.

Mr. NAILOR. I thank you, Mr. Speaker. I will speak to the gentleman off the floor.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor of concurrence will vote— I am sorry. Mr. Cohen.

Mr. COHEN. Mr. Speaker, as one who strenuously opposed the last version we voted on in the House, I rise to support this version. This version is tremendously improved. As far as I know, it only does what is required by Federal law in terms of voter identification to vote. But I wish to state for the record that each of us now has a duty to make sure that voters know that when they come to a new polling place for the first time, they have to produce identification. This bill is reasonable, I believe, in terms of the large scope of identification; it is permissive, so everybody ought to have something that fits within this bill, or they have to know in advance to bring it to the polling place or else they are going to be very unhappy when they get there. So it creates a duty upon all of us and all community leaders to make new voters coming to a polling place for the first time aware of how to exercise their franchise.

The SPEAKER. The Chair thanks the gentleman.

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—190

Adolph	Evans, D.	Manderino	Scavello
Allen	Evans, J.	Mann	Schroder
Argall	Fairchild	Markosek	Schuler
Armstrong, G.	Feese	Marsico	Scrimenti
Armstrong, T.	Fichter	Mayernik	Semmel
Baker, J.	Fleagle	McCall	Shaner
Baker, M.	Flick	McGeehan	Smith, B.
Bard	Forcier	McGill	Smith, S. H.
Barrar	Frankel	McIlhattan	Staback
Bastian	Gabig	McIlhinney	Stairs
Bebko-Jones	Gannon	McNaughton	Steelman
Belardi	Geist	Melio	Steil

Belfanti	George	Metcalf	Stern
Benninghoff	Godshall	Michlovic	Stetler
Birmelin	Gordner	Micozzie	Stevenson, R.
Blaum	Grucela	Miller, R.	Stevenson, T.
Boyes	Gruitza	Miller, S.	Strittmatter
Brooks	Habay	Mundy	Sturla
Browne	Haluska	Myers	Surra
Bunt	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Thomas
Caltagirone	Harper	Oliver	Tigue
Cappelli	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Turzai
Cohen, L. I.	Horsey	Pickett	Vance
Cohen, M.	Hutchinson	Pippy	Veon
Coleman	Jadlowiec	Pistella	Vitali
Cornell	James	Preston	Walko
Corrigan	Josephs	Raymond	Wansacz
Costa	Kaiser	Readshaw	Washington
Coy	Keller	Reinard	Waters
Creighton	Kenney	Rieger	Watson
Cruz	Kirkland	Robinson	Williams, J.
Dailey	Krebs	Roebuck	Wilt
Daley	LaGrotta	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright, G.
DeLuca	Lederer	Ross	Wright, M.
Dermody	Leh	Rubley	Yewcic
DeWeese	Lewis	Ruffing	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Diven	Mackereth	Samuelson	Zug
Donatucci	Maher	Santoni	
Eachus	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker

NAYS—7

Casorio	Freeman	Roberts	Tangretti
Curry	Levdansky	Solobay	

NOT VOTING—0

EXCUSED—6

Bishop	Laughlin	Lynch	Zimmerman
Colafella	Lescovitz		

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.

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 976, PN 4725

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for rape, for involuntary deviate sexual intercourse, for aggravated indecent assault and for reporting criminal injuries; defining “suspected criminal activity” for purposes of wiretapping and electronic surveillance; and

further providing for certain exceptions, for order authorizing interception of wire, electronic or oral communications, for application for order and for emergency situations.

RULES.

HB 2445, PN 4722

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals and for drug trafficking sentencing and penalties.

RULES.

HB 2729, PN 4723

By Rep. PERZEL

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the Department of Community and Economic Development related to tourism promotion.

RULES.

SB 1100, PN 2436

By Rep. PERZEL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; further providing for powers and duties of the Municipal Police Officers’ Education and Training Commission; prohibiting political activity by municipal police officers; further providing, in parking authorities, for definitions, for purposes and powers and for special provisions for authorities in first class cities; providing, in parking authorities in first class cities, for additional special provisions, for management of authority funds, for special funds, for bonds, for contracts with authority obligees, for Commonwealth pledges, for bond and trust indentures, for funds collected, for bonds as legal investments, for pledge validity, for security interests in funds and accounts and for bankruptcy limitations; further providing for municipal authority governing bodies and money; providing for regulation of taxicabs and limousines in first class cities; further providing for governing body of municipal authorities and for certain fiscal reporting; codifying the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act; defining “expansion or substantial renovation”; further providing for purposes and powers and for capital and operating budgets; providing for expansion funding; further providing for governing board, for moneys of the authority, for award of contracts, for interests of public officers and for rental tax; making an appropriation; and making repeals.

RULES.

SUPPLEMENTAL CALENDAR C

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1100, PN 2436**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; further providing for powers and duties of the Municipal Police Officers’ Education and Training Commission; prohibiting political activity by municipal police officers; further providing, in parking authorities, for definitions, for purposes and powers and for special provisions for authorities in first class cities; providing, in

parking authorities in first class cities, for additional special provisions, for management of authority funds, for special funds, for bonds, for contracts with authority obligees, for Commonwealth pledges, for bond and trust indentures, for funds collected, for bonds as legal investments, for pledge validity, for security interests in funds and accounts and for bankruptcy limitations; further providing for municipal authority governing bodies and money; providing for regulation of taxicabs and limousines in first class cities; further providing for governing body of municipal authorities and for certain fiscal reporting; codifying the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act; defining "expansion or substantial renovation"; further providing for purposes and powers and for capital and operating budgets; providing for expansion funding; further providing for governing board, for moneys of the authority, for award of contracts, for interests of public officers and for rental tax; making an appropriation; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On the question of concurrence, the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate someone in reference to SB 1100?

The SPEAKER. Will someone stand for interrogation on SB 1100, please? Mr. Perzel indicates he will stand for interrogation. You may begin.

Mr. THOMAS. Is the majority leader going to stand for interrogation?

The SPEAKER. Yes, Mr. Perzel will stand. The gentleman will yield.

The loud conference behind the rail of the House, please break up.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have several concerns in reference to 1100. Number one, it is my understanding that there is a provision in there which repeals a section of the PICA (Pennsylvania Intergovernmental Cooperation Authority) agreement, which is the Intergovernmental Authority agreement, which was set up to help the city of Philadelphia. Is that correct, and if so, what is the repeal?

Mr. PERZEL. Yes, that is correct.

What we did was right now under the contract with the firefighters in the city of Philadelphia, there is a provision that says that there shall be an appeal to an arbitrator. Each time the appeal has come back from the arbitrator with an award, the city of Philadelphia has immediately taken that award right to court. This would say, as with the other municipal unions that the city of Philadelphia deals with, that once there is an arbitration award granted, that the city must accept that arbitration award.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, am I correct in understanding that that section of the PICA agreement also said that before an arbitrator can approve an award, that an arbitrator must take into consideration the fiscal situation of Philadelphia County? Is that correct?

Mr. PERZEL. That is correct. That is exactly what it says.

Mr. THOMAS. Then, Mr. Speaker, I must ask you, what is the net economic effect on removing that provision from the PICA agreement since it was the PICA agreement that we put into effect to kind of restrain the city of Philadelphia from excessive spending? And in light of the fact that an arbitrator just awarded firefighters and police a \$400-million award, what

effect, what is the economic effect, the net economic effect, on removing this provision from the PICA agreement?

Mr. PERZEL. Mr. Speaker, the net effect would be that the city of Philadelphia would have to honor the contract that they signed with the police and the firemen.

Mr. THOMAS. So in effect, we would be taking away from the city of Philadelphia any opportunity to keep its finances within a certain level. But let me move on, Mr. Speaker.

Mr. Speaker, I also understand that SB 1100 allows the Commonwealth of Pennsylvania to take over the Convention Center Authority. Is that correct?

Mr. PERZEL. Mr. Speaker, we are changing the governing board of the convention center. We are not taking it over. It is the Pennsylvania Convention Center. It would be a regional authority. Since we are asking all the members of the Commonwealth of Pennsylvania or the General Assembly to come up with an additional \$230 million, that would mean that the entire region would have some representation on the board. I think that is only fair in light of the fact that they are asking for, as I said, 230 additional million dollars to expand the center.

Mr. THOMAS. But, Mr. Speaker, has the region contributed anything to the construction, management, and operations of the Convention Center Authority up until this point? And I know that, and I am not talking about the region within the context of this House, because I know that it was a bipartisan decision to authorize appropriations for the construction of the Convention Center Authority. But I guess what I am trying to find out is I know that the city of Philadelphia had to put up a certain amount of dollars in order to make this financial deal go forward, and in this expansion proposal, it is my understanding that it will be solely the taxpayers of Philadelphia County that will have to foot that part of the obligations for expansion that are not provided by the Commonwealth of Pennsylvania. Is that correct, Mr. Speaker?

Mr. PERZEL. Just for clarification for the members, there is no funding for the expansion of the center in this piece of legislation. But as the convention center stands now, the taxpayers of the Commonwealth of Pennsylvania have put approximately 50 percent of the money into the convention center in the city of Philadelphia, and as I said before, we were asking for an expansion of the board so that more members from the region would have a little say on how that center is being run.

Mr. THOMAS. Well, Mr. Speaker, is there opportunity for members outside of the region who are a part of this esteemed body to have membership on the Convention Center Authority board?

Mr. PERZEL. There would be four from the State of Pennsylvania and four from the counties.

Mr. THOMAS. Mr. Speaker, do you have any—

Mr. PERZEL. And four from the city.

Mr. THOMAS. Thank you.

Do you have any concerns— I know that there has been this question about union participation, but beyond union participation, do you have any questions about the existing board, its capacity to manage, maintain, and move the convention center forward?

Mr. PERZEL. I would like to, if I could just take a moment, I would like to step back one second to talk that there are four members from the city, there will be four members from

the counties, and four members from the State. Those 12 members will elect the 13th person, who will actually run the convention center itself.

Do I feel that this will be run better? Mr. Speaker, all I know is that there has been an enormous number of complaints about the convention center downtown. There have been fistfights; there have been people chased away; there have been shows that will not come back. Occupancy rate for next year is down to about 19 percent of the year that they are going to use the facility. Something has to be done about the management of the facility in order to make it better and more conducive to bring back the shows that used to come there, because if we do not do that, expanding it would be a fool's errand.

So the first thing we need to do is change the way the center is run; secondly, we need to make sure that the management is in much better shape so that we can attract those shows back. So I am hoping that this will work and do that.

Mr. THOMAS. So, Mr. Speaker, you are saying that you have been dissatisfied with Bob Butera, who has been the longstanding manager of the convention center and a former member of this House, and Dr. Bernard Watson and the other members of the board. You are saying that you have been dissatisfied or that you are dissatisfied with the way in which they have run this facility.

Mr. PERZEL. Mr. Speaker, we have been dissatisfied with the entire direction of the convention center, and there is a need for change, and that is why this piece of legislation is before us. Yes, I am saying that.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, my third concern runs to, from what I understand, a provision in SB 1100 that would put taxicabs under the parking authority or at least give the parking authority jurisdiction over the operation of taxicabs in Philadelphia County?

Mr. PERZEL. That is true; yes.

Mr. THOMAS. Mr. Speaker, can you provide me with the underlying public policy as to why taxicabs now need to go under the parking authority, and the second part of the question would run to whether or not these increased revenues arising from taxicabs, if this bill goes forward, whether that will add to the designated appropriation to the Philadelphia School District that we provided for in an earlier piece of legislation.

Mr. PERZEL. All right, Mr. Speaker. First, the purpose for bringing the cabs, the taxicabs, under the parking authority is so that there will be a local organization that has authority over the cabs themselves. Over the last several years, as you know and all the members of the Philadelphia delegation know, the cabs have been a major problem in the city of Philadelphia. They are dirty. We have a tough time getting people that will speak the proper language. They do not know where they are going. They take you on trips to places where you should not be going. That is the underlying problem with the taxicabs themselves.

The Medallion Fund will go exactly for what the Medallion Fund goes for right now, and I would like to remind the members that every other city in the country has the taxicabs regulated at the local level.

Mr. THOMAS. Mr. Speaker, so that now in 2002, is it correct to conclude that the parking authority, by and through this esteemed body, now has the red-light district operation and will now have the taxicabs in Philadelphia County, so that the

parking authority in effect will become a super transportation agency in Philadelphia County?

Mr. PERZEL. If that is the way you would like to put it, you are correct. Yes, Mr. Speaker.

Mr. THOMAS. Not necessarily the way I would like to put it; I am just kind of trying to restate what we have done in 2002.

Mr. Speaker, that concludes my interrogation.

Mr. Speaker, I have a lot of respect for the majority leader. What he says, he stands by his word. But, Mr. Speaker, I am extremely concerned about whether or not Philadelphia County has reached such a point that it needs to be micromanaged by the Pennsylvania General Assembly.

Mr. Speaker, the Commonwealth of Pennsylvania by and through its agents now runs the Philadelphia School District; the parking authority in Philadelphia County is now run through the agents of the Commonwealth of Pennsylvania; and now we are even expanding that micromanagement by now reorganizing the Convention Center Authority board. Mr. Speaker, I am real concerned as to whether or not we have come to a point that we need to do that for the largest and only first-class county in the Commonwealth of Pennsylvania. I am afraid that if we start this, go down this road with this county, what county will be next?

I have read a number of reports about financial problems with schools; I have read a number of reports about pension fund mismanagement; I have read a number of reports about fiscal problems in other counties, and my question is whether or not we are prepared, because if we open the door on Philadelphia County, then the other 66 counties need to take note and ask themselves, when will it be my county that the legislature will micromanage from this esteemed building?

Secondly, Mr. Speaker, in less than 60 days we will have a new Governor in the Commonwealth of Pennsylvania, and while I have had the utmost respect for our current excellency, I know that the man who will be coming into office in less than 60 days really believes that there is one Pennsylvania. While territorially we might have 67 counties, at the end of the day there is one Pennsylvania. And, Mr. Speaker, the man that will become Governor is someone who advocated and promoted for the PICA agreement. He helped us craft the PICA agreement because he believed that we needed to put some restraints on spending in Philadelphia County. To now repeal a part of an agreement that he helped craft I think ties his hands in a very unusual way.

Also, Mr. Speaker, I think that the new Governor should have a chance to say something and maybe even do something about whether it is time for us to micromanage Philadelphia County from the halls of the General Assembly. I think that the new Governor needs to have an opportunity to take a look at some of these challenges that we have faced and have some say-so about those challenges.

If we support SB 1100 or concur with SB 1100, we in effect close the door on the Governor-elect having something to say about what goes on in Pennsylvania; we close the door on new leadership that will be coming in in 2003. There are a number of members, about 20 new members, who will be joining us in the next term. There is a level of aggression and vision on the part of the leadership on both sides of the House that restores my confidence that we are prepared to face the challenges that face us. But, Mr. Speaker, in neither case, neither case, on the Democratic side or the Republican side, have I heard that it is

time for us to micromanage what goes on in a local municipality, and I think that we are moving down a very dangerous road if we concur in SB 1100.

SB 1100 stretches far beyond any course of reasonableness, and it attempts to go back and undo something that we took a lot of effort in putting together to make sure that Philadelphia County becomes the lighthouse that it has become. I know that Representative Keller and other members of this delegation every year invite all 253 members of the General Assembly to Philadelphia County to take a look at its finances, to take a look at its culture, to take a look at its future, and no matter who I have talked to, they have come back and said to Representative Keller, I like what I have seen, I enjoyed what I interacted with, and I stand up for the future of Philadelphia County.

So, Mr. Speaker, I ask that we exercise caution, we exercise caution in concurring on 1100, and that we remain cautiously optimistic about the future of this great city and the future of this Commonwealth, because if we take this step today, I assure you, I assure you without reservation, that we will be looking at doing this same kind of micromanagement in other counties around the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Evans, then Mr. O'Brien.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I was just saying to a colleague of mine, there is something about when you are around here for a long time that you remember a lot of things that took place, and if you will allow me just a kind of couple of minutes to talk about the history of the Pennsylvania Convention Center, where we started to how we arrived to where we are today, because I think it is important for you to understand the history for what has happened today.

A gentleman by the name of Senator Jack Stauffer – some of you may remember that name; I know that the Speaker remembers that name – a gentleman who is from Chester County. I was in my second term, 1982. The city of Philadelphia comes to Harrisburg asking for money for a convention center. The Governor in 1982 was Governor Thornburgh. The Governor said, Philadelphia, if you want to design this convention center and you want us to give \$185 million, we have to set up this structure called the Pennsylvania Convention Center. We had four votes on this floor. Between 1980-something, 1983, we finally passed this legislation. The legislation went from here; then it went to the city of Philadelphia. The city of Philadelphia had to come up with something like \$200 million to match the \$185 million to build the convention center.

1993 – Al Gore, Vice President of the United States, comes to Philadelphia and does a ribbon-cutting. At that particular time, Bob Casey is the Governor of the Commonwealth of Pennsylvania. Wilson Goode is the mayor of the city of Philadelphia. Mayor Goode and Governor Casey agree on Willard Rouse to be the chairman of the Pennsylvania Convention Center. When Willard Rouse was selected as the chairman of the Pennsylvania Convention Center, the view was then, like I hope it is now, which has lost some of the focus, is that we needed to have a convention center that was meeting the needs of the customer. We did not want to look at that

convention center as just Philadelphia; we wanted to look at that convention center as Pennsylvania. Because Pennsylvanians had invested in that convention center, we wanted to ensure that it was bipartisan; we wanted to ensure that it was regional. We wanted to ensure that all people, because it is clear, when people come to that particular region, they just do not come to Philadelphia; they go to Montgomery, they go to Bucks, they go to Chester, they go to Delaware, they go to Lancaster. They go to all those particular locations, and the convention center was a part of the tool to begin to attract people in that region, because prior to developing that convention center in the 1980s, the one convention center that Philadelphia had at that particular time, Philadelphia was 33d in attracting major conventions to the city of Philadelphia, and up until that convention center was designed, Philadelphia moved from number one to within number five in attracting conventions in the 1980s and the 1990s.

So the convention center is designed, the convention center is built, and the convention center is working. However, over the last couple years, unfortunately, in my view, the convention center has lost its mission and its purpose. Now, I am not interested in blaming labor or blaming contractors or blaming whoever, because at the end of the day, people who come to Pennsylvania are not interested in our little family spats, and that is what I look at it as. I look at the battle between labor and the contracts and the city and the State as kind of a family spat, and it is unfortunate.

This legislation, in my view, is a revisiting of what we did in the 1980s. It is an attempt to change the law as we knew it to try to make it much more flexible as we try to move toward the future. But we also are very clear about something else. There also has to be a question of accountability, that when you start talking about \$300 million and when you start talking about an investment of that nature, Philadelphia now has over 10,000 hotel rooms. That is in the borders of Philadelphia; that is not counting what it has done to all the surrounding counties in that particular region, and that is because of an investment in the 1980s of \$185 million that has led up to 10,000 hotel rooms, has led up to the First Union, has led up to Kvaerner, has led up to the Avenue of the Arts. All of those things have come about because of a \$185-million investment. But it came about because there was a bipartisan effort. Senator Jack Stauffer from Chester County, and I was a second-term legislator, along with people like Matt Ryan and K. Leroy Irvis and Jim Manderino, all of us worked together. We recognized that that investment was in the best interests of all of the people in Pennsylvania, not just Philadelphians versus Montgomery County or Delaware or Lancaster, all Pennsylvanians. That is why it is called the Pennsylvania Convention Center, because it is in the interests of all of the people.

Let us talk about some of the changes. What have we attempted to do? What we have attempted to do, first and foremost, is put this House – that is, the leader from this side, Representative DeWeese, or I should say the Speaker of this House and Representative DeWeese – with an appointment; in the Senate, the President pro tem and the minority leader, Bob Mellow. So we have four people, four people, that all of us elect. So when they make an appointment and something does not go right, you can come see Bill DeWeese or you can come see Matt Ryan. If something does not go right in the convention center, we cannot shirk that responsibility. Bill DeWeese and

Matt Ryan will have appointments. Bob Jubelirer will have an appointment, and Bob Mellow will have an appointment. We now know in a very specific way those who have appointments. That is the first thing.

Secondly, for those who say, with the new Governor coming on, let us be very clear, the Secretary of the Budget has the veto right in approving the money. Let me repeat that: The Secretary of the Budget under Governor-elect Rendell has the right to veto the money if things are not moving.

Let us talk about something else that is in this bill. What else is in this bill is that a report has to be given to the PICA committee. PICA was created in the 1990s. It was created for the purpose of looking at the fiscal impact of the city of Philadelphia. What happens under this legislation is basically now they can look at the impact in terms of this particular investment. PICA can determine, PICA can determine, how does this fit in terms of the city's and the Commonwealth's finances – an independent organization that we created. In addition to that, a report has to be given to the Governor; it has to be given to the President pro tem; it has to be given to the Speaker of the House. That is in addition to what has to be provided. In addition, what has to be done, which has never been done, is an independent audit, an independent audit of the convention center, an independent audit of the expansion of the convention center. So in other words, what will happen is an independent group will be hired to evaluate the aspects of the independentness of that.

And let me just give you a few things that the audit will look at. They will look at payroll and personnel practices, equipment controls and security, management activities and management control systems, cost overruns for conventions, labor productivity, comparison of costs with convention centers in other States, work rules, appropriate benchmarks for evaluation of the center's performance, rebooking rates, and any other items proposed by the board. So there now will be a managing audit done on the convention center.

And in addition to that, from a labor perspective, there will be a Labor Relations Advisory Committee of 32 members, and 16 members will be appointed by the board, 6 members will be from labor – 6 members will be from labor – and 6 representatives from contractors. Six representatives from contractors; six representatives from labor. In other words, every labor organization that is a part of that convention center will have representation on that board; every contractor that does business with that will have representation on that board. So understand something clearly: We now have brought labor in, we have brought the contractors in, we have brought the General Assembly in, and let us talk about the city of Philadelphia and its responsibility.

The mayor has his two appointments, the city council has their two appointments. That is the way it is in current law. The only difference is that one appointment from the mayor has to be somebody from the hospitality industry. In other words, has to be somebody either from hotels or restaurants or whatever it is. It has to be somebody from the hospitality industry that is on that board. So now we have the hospitality industry involved; we have labor involved; we have the General Assembly involved; we have the Governor involved. We have us all involved, because we all have something connected to the survival of that convention center. That convention center is a tool for attracting people to the Commonwealth of

Pennsylvania, not just to the city of Philadelphia but to the Commonwealth of Pennsylvania.

In addition to that, let us talk about what reports we have. We have annual reports, annual reports that must be filed in 90 days by the end of the fiscal year to the Appropriations chair; in other words, to myself, to my good colleague on the other side of the aisle, and the same thing in the Senate. In addition to that, there have to be reports to the Department of Economic Development and to the city of Philadelphia. So there have to be reports to the Governor's Office, the Appropriations chair, and the city of Philadelphia.

In addition, we basically say that before any expansion – any expansion – takes place, there has to be this audit, which I just described to you, and in addition, in this audit there has to be a code of conduct established by the board with enforcement systems. So in other words, when the majority leader talked about those fights that were taking place, there has to be a code of conduct. So I want you to understand that there has been a lot of work that has gone into designing this piece of legislation, and after years, like anything, it needed to change. I am hoping you will strongly consider and be supportive of this, because this is all of our convention center. This is not just Philadelphia; this is everybody who is in this General Assembly. This is only the first step.

Secondly, the second step will have to be dealt with next year when Governor Rendell is in and when we do a capital bill, and when we do a capital bill, that is when we start talking about the money. This is not the money; this is trying to change the way the system operates. So I would hope you would strongly consider that.

I want to talk about one other thing. I want to talk about the taxicabs. In 1990 the taxi system was taken over at that particular time by the Commonwealth of Pennsylvania, and at that particular time it was moved to the Public Utility Commission, and basically, the taxicab system has always been an odd stepchild in terms of the PUC. The PUC looks at things like PECO, PPL, Verizon, all those other kinds of things, but the bottom line is, basically, the taxicabs have been an afterthought. So there was a group of people who came to me, and I talked to them about the taxicabs and they talked to me, and we basically looked at New York, we looked at Chicago, we looked at other places, and when we looked at those other places, basically, taxicabs are basically monitored at the local level.

So the question was asked, what better place can we measure what takes place with the taxicabs? We looked at three options. We could have talked about city government – right? – which basically does, you know, remove trash and all those other things; we could have talked about setting up an independent commission; or we could have talked about the parking authority. In my view, when we weighed those particular options, we basically looked at and we said, after talking to the chairman of the Public Utility Commission and we met with the chairman of the Public Utility Commission, and we said to the chairman, how can we make this system more efficient; how can we do it? Basically, it was suggested about moving some money, about \$2 million; investing, investing in the purpose of upgrading so that we could have a taxicab system that was an extension of our tourism system. There is a connection between what takes place in the taxis and what takes place with the convention center. One is connected to the other, because the

first time when people come to the city of Philadelphia, even coming to airports or going to train stations or coming to bus stations, one of the first things they do is they get into the cabs. We needed to have a cab industry that we are proud of. If you ride in New York and you get in those cabs, you sometimes hear Frank Sinatra, Luther Vandross; you hear those tapes in those taxis. If you ride in the taxis of Philadelphia, you do not get that kind of customer service. So if we are talking about investing over \$300 million in building a facility, we have to do something about our cab industry.

Now, what are we trying to do? We are trying to do a number of things. The first thing we are trying to do is we are adding an advisory committee to the parking authority. The second thing we do is we provide expenditures of not more than \$2 million out of the First Class City Taxicab Regulatory Fund for a taxi-related hospitality initiative. What do we mean? What we basically mean is like fixing the cabs up, painting them, making them look decent, you know, doing all those kinds of things that we want to make sure that the cabs are attractive for people. We basically talk about rather than when people have issues with taxis, that they do not have to come here 100 miles to deal with the PUC with it; we have it there at the local level.

Now, I understand the politics of this environment. I understand when you mention the Philadelphia Parking Authority, you kind of immediately connect the parking authority with the majority leader and all the other kinds of stuff, but put that aside for a second. Do me a favor. If it is possible, put that aside. Let us deal with the focus of trying to talk about an investment in the city and in the Commonwealth of Pennsylvania. This is an investment, and that is the way, in my view, we have to look at it, from dealing with the cabs to dealing with the convention center, that when people come to the city of Philadelphia or come to the Commonwealth of Pennsylvania, they are looking at all of these aspects.

So I would hope you would really look at this issue not as some people have said to me about power grabs and we are going to steal this and we are going to steal that. I hope you would understand that just as we did back in the eighties when we designed that convention center in the first place, that you will understand that this investment is an investment for all of the people of the Commonwealth of Pennsylvania, and I hope you will support concurrence on SB 1100, because I believe it is a good investment for the Commonwealth of Pennsylvania.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien, for a brief statement on the amendments.

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

Just as a point of clarification to Representative Thomas' previous comments. When he said that Mayor Rendell was the mayor when PICA was initiated, that was a misstatement, because actually Wilson Goode was the mayor at the time, and the purpose of PICA was to set the city up, the next mayor, for success by floating a bond issue to cure the huge operating deficit that the city had encountered.

When we did PICA, I was part of that negotiating process, and it is important for the members to understand that in the atmosphere that we are currently experiencing, we negotiated a PICA package, and at the very last second when that bill came to the floor, there was language in there that included the police and firefighters. That was never supposed to be part of the

agreement. It has taken this long to have an opportunity to cure that problem.

Substantially the reason that that is an inequity for police and firefighters in Philadelphia is they are the only municipal unions that are subjected to binding arbitration. All the other unions maintain their right to strike, and there is finality in their contract settlements. Because of the language that was inserted into PICA at the very last second, there is no finality in those negotiations. Mr. Speaker, at the time that was voted, all parties to that agreement said we will come back and fix it. There was always an excuse why we did not get back to it, because if we open up PICA, then the rating on the PICA bonds would be affected, so we never got around to it.

Mr. Speaker, it has been long enough. The police and firefighters deserve finality. They never should have been put into the PICA bill. Everybody that was involved in those negotiations recognized that they were not supposed to be part of this agreement to begin with. Let us fix it. Let us do it now.

Thank you.

The SPEAKER. The gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise with a couple of concerns about this legislation before us. I will keep my remarks brief. We are dealing with a 127-page bill that came over from the Senate just yesterday, and each member is facing the challenge of digesting every possible provision that is in this 127-page piece of legislation.

On page 7 I see a change in the current law where the chairperson of the Philadelphia Parking Authority currently has a salary set at \$50,000. The new language would say a minimum of \$50,000, but that language provides no upper limit for what that potential salary could be.

Also, I have heard some discussion about the Pennsylvania Convention Center Authority and funding which may or may not be requested of this legislature next year. Now, that raises a red flag with every member of this House of Representatives. In the bill that we are voting on, there is some provision about bond issues. On page 19 there is some language on lines 19 to 22 about bond issues, a 6-month bond issue, "...bonds issued in anticipation of grants with respect to the cost of a project, which bonds shall mature no later than six months beyond the time of anticipated receipt of the final payment of the grant." Now, I understand that this language may pertain to the parking authority, but I also understand that this legislation gives flexibility to the parking authority to cover mixed-use projects. The question: Could the parking authority issue bonds for the convention center in anticipation of some grant, that several members have publicly discussed, which has not been approved by this legislature, any grant funding for a convention center?

Page 20 also has some similar language which talks about government agencies possibly guaranteeing grants whether or not they are an obligation of the Commonwealth, but providing an exception for guaranteeing grants.

The bottom line: I commend the gentleman, Mr. Thomas, for urging us to proceed with caution; very difficult for each member of this Assembly to digest a 127-page bill and anticipate all of the provisions that the State Senate put in this bill yesterday.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, I just want to point out, as the chairman of the Tourism Committee, I do have some familiarity with what is happening in Philadelphia, specifically at the convention center, and I think it is really important for this body to know what is actually developing in Philadelphia.

The Wharton study, which was commissioned to study the convention center, found that the convention center's strengths were the quality of the Philadelphia Convention & Visitors Bureau, the convention center building itself, and the amenities of the city. The weaknesses that the Wharton study found were labor problems and high costs. Breaking down the labor problems, the customers have few complaints about the quality of the work but were overwhelmingly negative about the inefficiency and hostility of the labor in some cases.

The Pennsylvania Convention Center projects a rebooking rate of 17 percent for the convention center right now – 17 percent. They say a realistic goal should be 50 percent rebookings. At present, in the year 2000, the convention center was 83 percent booked for 2002. Two years ago, for this year, they were booked at 83 percent. In 2002 the convention center booking right now for the year 2004 is 55 percent. Most of these bookings take place 5, 6, and 7 years in advance.

Labor jurisdictional disputes and complex work rules are cited as big negatives by customers, and some are calling this situation the worst in the country.

Show contractors and meeting planners are actually trying to steer their customers away from going to the Pennsylvania Convention Center due to higher costs.

I had a recent meeting with the hotel owners of Philadelphia representing the 10,000 new hotel rooms, and their characterization of the situation at present was catastrophic. Ten thousand empty rooms mean empty restaurants and mean thousands of displaced workers. Most of these workers formerly came off the welfare rolls. They were trained to work in the hotels. They have full benefits and they have good jobs, but they cannot if the rooms are empty. Something has got to be done, and it has got to be done quickly.

Recently there was a meeting in Philadelphia as per the Daily News pertaining to labor rules, which states that if you are involved in a fight in a convention center, you are automatically barred for life from the convention center. One of the participants was barred for life as the rules state; another one was allowed to come back into the convention center and was not displaced from the center. And it says – this is unbelievable – the meeting was held in Philadelphia for 1 hour, a secret meeting. The meeting was run by the board chairman, Bernard Watson, who lives most of the time in Florida. Bob Williams, the convention center acting chief executive officer, who completed the investigation, also did not attend the meeting, and he lives in Atlanta.

I do think we can do better, and I think we have to do better because of the tremendous amount at stake, and this bill has to be passed. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The gentleman, Mr. LAWLESS, has requested to be put on leave for the balance of today's session. Without objection, leave shall be granted. The Chair hears no objection.

CONSIDERATION OF SB 1100 CONTINUED

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—172

Adolph	Donatucci	Mackereth	Rubley
Allen	Eachus	Maher	Ruffing
Argall	Egolf	Maitland	Sainato
Armstrong, G.	Evans, D.	Major	Santoni
Armstrong, T.	Evans, J.	Manderino	Sather
Baker, J.	Fairchild	Mann	Saylor
Baker, M.	Feese	Markosek	Scavello
Bard	Fichter	Marsico	Schroder
Barrar	Fleagle	Mayernik	Schuler
Bastian	Flick	McCall	Semmel
Belardi	Forcier	McGill	Shaner
Belfanti	Frankel	McIlhattan	Smith, B.
Benninghoff	Gabig	McIlhinney	Smith, S. H.
Birmelin	Gannon	McNaughton	Staback
Blaum	Geist	Melio	Stairs
Boyes	George	Metcalfe	Steil
Brooks	Godshall	Michlovic	Stern
Browne	Gordner	Micozzie	Stevenson, R.
Bunt	Grucela	Miller, R.	Stevenson, T.
Butkovitz	Gruitza	Miller, S.	Strittmatter
Buxton	Habay	Mundy	Surra
Caltagirone	Haluska	Nailor	Tangretti
Cappelli	Hanna	Nickol	Taylor, E. Z.
Cawley	Harhai	O'Brien	Taylor, J.
Civera	Harhart	Oliver	Tigue
Clark	Harper	Perzel	Travaglio
Clymer	Hasay	Petrarca	Trello
Cohen, L. I.	Hennessey	Petrone	Trich
Cohen, M.	Herman	Phillips	Tulli
Coleman	Hershey	Pickett	Turzai
Cornell	Hess	Pippy	Vance
Corrigan	Horsey	Pistella	Veon
Costa	Hutchinson	Preston	Vitali
Coy	Jadlowiec	Raymond	Walko
Creighton	Josephs	Readshaw	Wansacz
Cruz	Kaiser	Reinard	Watson
Dailey	Keller	Rieger	Wilt
Daley	Kenney	Roberts	Wojnaroski
Dally	LaGrotta	Robinson	Wright, M.
DeLuca	Lederer	Roebuck	Zug
Dermody	Leh	Rohrer	
DeWeese	Levdansky	Rooney	
DiGirolamo	Lewis	Ross	Ryan,
Diven	Lucyk		Speaker

NAYS—23

Bebko-Jones	Krebs	Solobay	Williams, J.
Casorio	McGeehan	Steelman	Wright, G.
Curry	Myers	Sturla	Yewcic
Freeman	Pallone	Thomas	Youngblood
James	Samuelson	Washington	Yudichak
Kirkland	Scrimenti	Waters	

NOT VOTING—1

Stetler

EXCUSED—7

Bishop	Laughlin	Lescovitz	Zimmerman
Colafella	Lawless	Lynch	

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.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2445, PN 4722**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals and for drug trafficking sentencing and 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—195

Adolph	Evans, D.	Manderino	Scavello
Allen	Evans, J.	Mann	Schroder
Argall	Fairchild	Markosek	Schuler
Armstrong, G.	Feese	Marsico	Scrimenti
Armstrong, T.	Fichter	Mayernik	Semmel
Baker, J.	Fleagle	McCall	Shaner
Baker, M.	Flick	McGeehan	Smith, B.
Bard	Forcier	McGill	Smith, S. H.
Barrar	Frankel	McIlhattan	Solobay
Bastian	Freeman	McIlhinney	Staback
Bebko-Jones	Gabig	McNaughton	Stairs
Belardi	Gannon	Melio	Steelman
Belfanti	Geist	Metcalfe	Steil
Benninghoff	George	Michlovic	Stern
Birmelin	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson, R.
Boyes	Grucela	Miller, S.	Stevenson, T.
Brooks	Gruitza	Mundy	Strittmatter
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Waters
Creighton	Kenney	Roberts	Watson
Cruz	Kirkland	Robinson	Williams, J.

Curry	Krebs	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Levdansky	Rubley	Yewcic
Dermody	Lewis	Ruffing	Youngblood
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Mackereth	Samuelson	Zug
Diven	Maher	Santoni	
Donatucci	Maitland	Sather	Ryan,
Eachus	Major	Saylor	Speaker
Egolf			

NAYS—1

Sturla

NOT VOTING—0

EXCUSED—7

Bishop	Laughlin	Lescovitz	Zimmerman
Colafella	Lawless	Lynch	

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 A 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 1370, PN 2428**, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; recodifying the Machinery and Equipment Loan Fund Act; further providing for tax-exempt bond allocation and for loan eligibility; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Egolf	Mann	Schroder
Allen	Evans, D.	Markosek	Schuler
Argall	Evans, J.	Marsico	Semmel
Armstrong, G.	Fairchild	Mayernik	Shaner
Armstrong, T.	Feese	McCall	Smith, B.
Baker, J.	Fichter	McGeehan	Smith, S. H.
Baker, M.	Fleagle	McGill	Solobay
Bard	Flick	McIlhattan	Staback
Barrar	Forcier	McIlhinney	Stairs

Bastian	Frankel	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Kaiser	Reinard	Washington
Costa	Keller	Rieger	Waters
Coy	Kenney	Roberts	Watson
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Ruffing	Youngblood
Dermody	Lucyk	Sainato	Yudichak
DeWeese	Mackereth	Samuelson	Zug
DiGirolando	Maher	Santoni	
Diven	Maitland	Sather	
Donatucci	Major	Saylor	Ryan,
Eachus	Manderino	Scavello	Speaker

NAYS-3

Freeman	Josephs	Scrimenti
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NOT VOTING-0

EXCUSED-7

Bishop	Laughlin	Lescovitz	Zimmerman
Colafella	Lawless	Lynch	

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.

SUPPLEMENTAL CALENDAR D

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

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1401, PN 4738**, as further amended by the House Rules Committee:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for

Low-Income Home Energy Assistance Block Grants; exempting certain persons from Federal law relating to public assistance; and providing for women's pregnancy support services.

On the question,

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

The SPEAKER. Mrs. Dailey, on concurrence.

Mrs. DAILEY. Thank you, Mr. Speaker.

Amendment 6713 would codify Project WIN (Women In Need), a DPW (Department of Public Welfare) program to assist women in a crisis pregnancy, which utilizes 114 pregnancy support centers, social service agencies, maternity homes, and adoption agencies throughout the Commonwealth. Beginning in the administration of Governor Casey and expanding through the administrations of Governors Ridge and Schweiker, this program has been funded by the State through seven consecutive budget cycles.

Project WIN serves to empower women through mentoring and counseling services. Over the past 7 years, this approach has empowered more than 61,000 women to choose childbirth over abortion, to seek adoption as an option to an unintended pregnancy, and to develop skills as a responsible parent or to modify risky lifestyle behaviors to prevent unintended pregnancies.

Just like our domestic violence and rape crisis programs, Project WIN is a model for other States as it demonstrates how government can partner with community agencies to reach out to women in need. The success of Project WIN shows once again that Pennsylvania is the national leader in supporting vulnerable citizens who find themselves alone and in crisis.

This caring women's program that matches counselors with vulnerable women—

The SPEAKER. Will the lady please yield.

Mr. Vitali.

Mr. VITALI. Point of order, Mr. Speaker. Nothing is on the screen right now.

The SPEAKER. I am told by my officials that it is on the screen. Take a look now, Mr. Vitali. It is on my system. It is on this screen right before me. All right? Thank you.

Mrs. Dailey, you may continue.

Mrs. DAILEY. Thank you, Mr. Speaker.

This caring women's program that matches counselors with vulnerable women is a proven success story. It is the model for the nation. There are other States out there, approximately eight other States, that are using this as their model, yet we do not have our own program in statute. So in order for this to be the model for the nation, why do we not place it in statute? And that is what I would ask through this amendment.

The SPEAKER. The gentleman, Mr. DeWeese, on the subject.

Mr. DeWeese, are you—

Mr. DeWEESE. I apologize, Mr. Speaker. I would like to yield to the gentleman, Mr. Ross. I am sorry.

The SPEAKER. Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

The question was apt about the system, actually. I was tracking this bill right up until about 2 minutes ago. It was not on the system until that time.

And for the benefit of the members who did not have prior access to the language, in Rules Committee at about noon today,

a rather extensive amendment was placed into HB 1401, and just for the members' benefit, it is in the nature of about four pages of fairly dense language. It includes a significant amount of language which would otherwise be considered regulatory in nature by many of us.

And as a result of that and also as a result of the possibility that this might kill some very valuable underlying information and other legislation that is being prime-sponsored by one of our colleagues over in the Senate, Senator Earll, I would respectfully ask, if we could, to revert to a prior printer's number, 4732.

The SPEAKER. 4732?

Mr. ROSS. I believe that is the correct number, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER. It will be necessary for you to first suspend the rules.

The Chair recognizes the gentleman, Mr. Ross.

Mr. ROSS. Mr. Speaker, I move that the rules of the House be suspended to permit me to move for the reversion of HB 1401, PN 4738, to PN 4732.

On the question,

Will the House agree to the motion?

The SPEAKER. Mrs. Dailey, are you seeking recognition on suspension?

Mrs. DAILEY. Yes, Mr. Speaker.

The SPEAKER. The only people permitted to debate this are the two floor leaders. Mr. Perzel, you now have a problem. Mr. Ross and Mrs. Dailey both are seeking recognition on the question of suspension.

Mr. ROSS. Am I recognized, Mr. Speaker? I am sorry.

The SPEAKER. No.

Mr. ROSS. Thank you.

The SPEAKER. Not yet.

Mr. PERZEL. Mr. Speaker, it is obvious that there are members on both sides of this issue on both sides of the aisle. I personally am voting not to suspend the rules, but I think that the members should vote their consciences and what they feel is right, so it is up to the membership, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese.

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

We must suspend the rules in order for the honorable gentleman, Mr. Ross, to make his motion to revert.

Why should we revert? This was a LIHEAP (Low-Income Home Energy Assistance Program) bill; this was a proposal to help folks who do not have much money for their oil and gas and electricity as the winter approaches, and in the Rules Committee of this august body, a gag order was introduced against a woman's right to choose. You cannot gild the lily. You cannot manufacture any kind of rhetorical cosmetic that will disguise what you are attempting to do.

We just had a gubernatorial campaign. We need to suspend the rules to revert to a prior printer's number, and it is in consonance with the body politic of Pennsylvania. Seven out of 10 women, including 7 out of 10 Catholic women, think that the government should stay the heck out of this very private matter.

A LIHEAP bill – that is why we have to suspend the rules – a LIHEAP bill, for low-income energy, has been sullied and buffeted and molested with this reproachable gag order.

This nice fellow from Chester County is using the parliamentary avenues at his disposal. I would like to think – and I know that we need the lion's share of the people in this room to support this parliamentary effort – but if we get the same amount of people in this room to support his motion to suspend as believe in a woman's right to choose—

The SPEAKER. Would the gentleman yield.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Tigie, for what reason do you rise?

Mr. TIGUE. Mr. Speaker, parliamentary inquiry.

The gentleman is talking about things that are not even in this bill or the proposal or any motion. I would ask or request that the Speaker keep him to the subject matter on the board.

Thank you, Mr. Speaker.

The SPEAKER. I have tried to follow the gentleman. There is certain leeway that is granted to the floor leaders, and he has had his edge along the lines of suspension of the rules. I would ask him to stay closer to the edge, without falling off.

But you are getting close to falling off, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

In the order of keeping the process moving, I shall, but as I have said many times, during the 2 brief years I had the gavel, I gave maximum flexibility to Republican floor leaders.

The SPEAKER. I am not quarreling with that. Just go ahead.

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

Since this language was added in the Rules Committee and the general body has not had a chance to deal with the issue at large, a motion to suspend the rules and then revert to a prior printer's number would give each of our members individually a chance to comment and debate and be involved in this very, very sensitive matter.

This is a cosmic change in the way we do business in our State, especially in the world of reproductive options, and I would ask that the honorable gentleman from Chester's motion to suspend the rules be agreed to.

Thank you very much.

The SPEAKER. The question before the House is, will the House suspend its rules to permit the gentleman, Mr. Ross' motion to carry, which reverts this particular bill back to PN 4732?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—79

Bard	Evans, J.	Michlovic	Steelman
Bebko-Jones	Frankel	Mundy	Steil
Boyes	Freeman	Myers	Stetler
Brooks	Harhai	Nailor	Sturla
Browne	Harhart	Nickol	Thomas
Bunt	Jadlowiec	Oliver	Travaglio
Butkovitz	James	Pallone	Trello
Buxton	Josephs	Petrone	Trich
Cappelli	Kaiser	Pistella	Vance
Casorio	Kirkland	Preston	Veon
Cohen, L. I.	Krebs	Reinard	Vitali

Cohen, M.	LaGrotta	Rieger	Walko
Cornell	Lederer	Roberts	Wansacz
Cruz	Levdansky	Robinson	Washington
Curry	Lucyk	Roebuck	Waters
Daley	Mackereth	Rooney	Williams, J.
Dermody	Manderino	Ross	Wojnaroski
DeWeese	Mann	Rubley	Wright, G.
Eachus	McGeehan	Ruffing	Youngblood
Evans, D.	McIlhinney	Scrimenti	

NAYS—117

Adolph	Egolf	Maher	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Feese	Major	Semmel
Armstrong, G.	Fichter	Markosek	Shaner
Armstrong, T.	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Barrar	Gabig	McGill	Staback
Bastian	Gannon	McIlhattan	Stairs
Belardi	Geist	McNaughton	Stern
Belfanti	George	Melio	Stevenson, R.
Benninghoff	Godshall	Metcalfe	Stevenson, T.
Birmelin	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Surra
Caltagirone	Gruitza	Miller, S.	Tangretti
Cawley	Habay	O'Brien	Taylor, E. Z.
Civera	Haluska	Perzel	Taylor, J.
Clark	Hanna	Petrarca	Tigue
Clymer	Harper	Phillips	Tulli
Coleman	Hasay	Pickett	Turzai
Corrigan	Hennessey	Pippy	Watson
Costa	Herman	Raymond	Wilt
Coy	Hershey	Readshaw	Wright, M.
Creighton	Hess	Rohrer	Yewcic
Dailey	Horsey	Sainato	Yudichak
Dally	Hutchinson	Samuelson	Zug
DeLuca	Keller	Santoni	
DiGirolamo	Kenney	Sather	
Diven	Leh	Saylor	Ryan,
Donatucci	Lewis	Scavello	Speaker

NOT VOTING—0

EXCUSED—7

Bishop	Laughlin	Lescovitz	Zimmerman
Colafella	Lawless	Lynch	

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

On the question recurring,

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

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no." The members—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Pardon me.

Mr. DeWeese, I am sorry. Did you seek recognition? On concurrence.

Mr. DeWEESE. I apologize. I thought someone might want to debate the bill.

The SPEAKER. I checked pretty thoroughly. Do you?

Mr. DeWEESE. I would like to share one more moment; yes.

The SPEAKER. The gentleman is recognized.

Mr. DeWEESE. Thank you, Mr. Speaker.

I will vote against concurrence.

Again, as I was saying in the parliamentary struggle a few moments ago, this proposal, a few minutes before we arrived here, was a LIHEAP bill; now it is a bill that deals preeminently with the reproductive options of our 6 million women in the State of Pennsylvania. It is a gag order. If you vote to concur, you are voting, in my view, for a gag order that applies to crisis pregnancy centers.

And the fact is, we just had a gubernatorial election. Edward G. Rendell has been elected Governor of our State. He will be sworn in in January. He was a dominant element in the pro-choice dialogue in the seventies, eighties, and nineties, and his ascension to the gubernatorial assignment is prima facie evidence that this is a pro-choice State.

For this anti-choice vote that we just experienced to be such a dominant element in our deliberations is indeed sad, but nevertheless, the record should display that many of us will oppose concurrence in this measure for a variety of reasons — one, the parliamentary speed, the absolute dizzying velocity, with which this LIHEAP bill was bastardized into another kind of proposal; the fact that it goes far beyond anything we have ever done in this State, in my view, to punish pregnant women — and I would ask that we all aggressively vote in the negative, and remember that this is certainly not the way we should do business.

This is emblematic of some of the challenges, Mr. Speaker, of our lameduck legislative setting. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it had been referred to, this language, as being something that would prohibit women from being told about their right to an abortion in the State of Pennsylvania, but this language goes far beyond that. This language would prohibit any of the dollars being used in this from allowing anyone to even talk to or refer a woman to the availability of contraceptives. This is not talking about abortion. This is talking about, you would not even be allowed to tell a pregnant woman that if she wanted in the future to prevent perhaps her fifth or sixth pregnancy from ever occurring, she may want to talk to someone about contraceptives. That would be prohibited with this language.

So let us be clear about this: This is not even about whether you are pro-choice or pro-life or anti-choice. This is about whether or not you believe women should be able to be told about contraceptives.

Plain and simple: If you think women should not be allowed to even be told about contraceptives in the State of Pennsylvania, then you may want to support this. If you believe that women should at least be able to be told about that and then be able to make a decision on their own, you may want to vote not to concur.

Thank you, Mr. Speaker.

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

Remember, tomorrow is Thanksgiving and we have a lot of driving to do.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, I take issue with some earlier comments and would just think that the record needs to be clear about this particular legislation.

This legislation does not impede the right to choose. In fact, this legislation promotes informed decisionmaking, given the right to choose.

My goodness, in this State, before somebody can sign off on a limited tort policy in an auto insurance context, they have to be fully informed of the consequences of a limited tort and sign a waiver.

The alternatives program provides full information about an abortion and makes sure that people or a woman who is about to undergo it understands exactly what she is doing before she makes that decision. And in addition, the alternatives program is also designed to provide comfort and support for somebody undergoing a pregnancy, particularly a crisis pregnancy, and to help them raise that child.

This is not a bill that deals with the right to choose, except to the extent that it provides for fully informed consent; fully informed consent.

And with respect to the argument that this is a gag order, as we all well know, there are moneys in the budget process that we discussed that are in equal amounts that go to agencies such as Planned Parenthood – \$4.3 million on the one hand and \$4.3 million to alternatives on the other hand. The designation in this legislation that deals with the use of what would ultimately be funded for these programs is that it goes to the alternatives program and not for the same purposes that the other \$4.3 million in the budget has been used to go for.

The fact of the matter is, Mr. Speaker, abortion is not a nice thing, and even President Clinton, even President Clinton, in one of his speeches, said that abortions should be safe, legal, and rare. We as a body politic should be supporting the reduction of abortions in this State.

Thank you very much.

The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Could I ask for some order, please? A little more quiet.

The SPEAKER. Conferences on the floor, please break up; conferences on the side aisles.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to make a couple of points here, and I am sorry to be on the other side of some of the colleagues on my side of the aisle and perhaps on the other side of the aisle for whom I have a great deal of respect and who are wonderful advocates for a woman's right to choose.

I want to also object strenuously on the record, as others have, concerning the process that brought us to this point. Again and again and again, and this is only the latest but I fear not the last incident in which we as individual members of the House are deprived of our right to discuss amendments in the way that I believe the people who founded this State and founded this Constitution and the voters and taxpayers and citizens at home expect us to be.

We have an amendment on a very good bill which, in spite of claims made by its supporters, does not simply codify language in the budget funding crisis pregnancy centers; it goes much further. It bans programs that receive this money from discussing contraception.

Mr. Speaker, this is 2002. I am not going to say more about that. This is not 1702.

This amendment sets reimbursement rates of over \$60 an hour for volunteer phone counselors to convince women not to get abortions. This is a boondoggle, and it contains an ideology test that says only organizations that have a stated policy – that is, an anti-abortion stated policy – can get this money. In spite of the claims of the people on the other side, the supporters of this amendment, that women are offered actual services, it does not offer women medical services; it does not offer women legal services.

This amendment is an embarrassment. You will see it written about in virtually every responsible paper in this State tomorrow, I am sure, and the public will be castigating us again for boldly leading the legislature right into the Dark Ages.

Having said all that, let me describe what the underlying bill is and why it is so important to the health and welfare of women in this State.

The underlying bill allows women who – mostly women, almost all women – who qualify for welfare and all the benefits that come with it, who need to raise their families, it allows these women, even though they may have been convicted of certain kinds of felonies, to qualify for welfare. This is an extraordinarily important bill not only for the women themselves and the children who depend upon them but for the providers who end up paying for this service because they see the need is really great and they are faced with a client who has turned her life around, who is very regretful about a youthful indiscretion, and is trying to make herself sober and responsible, and the agencies who are poised to help her cannot do it because she does not qualify for welfare.

There is also some LIHEAP language in it. I cannot really tell you about that. If anybody is interested, I suggest interrogation or some other way to— I am not an expert at all on that.

I deplore this amendment. I deplore the way it was put in. I think it demeans our dignity. I think it is reprehensible. But I am so committed to helping these women who are very much like the prisoners that were discussed on the other side. Somebody said, some lady or gentleman from the Republican side said, not very many days ago, we want to help people coming out of jail who have repented, who have atoned, who are trying to turn their lives around. This is exactly the same population.

I am going to vote for this bill, and I hope that we can get it back in time to the Senate so that it can pass, and I thank you, Mr. Speaker, for your patience, listening to me at this very late hour when all this stuff happens and hope that our brains are scandaled enough that we will do something foolish – another reprehensible tactic I protest – but I am voting “yes.”

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I rise to ask my colleagues to do one of two things. If you look at the history of this bill, the author of this bill is the Honorable Frank Oliver. Frank Oliver is somebody that I have heard members from both sides of the aisle say that they respect. Frank is somebody who has been here, has stood for this institution from day one. He has been a loyal and respected member of this General Assembly, and, Mr. Speaker, he crafted this bill to help thousands of women across the Commonwealth of Pennsylvania who are faced with

a particular dilemma, and that dilemma being, at some point, at some time, they had contact with the law, and there is a section of the Federal welfare reform law which says that you are forever precluded from accessing any public benefits if you are a single woman and have had a certain contact with the law.

Now, the TANF (Temporary Assistance for Needy Families) law does not say that every State has to apply this rule. The TANF law says that every State can waive application of this section of the law to individual clients. Representative Oliver, in response to women's groups from all over Pennsylvania, stepped up to the plate and asked that Pennsylvania waive application of this section of the TANF law.

And, Mr. Speaker, Representative Oliver, along with another well-respected member of this General Assembly, the Honorable Bud George, who has been advocating from day one that we need to do something about the people of Pennsylvania who are going without heat during the winter, and both of them recognize that Pennsylvania is one of a minority number of States who contribute nothing to the LIHEAP program. Let me say that again. Pennsylvania is one of a minority number of States who contribute nothing to the LIHEAP program. So Representative Oliver, Representative George, and a number of us put a LIHEAP provision in this bill.

Now, Mr. Speaker, here is where the tough part comes, and this is where I am going to close it out.

Mr. Speaker, Representative Oliver, the author of this bill, never intended to turn this bill into a pro-choice or pro-life bill. He never intended to do that; he never intended to do that. And the provision that has been put in in the Rules Committee is contrary to the fundamental views of Representative Oliver. Let me say it again. It is contrary to the fundamental views of Representative Oliver, because his position has been very clear.

So I am going to bring it down to this: If you respect something called legislative prerogative, if you respect something called the good will of my colleague, then, Mr. Speaker, you will vote "no" on HB 1401, because this is not something that Frank Oliver— And, Mr. Speaker, you know, they did not even have the decency to ask the architect of this bill if it was okay to put this amendment in there. No one ever asked him anything, and, Mr. Speaker, that is wrong; that is wrong. I would never, if the majority leader, the minority leader, or any other member of this House, and one thing no one will ever be able to say about Representative Thomas, and that is that I disrespected another member in a hostile manner. This is disrespect to Representative Oliver in a hostile manner, and it is wrong, and it should be rejected out of hand.

Mr. Speaker, vote "no" on HB 1401, and let us respect the will of the Honorable Frank Oliver. Let us respect him. He has never and he would never as a committee chairman – he has been a committee chairman for a number of years – he would never do that to a member, whether you are a Democrat or a Republican.

Mr. Speaker, if you do not care about Representative Oliver and he is just a piece of trash that you have no respect for, then, Mr. Speaker, you vote for HB 1401, because what you have done to him has just disgraced him, so if you care nothing about him, if you care nothing about legislative prerogative, if you care nothing about member respect, then you vote for HB 1401. If you care something about another member who has been an honorable member of this House, vote "no" on HB 1401.

THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland County, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I rise to correct some of the misstatements and misconceptions that have been raised by, I regret to say, my own floor leader and some of my own colleagues. I am astounded at the lack of understanding, if that is what it is, or at least misleading statements about this program.

Back in the Casey administration, there was a discussion and a debate about women's health services, and we were able to work out a deal that under the budget process we would fund equally family health planning services—

The SPEAKER pro tempore. Will the gentleman suspend.

Will the conferences on the floor please break up.

The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

As I was saying, we were able to work out a compromise in the budget process for women's health services and family planning counsels and alternatives to abortion, and we funded those, for the last 7 or 8 years now, equally; \$4.6 million, I believe, was the last figure for each of those programs.

The alternatives-to-abortion program that Representative Dailey mentioned is a program that has been operating for 7 years now and operating very effectively and very efficiently, helping women in crisis pregnancies; providing mentoring and counseling service on a one-on-one basis with women finding themselves pregnant, in need of help; providing services to them and help to them up until the delivery of that child and for 12 months after that child is born, one-on-one counseling, helping them. It has been very effective. Sixty-two thousand women have gone through this program effectively. Think about that: 62,000 babies have been born and raised as a result of this program.

I have yet to hear anybody on the pro-choice side ever say they are for more abortions. They always say they want to reduce the amount of abortions. Well, Mr. Speaker, here is the chance to do that.

We have a program that works. When a woman has the alternative to listen to a counselor about what are the options available instead of having an abortion, this is the program that works. Why would we not want to do that?

And all this amendment merely does is put into statute that which has been working very effectively, helping women and 62,000 babies for the last 7 or 8 years. Why would we not want to do that? It has nothing to do with a woman's right to choose. It has nothing to do with all of that other fallacious stuff that we heard earlier. It has to do with women who choose alternatives to abortion.

It is an outrage, in my perspective, for my floor leader to misdirect this whole thing and make it that kind of a situation. I think it is wrong, I think he is wrong, and I think he owes an apology to this House.

I ask for the support of the members on this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Vitali. The gentleman waives off.

The Chair recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I will not be long. I see the writing on the wall on this, but I do want to point something else out to my colleagues about this legislation that has been pointed out.

But specifically, the immediate past speaker spoke about preventing abortions, and I think one of the things that is specifically written into this legislation, it states here that "NO GRANT FUNDS MAY BE EXPENDED FOR ANY OF THE FOLLOWING,..." and it goes on to list, "...PROVIDING, REFERRING OR ADVOCATING THE USE OF CONTRACEPTIVE SERVICES, DRUGS OR DEVICES."

Now, Mr. Speaker, if you have somebody with an unwanted pregnancy and you want to make sure that they do not have an abortion and counsel them accordingly and they go ahead and have the child, I think it is our duty in this Commonwealth to provide them with alternatives so that we are not faced with that dilemma a second time, and this legislation absolutely prohibits the counseling of those services for those individuals.

Now, my colleagues have said to me, well, there are other programs to go to, but the fact is, they are now in this program. They are not going to walk or be informed that Planned Parenthood is across the city, that they should go there to talk about other alternatives. They are going to be counseled in this program, and they should be told that in order to prevent future unwanted pregnancies, there are these alternatives and they include birth control. That is what is necessary if we want to stop the proliferation of abortions in this State.

This is a very, very cynical way to go about this. I agree with my colleagues who have spoken about the way this process has been conducted, to do this at the eleventh hour, to launch this. We are not talking about codifying into law the funding sources for family planning and family health centers. That, every year I have been here on the budget, has been attacked by members on the other side of this issue, who have tried to get that funding. We are not talking about codifying and protecting that funding here. We are just talking about these alternatives to abortion.

But if we are really talking about alternatives to abortion, we need to be able to counsel people to be able to prevent that second unwanted pregnancy so they will be able to utilize birth control.

So I am very conflicted about this, because the basic bill has some very important things for people who cannot afford heating in their homes and for women in recovery. It is a very difficult choice. Now, I know that everybody is wrestling with it, particularly those of us who have been advocates for choice and advocates for preventing unwanted pregnancy.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

The gentleman from Pittsburgh, Mr. Frankel, made several points that I wanted to. In addition, the language does go much further than what we have been doing for the past 7 years.

It puts actual fee language and reimbursement rates into this legislation that are not current practice, that are much more expensive than anything that we have been doing.

But putting all that aside, the real problem here is, we had a chance to help some really important people who need our help, and I just hope we did not blow it.

We have women who need drug and alcohol treatment, and I hope we did not just blow it, because we could have sent that bill to the Governor's desk already.

We have low-income elderly folks who get cold in the winter, and we had the ability to get extra LIHEAP dollars reallocated to their needs, and we are ruining the chance of getting that bill to the Senate.

And that is really the shame of what happened here today, because we had two very important, very necessary, and very thoughtful pieces of legislation in helping women with drug and alcohol problems and helping low-income people to make sure they are warm in the winter, and we had to blow up the train, and I just hope that the Senate stays long enough tonight and does not get too worried about how late it is to get onto the train, to get on home, so that we can get some very needed services to needy people in Pennsylvania, and I just hope you did not blow up the train.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—151

Adolph	Egolf	Lederer	Santoni
Allen	Evans, D.	Leh	Sather
Argall	Evans, J.	Levdansky	Saylor
Armstrong, G.	Fairchild	Lewis	Scavello
Armstrong, T.	Feese	Lucyk	Schroder
Baker, J.	Fichter	Maher	Schuler
Baker, M.	Fleagle	Maitland	Semmel
Barrar	Flick	Major	Shaner
Bastian	Forcier	Mann	Smith, S. H.
Belardi	Freeman	Markosek	Solobay
Belfanti	Gabig	Marsico	Staback
Benninghoff	Gannon	Mayernik	Stairs
Birmelin	Geist	McCall	Stern
Blaum	George	McGeehan	Stevenson, R.
Boyes	Godshall	McGill	Stevenson, T.
Browne	Gordner	McIlhattan	Strittmatter
Bunt	Grucela	McNaughton	Surra
Caltagirone	Gruitza	Melio	Tangretti
Cappelli	Habay	Metcalfe	Taylor, E. Z.
Casorio	Haluska	Micozzie	Taylor, J.
Cawley	Hanna	Miller, S.	Tigue
Civera	Harhai	O'Brien	Travaglio
Clark	Harhart	Pallone	Trello
Clymer	Harper	Perzel	Trich
Coleman	Hasay	Petrarca	Tulli
Corrigan	Hennessey	Petrone	Turzai
Costa	Herman	Phillips	Walko
Coy	Hershey	Pickett	Wansacz
Creighton	Hess	Pippy	Watson
Cruz	Horsey	Pistella	Wilt
Dailey	Hutchinson	Raymond	Wojnaroski
Daley	Jadlowiec	Readshaw	Wright, M.
Dally	Josephs	Rieger	Yewcic

DeLuca	Kaiser	Roberts	Yudichak
Dermody	Keller	Rohrer	Zug
DiGirolamo	Kenney	Rooney	
Diven	Kirkland	Sainato	Ryan,
Donatucci	LaGrotta	Samuelson	Speaker
Eachus			

NAYS—41

Bard	James	Nickol	Steelman
Bebko-Jones	Krebs	Oliver	Steil
Brooks	Mackereth	Preston	Sturla
Butkovitz	Manderino	Reinard	Vance
Buxton	McIlhinney	Robinson	Veon
Cohen, L. I.	Michlovic	Roebuck	Vitali
Cohen, M.	Miller, R.	Ross	Washington
Cornell	Mundy	Rubley	Waters
Curry	Myers	Scrimenti	Williams, J.
DeWeese	Nailor	Smith, B.	Wright, G.
Frankel			

NOT VOTING—3

Stetler	Thomas	Youngblood
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EXCUSED—8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the Democratic whip, Mr. Veon, who requests a leave of absence for the remainder of the day for the gentleman, Mr. RUFFING. Without objection, the leave will be granted. The Chair hears no objection.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

BILL ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 1553, PN 4745 (Amended) By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and for notice of change of name or address; requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handhold on motorcycles, for driving under the influence of alcohol or controlled

substance and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

RULES.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 976, PN 4725**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for rape, for involuntary deviate sexual intercourse, for aggravated indecent assault and for reporting criminal injuries; defining "suspected criminal activity" for purposes of wiretapping and electronic surveillance; and further providing for certain exceptions, for order authorizing interception of wire, electronic or oral communications, for application for order and for emergency situations.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Hess, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Manderino	Schroder
Allen	Evans, J.	Mann	Schuler
Argall	Fairchild	Markosek	Scrimenti
Armstrong, G.	Feese	Marsico	Semmel
Armstrong, T.	Fichter	Mayernik	Shaner
Baker, J.	Fleagle	McCall	Smith, B.
Baker, M.	Flick	McGeehan	Smith, S. H.
Bard	Forcier	McGill	Solobay
Barrar	Frankel	McIlhatten	Staback
Bastian	Freeman	McIlhinney	Stairs
Bebko-Jones	Gabig	McNaughton	Steelman
Belardi	Gannon	Melio	Steil
Belfanti	Geist	Metcalfe	Stern
Benninghoff	George	Michlovic	Stetler
Birmelin	Godshall	Micozzie	Stevenson, R.
Blaum	Gordner	Miller, R.	Stevenson, T.
Boyes	Grucela	Miller, S.	Strittmatter
Brooks	Gruitza	Mundy	Sturla
Browne	Habay	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappelli	Harper	Pallone	Tigue
Casorio	Hasay	Perzel	Travaglio
Cawley	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	Tulli

Clymer	Hess	Pickett	Turzai
Cohen, L. I.	Horshey	Pippy	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Waters
Creighton	Kenney	Roberts	Watson
Cruz	Kirkland	Robinson	Williams, J.
Curry	Krebs	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Levdansky	Rubley	Yewcic
Dermody	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	Ryan,
Egolf	Major	Scavello	Speaker

NAYS—0

NOT VOTING—1

Eachus

EXCUSED—8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Eachus, rise?

Mr. EACHUS. Mr. Speaker, my button malfunctioned. I would like to be voted in the affirmative on that last bill, please, sir.

The SPEAKER pro tempore. On HB 976?

Mr. EACHUS. Yes, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

VOTE CORRECTION

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

Mr. Speaker, on HB 2410, voted on 11/26, I was recorded in the affirmative. I want to be recorded in the negative.

REMARKS SUBMITTED FOR THE RECORD

VOTE CORRECTION

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

Mr. Speaker, please correct my vote from “yes” to “no” on the motion to suspend regarding HB 1401. Thank you.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2729, PN 4723**, entitled:

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the Department of Community and Economic Development related to tourism promotion.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Godshall, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Blaum	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.
Brooks	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappelli	Harhart	Oliver	Thomas
Casorio	Harper	Pallone	Tigue
Cawley	Hasay	Perzel	Trello
Civera	Hennessey	Petrarca	Trich
Clark	Herman	Petrone	Tulli
Clymer	Hershey	Phillips	Turzai
Cohen, L. I.	Hess	Pickett	Vance
Cohen, M.	Horshey	Pippy	Veon
Coleman	Hutchinson	Pistella	Vitali

Cornell	Jadlowiec	Preston	Walko
Corrigan	James	Raymond	Wansacz
Costa	Josephs	Readshaw	Washington
Coy	Kaiser	Reinard	Waters
Creighton	Keller	Rieger	Watson
Cruz	Kenney	Roberts	Williams, J.
Curry	Kirkland	Robinson	Wilt
Dailey	Krebs	Roebuck	Wojnaroski
Daley	LaGrotta	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Levdansky	Rubley	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Mackereth	Santoni	
Donatucci	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker

NAYS—0

NOT VOTING—1

Travaglio

EXCUSED—8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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.

REPORT SUBMITTED

The SPEAKER pro tempore. The Chair acknowledges the receipt of a report from the House Education Committee pursuant to HR 139 of 2001, as adopted by the committee on Tuesday, November 26, 2002.

(Copy of report is on file with the Chief Clerk.)

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Hanna, rise?

Mr. HANNA. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HANNA. On HB 1804 I was recorded in the negative, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

A correction of the record.

The SPEAKER pro tempore. The gentleman is in order.

Mr. KIRKLAND. Mr. Speaker, my button malfunctioned as we were voting on SB 1100. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I would like to correct the record.

On SB 1100 I would like to be counted in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will be at ease.

For the information of the House, we are awaiting the printing of HB 1553. It should be just a little while longer.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Yudichak.

Mr. YUDICHAK. Sorry for the extra work, Mr. Speaker.

I would like to submit my remarks for the record.

The SPEAKER pro tempore. The gentleman will submit his remarks to the clerk. The Chair thanks the gentleman.

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

Mr. Speaker, I rise to make a brief statement urging the Governor to delay for 6 months the collection of a malpractice insurance assessment on Pennsylvania's doctors and health-care providers.

Yesterday Senator Mellow announced that he spoke with Governor Schweiker about the delay – one that will provide immediate help with costs. He indicated the Governor would make a formal announcement on the delay soon. I encourage Governor Schweiker to do this and allow the next Governor to come in and make a full assessment of the crisis situation. This decision will delay payments made by the Medical Care Availability and Reduction of Error Fund. By doing this, doctors can continue to practice while saving the millions of dollars during the first half of 2003.

This delay is not the be-all and end-all. What it will allow right now is for the uninterrupted service to patients while allowing Governor-elect Rendell's task force to develop comprehensive long- and short-term solutions.

Patients must have access to their doctors. For example, pregnant women must be able to see their obstetrician, yet these specialists pay some of the highest insurance costs.

I would urge the Governor to approve the measure so that we can ensure patients have access to their doctors and to affordable health care.

Thank you.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1486, PN 2142**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; providing for State System of Higher Education campus police powers and duties; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. BELFANTI offered the following amendment No. **A6551**:

Amend Title, page 1, line 5, by inserting after “thereto,” ” further providing for mandate waiver program;
Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. Section 1714-B(g) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1714-B. Mandate Waiver Program.—* * *

(g) The following provisions of this act shall not be subject to waiver pursuant to this section: sections 108, 110, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, 510, 513, 518, 527, 701.1, 708, 736, 737, 738, 739, 740, 741, 751, 751.1, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546 and 1547; provisions prohibiting discrimination; Articles VI, XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

* * *

Section 2. Section 2001-A of the act is amended by adding clauses to read:

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting 3

Amend Sec. 3, page 3, line 30, by striking out “3” and inserting 4

Amend Sec. 4, page 4, line 3, by striking out “4” and inserting 5

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

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will temporarily go over the Belfanti amendment.

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

Mr. HALUSKA offered the following amendment No. **A6552**:

Amend Title, page 1, line 5, by inserting after “thereto,” ” providing for firefighter and emergency service training as creditable high school courses; and
Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1550. Firefighter and Emergency Service Training.—(a) Firefighter and emergency service training may be added to high school curricula as credit-earning courses.

(b) The courses may be made available only to students sixteen (16) years of age or older and may include:

(1) Training as a firefighter I from the National Board of Professional Qualifications.

(2) Training as an emergency medical technician by the Department of Health under the act of July 3, 1985 (P.L.164, No.45), known as the “Emergency Medical Services Act.”

(c) If the school district adds firefighter and emergency service training as credit-earning courses, the school district shall provide transportation and supervision for firefighter and emergency service training that takes place off school grounds.

Section 2. Section 2001-A of the act is amended by adding clauses to read:

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting 3

Amend Sec. 3, page 3, line 30, by striking out “3” and inserting 4

Amend Sec. 4, page 4, line 3, by striking out “4” and inserting 5

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

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

Mr. HALUSKA. Thank you, Mr. Speaker.

This is an amendment we have seen before, just allowing emergency services training and basic EMS (emergency medical services) training in high school curriculum.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Blaum	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.
Brooks	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O’Brien	Taylor, J.
Cappelli	Harhart	Oliver	Thomas
Casorio	Harper	Pallone	Tigue
Cawley	Hasay	Perzel	Travaglio
Civera	Hennessey	Petrarca	Trello
Clark	Herman	Petrone	Trich
Clymer	Hershey	Phillips	Tulli
Cohen, L. I.	Hess	Pickett	Turzai
Cohen, M.	Horsey	Pippy	Vance
Coleman	Hutchinson	Pistella	Veon
Cornell	Jadlowiec	Preston	Vitali
Corrigan	James	Raymond	Walko
Costa	Josephs	Readshaw	Wansacz
Coy	Kaiser	Reinard	Washington
Creighton	Keller	Rieger	Waters
Cruz	Kenney	Roberts	Watson
Curry	Kirkland	Robinson	Williams, J.
Dailey	Krebs	Roebuck	Wilt
Daley	LaGrotta	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic

Dermody	Levdansky	Rubley	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Mackereth	Santoni	
Donatucci	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker

NAYS—0

NOT VOTING—1

Wright, G.

EXCUSED—8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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

On the question,

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

Mr. BELFANTI reoffered the following amendment No. **A6551**:

Amend Title, page 1, line 5, by inserting after “thereto,” ” further providing for mandate waiver program;

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. Section 1714-B(g) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1714-B. Mandate Waiver Program.—* * *

(g) The following provisions of this act shall not be subject to waiver pursuant to this section: sections 108, 110, 111, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, 510, 513, 518, 527, 701.1, 708, 736, 737, 738, 739, 740, 741, 751, 751.1, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546 and 1547; provisions prohibiting discrimination; Articles VI, XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

* * *

Section 2. Section 2001-A of the act is amended by adding clauses to read:

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting
3

Amend Sec. 3, page 3, line 30, by striking out “3” and inserting
4

Amend Sec. 4, page 4, line 3, by striking out “4” and inserting
5

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair returns to the gentleman, Mr. Belfanti’s amendment and recognizes the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, this is another bill that would allow for the addition of an amendment to preserve the Separations Act, and I am offering this amendment to do that.

The SPEAKER pro tempore. The Chair recognizes the lady from Chester County, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I urge members to be very leery of this amendment. We have given school districts the option to have a waiver to hire a single contractor rather than a whole variety of contractors. In my district this has saved our taxpayers, our school districts, hundreds of thousands of dollars and it has saved them an enormous amount of time with their construction projects. We really have to help our school districts by allowing them to find ways to save money, and this has been a very effective way.

I urge us to defeat this amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, the majority whip, Mr. Smith.

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

I, likewise, would urge the members to oppose this amendment. I believe that the gentlelady from Chester County indicated the primary reasons and the impact that it would have on our local school districts. So without getting into a prolonged debate, I would urge you to vote “no.”

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. VITALI. I just would like to hear his thoughts on the statements that this would save local school districts money. Could you comment on the impact of cost to local school districts? I come from a suburban school district similar to the Representative from Chester County and money savings is a concern.

Mr. BELFANTI. Mr. Speaker, in response to the gentleman, there has never been a study that, in my opinion, is indicative of any savings whatsoever by ensuring that the heating and plumbing, which is a specialty trade, be bid by a specialty contractor, the electrical be bid by a specialty contractor who has employees who specialize in electrical, and the ventilation, being the other specialty, be bid by a prime contractor whose specialty is ventilation, and finally, the general contractor.

By eliminating the Separations Act on school district projects, I do not believe that there are any savings to be garnered. I do believe that the general contractor may use unskilled workers that are out of his job pool to perform very highly technical, skilled work in schools, and in schools where this has been allowed, you will find the sick school syndrome, and if you have ever had a sick school because of the ventilation in particular, it is far more likely to occur, the sick school syndrome, when you do not have people that are properly trained in a highly skilled, technical construction job and contractors who specialize in exactly those types of trades.

Mr. VITALI. Thank you, Mr. Speaker.

That really answers my question.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

In the private sector, you will have an architect who will design a building; you will have a general contractor who bids it. They bring it in on budget, on time, and they keep it simple. In my school district, Great Valley School District, I received a letter earlier this year that they saved \$900,000 in the refurbishing of one of their elementary schools; that is \$900,000 taxpayers saved.

Now, we have not done anything in special session to deal with the property taxes, but right now if you pass this amendment, you will be increasing property taxes for every taxpayer that has a school district that has construction going on.

So I encourage you, do not fall for this harmless amendment. It is not. This is a significant amendment, and we have a provision now where school districts can seek waivers from mandates. It is the Secretary of Education that approves them based on whether or not there are cost-efficient issues and whether or not it affects the safety and welfare. So we have safeguards in place. This is a very important amendment to defeat, and I urge you to vote “no.”

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne County, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I am wondering from the dialogue of the chairman of the Labor Committee where in any study anywhere have we ever seen that we have saved money through this uniform process. I can tell you, as the vice chairman of the Labor Committee, I have not seen a definitive study that shows that the Separations Act either has cost taxpayers of this Commonwealth more money or, conversely, a study has shown that the other way of bidding this process has saved money, and the red herring in all of this is that we have had no special session movement on property tax reform.

The citizens of this Commonwealth were told very clearly we were going to do something on property tax reform. We are not talking about that right now. We are talking about the Separations Act and the right for people with expertise in our trades to be able to bid separately on contracts so that school districts can have the proper information from the proper experts in the trades that the gentleman from Northumberland so eloquently laid out.

This is not about property tax reform. If we want to do property tax reform, let us open the special session right now and do property tax reform.

So, Mr. Speaker, to wrap this up, sir, the Separations Act is clearly about school districts bidding projects in an efficient way with experts who understand trades. That is what the gentleman’s amendment is, and I am asking the members of this House to support that process.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Union County, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Could I briefly interrogate the maker of the amendment, please?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, are you aware of the fiscal note on your amendment?

Mr. BELFANTI. Yes, Mr. Speaker, I have a fiscal note.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

In the fiscal note it states that according to information obtained from the department, school districts have incurred \$28.4 million in savings as a result of the waivers granted under the provisions which your amendment repeals. Is that an accurate statement?

Mr. BELFANTI. No, Mr. Speaker, it is not. I do not know where they draw numbers out of the air. I, in fact, would take issue with the gentleman, my counterpart, Mr. Flick, on where his school district could claim to save three-quarters of a million dollars unless the project would have been bid both ways – one way, an architect, the general contractor, and the other way, to five individual contractors, each of whom is in a competition with other heating and plumbing or ventilation or electrical contractors. It causes competition. So, in my opinion, those specialty contractors are apt to give a lower price as opposed to a general contractor who is going to shop around those three specialty trades to perform the very highly technical systems within a school project. There are a few things that you cannot— I am sorry; I hope that responds to your question, Mr. Speaker.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

May I make a comment on the amendment?

The SPEAKER pro tempore. The gentleman is in order.

Mr. FAIRCHILD. First of all, it is my understanding that for the school districts to obtain a waiver, that it is their burden to prove that there will be savings that will go back to the school district. I also understand from staff of the Appropriations Committee that the districts have a pretty clear picture and a pretty explanatory document which documents a savings.

I would also like to say that, you know, maybe we have a dichotomy here where school districts and certain politicians – and not referring to you, my friend from Mount Carmel; I am not referring to you – but certain people say that we need to pour more money into the schools, but yet here we have those very schools saying we saved \$28 million under this process. So it seems to me you cannot have it both ways. If you are going to believe your school districts and your school directors who tell you they need more money, perhaps we should believe them when they say this is a program that saves us money, and it saved us \$28 million so far.

I understand what the speaker is saying and perhaps we need to revisit that, but not under this venue. We have got a program, a proven program, that is saving money, and I urge a rejection of this amendment.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, for the second time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the Separations Act has been part of the way the construction of school projects has been done for the last century. There is a very good rationale behind it. You should not have bricklayers and carpenters putting in 440-volt electrical systems or 277-volt or 477-volt three-phase systems into a school where kids are going to be. You should not put them in an environment where the ability of a school to catch fire because of faulty wiring or undersize wiring is being utilized by a general contractor who does not know what he is doing on electrical work, and the same can be said for ventilation systems and for heating and plumbing systems.

Mr. Speaker, this \$28 million is a fictitious number that was drawn out of the air by someone over in L&I (Labor and Industry). Is that \$28-million savings out of the last 280 million dollars' worth of projects, the last 2.8 billion dollars' worth of projects, the last 28 billion dollars' worth of projects? We do not know where they came up with that number. That number is totally fictitious.

The best way I think to handle this, if people have a problem with independent contractors, both union and nonunion, that specialize in certain tasks within a construction project, the best bet, if you want to do away with the system we now have, is require the school districts bid them both ways – bid them with a prime contractor who is responsible for either subcontracting or finding a contractor who will work at less pay so that the general contractor can make a profit both on the general contracting provisions of the job and make a profit on the heating and plumbing and electrical and ventilation. I mean, that is what that is all about. A few contractors, very few contractors in this State, would even dare to undertake a school project, particularly new construction, and think that they have people on their payroll that they can afford to keep on that payroll 52 weeks a year that do not do heating and plumbing work, unless they are fortunate enough to build a new school in a district, which probably occurs every 10 or 15 years. So they do not have those people on their payroll. They are going to go out and shop for people, and if they cannot find qualified people through a contractor whose only job, whose only mission in life, is to specialize in a particular trade and the installation of mechanical devices that are cohesive to that particular trade. It is a safe way of building schools. It protects our kids. It ensures that our parking lots are not full of Mississippi and Alabama license plates. It ensures that Pennsylvania workers, primarily workers who live in close proximity to that school district, have a shot at a job at the school district where they may have been paying taxes for the past 40 or 50 years.

The arguments are ludicrous. The numbers, I do not know where they got them. Appropriations probably got them from Labor and Industry. They made them up; they are just not true. The Separations Act has been very good for Pennsylvania, its workers, and in particular, taxpayers and children, and it should be reinserted as something that cannot be waived. If you wanted to waive it, there was a way of doing it, and I would have worked on that with you to prove that the numbers can be just pulled out of the air. There was a way of doing it. They did not want to do it that way. They just threw the baby out with the bathwater. I am telling you to put the baby back in the tub.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Chester County, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I do not want to belabor this. However, I must respond to some of the remarks made by previous speakers.

In addition to the Great Valley School District that Representative Flick referred to, the Tredyffrin-Easttown School District, which we both share, has documented the savings they have received through the use of the waiver, both through direct savings and indirect savings. Also, they have been able to hire very competent, qualified contractors. What they also found is that contractors bid on their construction projects who normally would not bid on a school project because they had experience of experiencing all kinds of hassles dealing with such a wide variety of subcontractors.

So I think we really have to look at the bottom line on this, and it is working. The construction projects in my district have been on time and on budget, and that is what really matters in terms of taxpayer savings.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—106

Barrar	Frankel	McGeehan	Solobay
Bebko-Jones	Freeman	Melio	Staback
Belardi	Gannon	Michlovic	Stairs
Belfanti	George	Micozzie	Steelman
Blaum	Godshall	Mundy	Stern
Browne	Grucela	Myers	Stetler
Butkovitz	Gruitza	O'Brien	Sturla
Buxton	Habay	Oliver	Surra
Caltagirone	Haluska	Pallone	Tangretti
Casorio	Hanna	Petrarca	Taylor, J.
Cawley	Harhai	Petrone	Thomas
Civera	Horsey	Pippy	Tigue
Cohen, M.	James	Pistella	Travaglio
Corrigan	Josephs	Preston	Trello
Costa	Kaiser	Raymond	Trich
Coy	Keller	Readshaw	Veon
Cruz	Kenney	Rieger	Walko
Curry	Kirkland	Roberts	Wansacz
Daley	LaGrotta	Robinson	Washington
DeLuca	Lederer	Roebuck	Waters
Dermody	Levdansky	Rooney	Williams, J.
DeWeese	Lucyk	Sainato	Wojnaroski
DiGirolamo	Manderino	Samuelson	Wright, G.
Diven	Mann	Santoni	Yewwic
Donatucci	Markosek	Scrimenti	Youngblood
Eachus	Mayernik	Shaner	Yudichak
Evans, D.	McCall		

NAYS—88

Adolph	Egolf	Maher	Scavello
Allen	Evans, J.	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong, G.	Feese	Marsico	Semmel
Armstrong, T.	Fichter	McGill	Smith, B.
Baker, J.	Fleagle	McIlhattan	Smith, S. H.
Baker, M.	Flick	McIlhinney	Steil
Bard	Forcier	McNaughton	Stevenson, R.
Bastian	Gabig	Metcalfe	Stevenson, T.
Benninghoff	Geist	Miller, R.	Strittmatter
Birmelin	Gordner	Miller, S.	Taylor, E. Z.
Boyes	Harhart	Nailor	Tulli

Brooks	Harper	Nickol	Turzai
Bunt	Hasay	Perzel	Vance
Cappelli	Hennessey	Phillips	Vitali
Clark	Herman	Pickett	Watson
Clymer	Hershey	Reinard	Wilt
Cohen, L. I.	Hess	Rohrer	Wright, M.
Coleman	Jadlowiec	Ross	Zug
Cornell	Krebs	Rubley	
Creighton	Leh	Sather	
Dailey	Lewis	Saylor	Ryan,
Dally	Mackereth		Speaker

NOT VOTING—1

Hutchinson

EXCUSED—8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 1486 is over temporarily.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 235, PN 4677**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2863, PN 4720**; and **HB 2910, PN 4739**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILLS 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 818, PN 2440**; and **SB 1179, PN 2441**.

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Readshaw.

Mr. READSHAW. Mr. Speaker, there was a malfunction in my voting machine on SB 253. I wish to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 463, PN 2355**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring the establishment of a mandatory boater education program; and fixing additional fees.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith, for purposes of a motion.

Mr. B. SMITH. Thank you, Mr. Speaker.

This amendment is actually the bill that we voted earlier in the day pertaining to a boat operated exclusively as part of a cavern operation. We voted, I think, 190 to 6 earlier in the day. Due to a technical problem, the bill was reconsidered. We are attaching it to SB 463, if you vote on this amendment favorably. I urge a favorable vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Smith, what is the amendment number? And you are moving to suspend the rules of the House for the consideration of that amendment. Is that correct?

Mr. B. SMITH. I am sorry, Mr. Speaker. Amendment 6771.

The SPEAKER pro tempore. And the gentleman is moving to suspend.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Manderino	Schroder
Allen	Evans, J.	Mann	Schuler
Argall	Fairchild	Markosek	Scrimenti
Armstrong, T.	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayernik	Shaner
Baker, M.	Fleagle	McCall	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gabig	McNaughton	Steelman
Belfanti	Gannon	Melio	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	George	Michlovic	Stetler
Blaum	Godshall	Micozzie	Stevenson, R.
Boyes	Gordner	Miller, R.	Stevenson, T.

Brooks	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappelli	Harhart	Oliver	Thomas
Casorio	Harper	Pallone	Tigue
Cawley	Hasay	Perzel	Travaglio
Civera	Hennessey	Petrarca	Trello
Clark	Herman	Petrone	Trich
Clymer	Hershey	Phillips	Tulli
Cohen, L. I.	Hess	Pickett	Turzai
Cohen, M.	Horsey	Pippy	Vance
Coleman	Hutchinson	Pistella	Veon
Cornell	Jadlowiec	Preston	Vitali
Corrigan	James	Raymond	Walko
Costa	Josephs	Readshaw	Wansacz
Coy	Kaiser	Reinard	Washington
Creighton	Keller	Rieger	Waters
Cruz	Kenney	Roberts	Watson
Curry	Kirkland	Robinson	Wilt
Dailey	Krebs	Roebuck	Wojnaroski
Daley	LaGrotta	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Levdansky	Rublely	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolo	Lucyk	Samuelson	Zug
Diven	Mackereith	Santoni	
Donatucci	Maher	Sather	
Eachus	Maitland	Saylor	Ryan,
Egolf	Major	Scavello	Speaker

NAYS—0

NOT VOTING—2

Armstrong, G. Williams, J.

EXCUSED—8

Bishop Laughlin Lescovitz Ruffing
Colafella Lawless Lynch Zimmerman

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. **B. SMITH** offered the following amendment No. **A6771**:

Amend Title, page 1, line 2, by inserting after "Statutes," further defining "passenger-carrying boat";

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

Section 1. The definition of "passenger-carrying boat" in section 102 of Title 30 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Passenger-carrying boat." Any boat that carries more than six passengers either for hire or as part of a commercial enterprise. The following persons shall not be counted in determining the number of passengers:

(1) The owner or his representative.

(2) The operator and bona fide members of the crew who have contributed no consideration for their carriage and who may be paid for their services.

(3) Any guest on board a boat used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage when there are no other passengers on board who have paid any such consideration and when only the owner or owners of the boat are bearing the costs of operating the boat.

The term shall not include any boat operated exclusively as a part of a cavern operation.

* * *

Section 2. Section 5103 of Title 30 is amended to read:
Amend Sec. 2, page 6, line 8, by striking out "2" and inserting 3

Amend Sec. 3, page 6, line 20, by striking out "3" and inserting 4

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

The SPEAKER pro tempore. The gentleman, Mr. Freeman, this amendment is identical to SB 133, which was passed earlier by the House but had not been considered on second consideration. So it is now being reoffered as an amendment to the existing Senate bill. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—191

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Semmel
Armstrong, T.	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barrar	Forcier	McGill	Staback
Bastian	Frankel	McIlhattan	Stairs
Bebko-Jones	Gabig	McIlhinney	Steelman
Belardi	Gannon	McNaughton	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Blaum	Gordner	Micozzie	Stevenson, T.
Boyes	Grucela	Miller, R.	Strittmatter
Brooks	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Turzai

Cohen, L. I.	Horsey	Pickett	Vance
Cohen, M.	Hutchinson	Pippy	Veon
Coleman	Jadlowiec	Pistella	Vitali
Cornell	James	Preston	Walko
Corrigan	Josephs	Raymond	Wansacz
Costa	Kaiser	Readshaw	Washington
Coy	Keller	Reinard	Waters
Creighton	Kenney	Rieger	Watson
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Lederer	Rohrer	Wright, M.
Dally	Leh	Rooney	Yewcic
DeLuca	Levdansky	Ross	Youngblood
Dermody	Lewis	Rubley	Yudichak
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	Ryan,
Donatucci	Maitland	Saylor	Speaker
Eachus			

NAYS-3

Freeman	Samuelson	Scrimenti
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NOT VOTING-1

Williams, J.

EXCUSED-8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-170

Adolph	Eachus	Manderino	Shaner
Allen	Evans, D.	Mann	Smith, B.
Argall	Evans, J.	Markosek	Smith, S. H.
Armstrong, G.	Fairchild	Marsico	Solobay
Armstrong, T.	Feese	Mayernik	Staback
Baker, J.	Fichter	McCall	Stairs
Bard	Flick	McGeehan	Steelman
Barrar	Frankel	McGill	Steil
Bastian	Freeman	McIlhinney	Stern
Bebko-Jones	Gannon	McNaughton	Stetler
Belardi	Geist	Melio	Stevenson, R.
Belfanti	George	Michlovic	Stevenson, T.
Benninghoff	Godshall	Micozzie	Strittmatter
Blaum	Gordner	Miller, S.	Sturla
Brooks	Grucela	Mundy	Surra

Bunt	Gruitza	Myers	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Perzel	Thomas
Cappelli	Harhai	Petrarca	Tigue
Cawley	Harper	Petrone	Travaglio
Civera	Hennessey	Phillips	Trello
Clark	Herman	Pickett	Trich
Clymer	Hershey	Pippy	Tulli
Cohen, L. I.	Hess	Pistella	Turzai
Cohen, M.	Horsey	Preston	Veon
Coleman	Hutchinson	Raymond	Vitali
Cornell	Jadlowiec	Readshaw	Walko
Corrigan	James	Reinard	Wansacz
Costa	Josephs	Rieger	Washington
Coy	Kaiser	Roberts	Waters
Creighton	Keller	Robinson	Watson
Cruz	Kenney	Roebuck	Williams, J.
Curry	Kirkland	Rohrer	Wojnaroski
Dailey	Krebs	Rooney	Wright, G.
Daley	LaGrotta	Rubley	Wright, M.
Dally	Lederer	Sainato	Yewcic
DeLuca	Leh	Samuelson	Youngblood
Dermody	Levdansky	Santoni	Yudichak
DeWeese	Lewis	Sather	Zug
DiGirolamo	Lucyk	Schroder	
Diven	Maher	Schuler	Ryan,
Donatucci	Major	Semmel	Speaker

NAYS-24

Baker, M.	Fleagle	Maitland	Ross
Birmelin	Forcier	McIlhattan	Saylor
Boyes	Gabig	Metcalfe	Scavello
Browne	Harhart	Miller, R.	Scrimenti
Casorio	Hasay	Nailor	Vance
Egolf	Mackereth	Nickol	Wilt

NOT VOTING-1

Pallone

EXCUSED-8

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman

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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 2863, PN 4720

By Rep. PERZEL

An Act providing for the designation and use of certain State office buildings; and making a repeal.

RULES.

HB 2910, PN 4739

By Rep. PERZEL

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Leon Dwinga and Patricia Dwinga, his wife, certain land situate in the Township of Collier, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Governor, to execute a deed to remove certain restrictions imposed on lands conveyed to Cranberry Township and situate in Cranberry Township, Butler County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District certain lands and building situate in the City of Uniontown, Fayette County; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to the Indiana Fire Association certain lands situate in White Township, Indiana County.

RULES.

SB 818, PN 2440

By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for index calculations; and further providing for six months limitations, for law enforcement records and for deficiency judgments.

RULES.

SB 1179, PN 2441

By Rep. PERZEL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tincum Township certain lands and buildings situate in the Township of Tincum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Greene County certain lands and building situate in Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

RULES.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

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 235, PN 4677

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unauthorized publication of name or likeness; and establishing a right of action.

HB 850, PN 4678

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages.

HB 851, PN 4679

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making repeals; and making editorial changes.

HB 976, PN 4725

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for rape, for involuntary deviate sexual intercourse, for aggravated indecent assault and for reporting criminal injuries; defining "suspected criminal activity" for purposes of wiretapping and electronic surveillance; and further providing for certain exceptions, for order authorizing interception of wire, electronic or oral communications, for application for order and for emergency situations.

HB 1804, PN 4006

An Act providing for pooled trusts for persons with disabilities.

HB 2055, PN 4694

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances; providing for inventory of personal property; authorizing the storage of personal property by elder care facilities; providing for applicability of other laws; and imposing a penalty.

HB 2183, PN 4638

An Act specifically authorizing collective bargaining between first-level supervisors and their public employer; providing for arbitration in order to settle disputes rather than striking; and requiring compliance with collective bargaining agreements and findings of arbitrators.

HB 2190, PN 4681

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "municipality"; further providing for the recycling fee sunset provisions, for Recycling Fund and for awarding of grants; providing for the development of a recycling program plan; and making a repeal.

HB 2445, PN 4722

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals and for drug trafficking sentencing and penalties.

HB 2599, PN 4589

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for definitions, for licensing, for sanctions, for administration, for records, for contracts, for assignments, for insurance, for finance costs, for refinancing, for default, for repossession and redemption, for prohibited charges, for exemptions and for penalties.

HB 2729, PN 4723

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the Department of Community and Economic Development related to tourism promotion.

SB 824, PN 2435

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for definitions, for powers and duties of the Secretary of the Commonwealth; providing for voting standards development board and State plan advisory board; further providing for qualifications of election officers and for vacancies in election boards; providing for the compensation of district election officers; further providing for district boundaries, for manner of signing nomination petitions, for nominations by political bodies, for placing the question on the ballot, for examination and approval of electronic voting systems by the Secretary of the Commonwealth, for experimental use of electronic voting system, for assistance in voting, for applications for official absentee ballots, for duties of common pleas court on days of primaries and elections; providing for creation of new election districts by court, for petitions for new election districts, for reference to county board of elections and report, for petitions by county board and action by court on petition or report, for creation, division, realignment or consolidation of wards in cities of the first class, for alterations after period of restriction, for Title III complaints; further providing for manner of applying to vote, for assistance in voting by certain absentee electors, for canvassing of official absentee ballots and for enforcement; providing for regulatory procedure; and making repeals.

SB 1365, PN 2412

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining "arts council," "eligible entity" and "pecuniary interest"; and further providing for the definitions of "eating place" and "restaurant," for bonds required of members and secretary, for board and enforcement bureau subject to State ethics and adverse interest acts, for wine marketing, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores, for applications for hotel, restaurant and club liquor licenses, for issuance of hotel, restaurant and club liquor licenses, for sales by liquor licensees, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages (excluding manufacturers), for malt and brewed beverages retail licenses, for application for distributors', importing distributors' and retail dispensers' licenses, for prohibitions against the

grant of licenses, for retail dispensers' restrictions on purchases and sales, for hearings upon refusal of licenses, renewals or transfers, for renewal of licenses, for revocation and suspension of licenses, for local option and for exchange of certain licenses; providing for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee; further providing for renewal of amusement permit, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for unlawful advertising, for limited wineries and for business hours.

SB 1515, PN 2399

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of harassment and stalking; and making conforming amendments to Titles 5, 18, 23 and 42.

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

**THE SPEAKER PRO TEMPORE
(BRETT FEESE) PRESIDING**

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Allen, rise?

Mr. ALLEN. Mr. Speaker, I have comments for the official record on HB 2599. I would like to submit them at this time.

The SPEAKER pro tempore. The gentleman will submit his remarks to the clerk.

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

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

The major changes in the Senate amendments to HB 2599 are:

1. Expands the coverage of the act to various types of motor vehicle sales contract and adds definitions of "installment sale contract," "debt cancellation agreement," and "debt suspension agreement."
2. Requires the holder to furnish the buyer with a written notice of repossession when a motor vehicle is repossessed. The notice is to include an itemized statement of the amount required to redeem the motor vehicle by restatement or payment in full; disclose where the vehicle is stored; designate where payment is to be made; state that personal property left in the vehicle shall be held for 30 days; and requires a redeemed vehicle to be returned no later than 10 business days following the receipt of funds.
3. Adds a member of the general public to the commission established by the Joint State Government Commission to study the laws regarding motor vehicle financing.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Gabig, rise?

Mr. GABIG. Thank you, Mr. Speaker.

A point of personal privilege, if I could, since we have this break, just for a second.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GABIG. I would just like to tell my wife, Patty, not to wait for me for dinner, and happy anniversary.

The SPEAKER pro tempore. Happy anniversary to the gentleman and his wife.

STATEMENT BY MR. BENNINGHOFF

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Benninghoff, rise?

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Just for a point of personal privilege as well.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BENNINGHOFF. I thought while we had a little break in the action, it would be only right for us to recognize Larry Johnson, a very accomplished football player from my legislative district in Centre County.

As many of you know, Larry Johnson led the Penn State Nittany Lions in a very tremendous win against Michigan State, 61 to 7. But more importantly, this young man I am very proud of because I like his independence and his ability to persevere even under some tough circumstances at times and do what he thinks is right and to continue to rush as well as he has done. He has truly been a great leader.

Larry Johnson, as you may or may not know, is only the ninth running back in NCAA (National Collegiate Athletic Association) history to ever rush for 2,000 yards. Most of us have been surprised to see a young man accomplish 1,000 yards, but this young man has really been a tremendous leader to his team. His team looks towards him for his leadership ability as well as his compatibility with their quarterback. I think it is just a good example of what some of our young people are doing here in Pennsylvania, and I just wanted to take a moment to recognize him and the coaches of Penn State for their great accomplishment. So congratulations to Larry Johnson, his brother, Tony, and their entire family.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hutchinson.

Mr. HUTCHINSON. May I correct the record?

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

Mr. HUTCHINSON. Mr. Speaker, on SB 1486, amendment A6551, I was not recorded. I wish to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, to correct the record.

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

Mr. CLYMER. My switch was engaged, and I would like to show the record on SB 1365 to be voted in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

For what purpose does the gentleman, Mr. Samuelson, rise?

Mr. SAMUELSON. Thank you, Mr. Speaker.

I just want to know if I could ask any member of the leadership team on either side of the aisle for an approximate schedule for this evening as we continue our deliberations at 5 o'clock on Thanksgiving Eve. It seems like the bills we are voting on get longer, the deliberations get shorter, and the potential for mischief grows greater, and so I want to know if we have any approximate schedule or what kind of bills are we going to be voting on in the next few minutes or—

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair suggests the gentleman contact either Mr. DeWeese or Mr. Perzel. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. KREBS, for the remainder of the day. Without objection, the leave will be granted. The Chair hears no objection.

SUPPLEMENTAL CALENDAR F

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2863, PN 4720**, entitled:

An Act providing for the designation and use of certain State office buildings; and making a repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. DeWeese, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. DeWeese. Will the gentleman suspend.

The House will come to order. Members, please take your seats. Conferences in the aisles will break up.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I will be very brief.

The State Senate just passed unanimously a bill that will name the South Office Building after former Speaker of the House, the Honorable K. Leroy Irvis, and I would like to thank Matt Ryan, the Speaker, and our colleagues in the Republican leadership and rank and file, and especially the Black Caucus of the Pennsylvania General Assembly on both sides of the building.

Mr. Irvis is a man of luminous reputation, redoubtable intellect, indomitable passion, and his career in Harrisburg and in the Capitol Complex is singular, to say the least.

So I would, obviously, ask for an affirmative vote that we name the South Office Building after the Honorable K. Leroy Irvis. The initial language of the proposal had it for the brand-new building that was just constructed, the Keystone Building, but the Senate has decided that the

North Office Building will eventually evolve into a Senate office building and that the South Office Building will be a House office building, and in conjunction with the way they do business in Washington – the Rayburn Building, the Cannon Building, the Longworth Building – this new plan that was developed by our brothers and sisters in the State Senate makes very good sense.

So for all time to come, the South Office Building in the very near future will be rededicated as the K. Leroy Irvis Office Building, and I am pleased that we are having the opportunity in a few moments to make this vote. I am very confident that it will be a unanimous vote on concurrence.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Of course, Mr. Speaker, I am in support.

I would just like to know for the sake of time, could we or any members who want to submit any remarks for the record, could they do that on behalf of this, in support of this?

The SPEAKER pro tempore. Yes. Any member who wishes to submit remarks for the record shall submit those remarks to the clerk.

The Chair thanks the gentleman.

Mr. JAMES. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

Mr. Speaker, I rise to commend our leadership, both the Democratic and Republican leadership, for introducing and shepherding this bill through the legislature.

Thanks to their efforts and with the unanimous support of the membership, the bill is now on its way to the Governor.

Former House Speaker K. Leroy Irvis is a fine individual and he served this House with great dedication and strength. Little did he know when he was first elected to the House that he would rise in the ranks to serve in leadership and not only become the first Speaker of the House of African-American heritage in Pennsylvania but in the United States.

Throughout his tenure in the House of Representatives, Mr. Irvis would make his mark on the Commonwealth through his leadership abilities and his ability to maintain respect for and garner respect from everyone, as well as through his interests in education, civil rights, human services, health, and other worthwhile subjects.

Mr. Irvis was diverse in his experiences. In addition to his job as a legislator, he also was an accomplished poet, artist, and orator.

I am privileged to know Mr. Irvis and have witnessed his many accomplishments. And I am proud that we are recognizing his service and contributions to Pennsylvania by naming the South Office Building after this distinguished individual.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, since the bill had started in State Government and I had already issued remarks, I will be very brief, but I am

very proud to stand here and also, in agreement with the minority leader, ask members to support this legislation that will name the South Office Building the K. Leroy Irvis Office Building. Thank you very much, and this is a good decision.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Fifteen more seconds.

I was terribly remiss in not thanking Paul Clymer. Representative Clymer was the engine behind this, and he made it happen, and I want to doff my hat to Paul Clymer. Thank you, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Manderino	Schroder
Allen	Evans, D.	Mann	Schuler
Argall	Evans, J.	Markosek	Scrimenti
Armstrong, G.	Fairchild	Marsico	Semmel
Armstrong, T.	Feese	Mayernik	Shaner
Baker, J.	Fichter	McCall	Smith, B.
Baker, M.	Fleagle	McGeehan	Smith, S. H.
Bard	Flick	McGill	Solobay
Barrar	Forcier	McIlhattan	Staback
Bastian	Frankel	McIlhinney	Stairs
Bebko-Jones	Freeman	McNaughton	Steelman
Belardi	Gabig	Melio	Steil
Belfanti	Gannon	Metcalfe	Stern
Benninghoff	Geist	Michlovic	Stetler
Birmelin	George	Micozzie	Stevenson, R.
Blaum	Godshall	Miller, R.	Stevenson, T.
Boyes	Gordner	Miller, S.	Strittmatter
Brooks	Grucela	Mundy	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Habay	Nailor	Tangretti
Butkovitz	Haluska	Nickol	Taylor, E. Z.
Buxton	Hanna	O'Brien	Taylor, J.
Caltagirone	Harhai	Oliver	Thomas
Cappelli	Harhart	Pallone	Tigue
Casorio	Harper	Perzel	Travaglio
Cawley	Hasay	Petrarca	Trello
Civera	Hennessey	Petrone	Trich
Clark	Herman	Phillips	Tulli
Clymer	Hershey	Pickett	Turzai
Cohen, L. I.	Hess	Pippy	Vance
Cohen, M.	Horsey	Pistella	Veon
Coleman	Hutchinson	Preston	Vitali
Cornell	Jadlowiec	Raymond	Walko
Corrigan	James	Readshaw	Wansacz
Costa	Josephs	Reinard	Washington
Coy	Kaiser	Rieger	Waters
Creighton	Keller	Roberts	Watson
Cruz	Kenney	Robinson	Williams, J.
Curry	Kirkland	Roebuck	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Levdansky	Rubley	Yewcic
Dermody	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	

Donatucci	Maitland	Saylor	Ryan,
Eachus	Major	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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 E

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1553, PN 4745**, as further amended by the House Rules Committee:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and for notice of change of name or address; requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handhold on motorcycles, for driving under the influence of alcohol or controlled substance and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

On the question,

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Civera, that the House concur in the amendments.

The Chair recognizes the gentleman, Mr. Wilt.

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

Is there a knowledgeable person that could stand for a brief interrogation on the amendments that were offered in Rules Committee, knowledgeable being the relative term for the purpose of debate, Mr. Speaker?

Mr. Speaker, could you turn this mike off, please.

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

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Godshall, rise?

Mr. GODSHALL. Mr. Speaker, while we are at ease, can I make a correction of the record, please?

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

Mr. GODSHALL. On amendment 6551 to SB 1486, I was recorded in the affirmative. I would like to be recorded in the negative. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record. The Chair thanks the gentleman.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 591, PN 4715; HB 731, PN 4716; HB 878, PN 4708; and HB 1945, PN 4709**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Miller, rise?

Mr. MILLER. To correct the record.

The SPEAKER pro tempore. The gentleman is in order.

Mr. MILLER. On HB 2183 I was recorded in the positive. I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 1553 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The House will go over HB 1553 temporarily.

SUPPLEMENTAL CALENDAR F CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2910, PN 4739**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Leon Dwinga and Patricia Dwinga, his wife, certain land situate in the Township of Collier, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Governor, to execute a deed to remove certain restrictions imposed on lands conveyed to Cranberry Township and situate in Cranberry Township, Butler County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District certain lands and

building situate in the City of Uniontown, Fayette County; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to the Indiana Fire Association certain lands situate in White Township, Indiana County.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Pippy, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Egolf	Manderino	Schroder
Allen	Evans, D.	Mann	Schuler
Argall	Evans, J.	Markosek	Scrimenti
Armstrong, G.	Fairchild	Marsico	Semmel
Armstrong, T.	Feese	Mayermik	Shaner
Baker, J.	Fichter	McCall	Smith, B.
Baker, M.	Fleagle	McGeehan	Smith, S. H.
Bard	Flick	McGill	Solobay
Barrar	Forcier	McIlhattan	Staback
Bastian	Frankel	McIlhinney	Stairs
Bebko-Jones	Freeman	McNaughton	Steelman
Belardi	Gabig	Melio	Steil
Belfanti	Gannon	Metcalfe	Stern
Benninghoff	Geist	Michlovic	Stetler
Birmelin	George	Micozzie	Stevenson, R.
Blaum	Godshall	Miller, R.	Stevenson, T.
Boyes	Gordner	Miller, S.	Strittmatter
Brooks	Grucela	Mundy	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Habay	Nailor	Tangretti
Butkovitz	Haluska	Nickol	Taylor, E. Z.
Buxton	Hanna	O'Brien	Taylor, J.
Caltagirone	Harhai	Oliver	Thomas
Cappelli	Harhart	Pallone	Tigue
Casorio	Harper	Perzel	Trello
Cawley	Hasay	Petrarca	Trich
Civera	Hennessey	Petrone	Tulli
Clark	Herman	Phillips	Turzai
Clymer	Hershey	Pickett	Vance
Cohen, L. I.	Hess	Pippy	Veon
Cohen, M.	Horsy	Pistella	Vitali
Coleman	Hutchinson	Preston	Walko
Cornell	Jadlowiec	Raymond	Wansacz
Corrigan	James	Readshaw	Washington
Costa	Josephs	Reinard	Waters
Coy	Kaiser	Rieger	Watson
Creighton	Keller	Roberts	Williams, J.
Cruz	Kenney	Robinson	Wilt
Curry	Kirkland	Roebuck	Wojnaroski
Dailey	LaGrotta	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Levdansky	Rubley	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lueyk	Samuelson	Zug
DiGirolamo	Mackereth	Santoni	

Diven	Maher	Sather	
Donatucci	Maitland	Saylor	Ryan,
Eachus	Major	Scavello	Speaker

NAYS—0

NOT VOTING—1

Travaglio

EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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 E CONTINUED

CONSIDERATION OF HB 1553 CONTINUED

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1553, PN 4745, be recommitted to the Committee on Rules.

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

SUPPLEMENTAL CALENDAR F 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 1179, PN 2441**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tinicum Township certain lands and buildings situate in the Township of Tinicum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Greene County

certain lands and building situate in Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. For the information of the House, on supplemental calendar F this bill is listed as SB 1189. That is a misprint; it is 1179, and another supplemental calendar is being issued.

The question recurs, will the House concur in the amendments inserted by the Senate to House amendments?

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

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

SB 1179 went through the Rules Committee about 29 minutes ago, just at 5 o'clock, and there were amendments in the Rules Committee. I am wondering if anybody could describe what the Rules Committee added to SB 1179. The legislation is not available on the computer.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the bill is now correctly referred to on supplemental calendar G as SB 1179.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves for an immediate meeting of the Rules Committee at the majority leader's desk.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 878, PN 4708

By Rep. PERZEL

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

RULES.

HB 1945, PN 4709

By Rep. PERZEL

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

RULES.

SUPPLEMENTAL CALENDAR G

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1179, PN 2441**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tincicum Township certain lands and buildings situate in the Township of Tincicum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Greene County certain lands and building situate in Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, for purposes of an explanation of the amendments made in Rules Committee to SB 1179.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding there were no changes in Rules. These were the changes that were made in the Senate, and what it was, there were five land conveyances that took place in Tincicum Township, which is in Delaware County; in Liberty Township, which is in Bedford County—

The SPEAKER pro tempore. The gentleman, Mr. Clymer, would you please come to the rostrum.

(Conference held at Speaker's podium.)

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 591, PN 4715

By Rep. PERZEL

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation, and for ineligibility of incarcerated employees.

RULES.

HB 731, PN 4716

By Rep. PERZEL

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

RULES.

CONSIDERATION OF SB 1179 CONTINUED

The SPEAKER pro tempore. The Chair returns to supplemental calendar G, SB 1179, PN 2441, and recognizes the gentleman, Mr. Clymer, for an explanation of the bill and amendments.

Mr. CLYMER. Thank you, Mr. Speaker.

I have had the sidebar, but let me just go very quickly again over those conveyances. There are five land transfers here – in Tinicum Township, Delaware County; in Liberty Township, Bedford County; Pottstown Borough, Montgomery County; Jefferson Township, Greene County; and the city of Sunbury in Northumberland County. Those are land transfers. The conveyances are \$1, some at fair market value, and they will be used by those historical societies accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you for the explanation. I appreciate that.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is another bill, Mr. Speaker, that came to us without going through the committee process. It would have been my committee. I think this process, as I have said before and I will say it again but very, very briefly, demeans us as elected officials and individuals. It is disrespectful to the institution. It puts aside the wishes of the taxpayers and citizens and voters.

I feel as chair of this committee for the Democrats, I cannot vote for a bill where the procedure is so wrongheaded. I am going to vote “no,” and that is my explanation why.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—192

Adolph	Evans, D.	Markosek	Schuler
Allen	Evans, J.	Marsico	Scrimenti
Argall	Fairchild	Mayernik	Semmel
Armstrong, G.	Feese	McCall	Shaner
Armstrong, T.	Fichter	McGeehan	Smith, B.
Baker, J.	Fleagle	McGill	Smith, S. H.
Baker, M.	Flick	McIlhattan	Solobay
Bard	Forcier	McIlhinney	Staback
Barrar	Frankel	McNaughton	Stairs
Bastian	Freeman	Melio	Steelman
Bebko-Jones	Gabig	Metcalfe	Steil
Belardi	Gannon	Michlovic	Stern
Belfanti	Geist	Micozzie	Stetler
Benninghoff	George	Miller, R.	Stevenson, R.
Birmelin	Godshall	Miller, S.	Stevenson, T.
Blaum	Gordner	Mundy	Strittmatter
Boyes	Grucela	Myers	Sturla
Brooks	Gruitza	Nailor	Surra
Browne	Habay	Nickol	Tangretti
Bunt	Haluska	O'Brien	Taylor, E. Z.
Butkovitz	Hanna	Oliver	Taylor, J.
Buxton	Harhai	Pallone	Thomas
Caltagirone	Harhart	Perzel	Tigue
Cappelli	Harper	Petrarca	Travaglio
Casorio	Hasay	Petrone	Trello
Cawley	Hennessey	Phillips	Trich
Civera	Herman	Pickett	Tulli
Clark	Hershey	Pippy	Turzai
Clymer	Hess	Pistella	Vance
Cohen, L. I.	Horsey	Preston	Veon
Cohen, M.	Hutchinson	Raymond	Vitali
Coleman	Jadlowiec	Readshaw	Walko
Cornell	James	Reinard	Wansacz
Corrigan	Kaiser	Rieger	Washington
Costa	Keller	Roberts	Waters
Coy	Kenney	Robinson	Watson
Creighton	Kirkland	Roebuck	Williams, J.
Cruz	LaGrotta	Rohrer	Wilt
Dailey	Lederer	Rooney	Wojnaroski
Daley	Leh	Ross	Wright, G.
Dally	Levdansky	Rubley	Wright, M.
DeLuca	Lewis	Sainato	Yewcic
Dermody	Lucyk	Samuelson	Youngblood
DeWeese	Mackereth	Santoni	Yudichak
DiGirolamo	Maher	Sather	Zug
Diven	Maitland	Saylor	
Donatucci	Major	Scavello	
Eachus	Manderino	Schroder	Ryan,
Egolf	Mann		Speaker

NAYS—2

Curry Josephs

NOT VOTING—0

EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1421, PN 2382**, entitled:

An Act protecting the free exercise of religion; and prescribing the conditions under which government may substantially burden a person's free exercise of religion.

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

Mr. **ROEBUCK** offered the following amendment No. **A6257**:

Amend Sec. 3, page 3, line 13, by inserting after "religion."
This paragraph does not include failure to authorize or appropriate money raised by taxation.

Amend Sec. 7, page 7, line 27, by inserting after "SERVICES."
Nothing in this act shall be construed to authorize the expenditure of or to appropriate funds of the Commonwealth or a political subdivision for any purpose.

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

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will temporarily go over amendment A6257.

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

Ms. **JOSEPHS** offered the following amendment No. **A6310**:

Amend Sec. 4, page 3, line 23, by inserting after "is"
in furtherance of the protection of public health or safety or

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs. Will the lady suspend.

Ms. JOSEPHS. Certainly.

The SPEAKER pro tempore. The House will come to order. Members will please take their seats. Conferences will please break up.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. The lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I wonder if we might pass over this amendment and consider amendment 6327.

The SPEAKER pro tempore. Is the lady withdrawing amendment A6310?

Ms. JOSEPHS. Temporarily.

I am sorry; 6394.

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

Ms. **JOSEPHS** offered the following amendment No. **A6394**:

Amend Sec. 6, page 7, lines 15 and 16, by striking out all of said lines and inserting

(7) Any provision of law relating to protection from abuse, including, but not limited to:

(i) The act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.

(ii) 23 Pa.C.S. Ch. 63 (relating to child protective services).

(iii) 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

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

The SPEAKER pro tempore. The lady, Ms. Josephs, is recognized on amendment A6394.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment makes it clear that any law relating to protection from abuse, including but not limited to the Child Protective Services Law, the Older Adults Protective Services Act, and the Protection From Abuse Law, are exempt from SB 1421, the Religious Freedom Protection Act.

This bill could make protecting our citizens who are vulnerable – children, older people, survivors and victims of domestic violence – much more vulnerable to abuse than they are today. Under the bill as it is before us now, only provisions relating to the reporting of abuse are exempt from the act. That means in group homes, personal care boarding homes, many places that might be run by religious groups, there might not be, without this amendment, requirements regarding child abuse and criminal background checks for employees, particularly in child-care and elder-care programs.

I believe we are undermining our existing protective service laws if we only limit the language of the exceptions to the reporting of abuse and not to any other aspect of these comprehensive laws such as requirements relating to cooperation with investigations involving suspected abuse or defining what actually constitutes abuse, whether it be of children or elderly people or survivors or victims of domestic abuse.

We are on record here as a General Assembly, and I believe properly so, in extending the full force of the law to protect these vulnerable people, and I do not believe that under this bill we ought to be weakening those protections.

I urge an affirmative vote, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I would ask the body to reject the proposed amendment.

This particular bill, SB 1421, the Religious Freedom Protection Act, which was introduced in the Senate by Senators Jubelirer and Mellow and here in the House by Representatives Veon and Smith, essentially attempts to follow a Federal bill introduced by Senators Kennedy and Hatch that protects the exercise of religion that is set forth in the First Amendment, and it does so by saying that if there is a burden on religious practice and belief, that there has to be a compelling governmental interest and it has to be narrowly drawn. There are exceptions, however, that are set forth in SB 1421 whereby this level of protection, whereby this level of protection that is set forth in the proposed statute itself, is inapplicable to. One of those exceptions is written as laws requiring the reporting of abuse. That draft of the exception set forth in the statute is actually broader than what is presented by this amendment and in fact covers what is provided by this amendment. Thus, this amendment is completely unnecessary and superfluous.

Therefore, I would ask that this lobby reject the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Mr. Clymer. The gentleman, Mr. Clymer, is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker really set in tone and in parameters the reasons why we should defeat this amendment. This is the Religious Freedom Protection Act, one that would be of interest to all members, I am sure, and I would ask for a "no" vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise also to oppose the amendment. It is not necessary. If people understood exactly what this bill does, even the exceptions that have been put in are superfluous. This bill was crafted by two distinguished leaders on a bipartisan basis in the Senate, and the same occurred here in the House.

I suggest we defeat the amendment and pass the bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Josephs, for the second time on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I actually am sorry that something was said on the record that I have to correct, because I really did not want to talk any more at this hour. But the Federal religious freedom, they call it the Religious Freedom Restoration Act, which was referenced by the gentleman from Allegheny, I believe, was declared unconstitutional by the Supreme Court, and Justice Kennedy, hardly a flaming liberal, wrote the opinion. He said the Restoration Act was a "...considerable congressional intrusion into the States' traditional prerogatives and general authority to regulate for the health and welfare of their citizens..." In the

opinion of the court, the substantial costs that the Religious Freedom Restoration Act exacts both in practical terms of imposing a heavy litigation burden on the States and in terms of curtailing their traditional general regulatory power far exceeds any pattern or practice of unconstitutional conduct under the free exercise clause of the U.S. Constitution. So any of the references that are made to the Federal law seems to me are not on point in this argument, because I believe that our State law, like a few other State laws, will be struck down by the same or our own courts as soon as we try to get it implemented.

So I wanted to make a comment about the investigation part that concerns me very much. Part of what is happening in a situation that all of us are aware of in which an institution has protected its own skin rather than the people who trust it is that there has been no or little or not as much investigation of abuse as we ought to demand as representatives of the people and to which the people look for protection. Investigation, cooperation by the agency, is tantamount to justice, and I contend my amendment is very necessary in order to protect vulnerable, weak, and powerless people.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Beaver County, Mr. Veon. The gentleman waives off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—37

Casorio	George	Oliver	Stetler
Cohen, L. I.	James	Pallone	Sturla
Cohen, M.	Josephs	Pistella	Thomas
Costa	Kaiser	Preston	Trich
Cruz	LaGrotta	Roberts	Vitali
Curry	Levdansky	Robinson	Washington
Dermody	Manderino	Roebuck	Waters
Diven	Mundy	Ross	Wright, G.
Frankel	Myers	Steelman	Youngblood
Freeman			

NAYS—156

Adolph	Eachus	Major	Schroder
Allen	Egolf	Mann	Schuler
Argall	Evans, D.	Markosek	Scriminti
Armstrong, G.	Evans, J.	Marsico	Semmel
Armstrong, T.	Fairchild	Mayernik	Shaner
Baker, J.	Feese	McCall	Smith, B.
Baker, M.	Fichter	McGeehan	Smith, S. H.
Bard	Fleagle	McGill	Solobay
Barrar	Flick	McIlhattan	Staback
Bastian	Forcier	McIlhinney	Stairs
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stevenson, R.
Benninghoff	Godshall	Michlovic	Stevenson, T.
Birmelin	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Surra
Boyes	Gruitza	Miller, S.	Tangretti
Brooks	Habay	Nailor	Taylor, E. Z.
Browne	Haluska	Nickol	Taylor, J.
Bunt	Hanna	O'Brien	Tigue
Butkovitz	Harhai	Perzel	Travaglio
Buxton	Harhart	Petrarca	Trello
Caltagirone	Harper	Petrone	Tulli
Cappelli	Hasay	Phillips	Turzai

Cawley	Hennessey	Pickett	Vance
Civera	Herman	Pippy	Veon
Clark	Hershey	Raymond	Walko
Clymer	Hess	Readshaw	Wansacz
Coleman	Horsey	Reinard	Watson
Cornell	Hutchinson	Rieger	Williams, J.
Corrigan	Jadlowiec	Rohrer	Wilt
Coy	Keller	Rooney	Wojnaroski
Creighton	Kenney	Rubley	Wright, M.
Dailey	Lederer	Sainato	Yewcic
Daley	Leh	Samuelson	Yudichak
Dally	Lewis	Santoni	Zug
DeLuca	Lucyk	Sather	
DeWeese	Mackereth	Saylor	
DiGirolamo	Maher	Scavello	Ryan,
Donatucci	Maitland		Speaker

NOT VOTING—1

Kirkland

EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, who offers the following amendment, which the clerk will read.

Ms. JOSEPHS. Thank you.

The SPEAKER pro tempore. The lady, Ms. Josephs, which amendment do you prefer to offer next?

Ms. JOSEPHS. 6328, please.

The SPEAKER pro tempore. The clerk will read amendment 6328.

On the question recurring,

Will the House agree to the bill on third consideration?

Ms. JOSEPHS offered the following amendment No. **A6328**:

Amend Sec. 6, page 7, lines 4 and 5, by striking out “prevents the endangerment of” and inserting
promotes

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment makes important changes in the bill that are not so different from my previous advocacy. The bill states that the Public Welfare Code— Mr. Speaker, could I have some order, please?

The SPEAKER pro tempore. The lady is correct. Members will please take their seats. Will the House please come to order.

The lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The bill as it is before us states that the Public Welfare Code is exempted from its provisions only insofar as it “...prevents the endangerment of the health or safety of individuals in facilities which are licensed or supervised under the Public Welfare Code,” and I would like to remind you – I am sure you know – that these programs include day-care centers, family day homes, personal-care homes for the elderly, programs serving individuals with mental illness and mental retardation, residential programs for children and youth, foster-care services, adoption services, and early intervention programs for the very youngest of children with disabilities.

The problem with the bill, the language that I am trying to cure, is that it establishes a very high threshold for exemption. Basically, only when there is an imminent risk of the individual’s life being severely threatened or harmed are we exempting these programs, services, and facilities from the Religious Freedom Protection Act. My amendment reduces that standard. It allows the Department of Public Welfare to intervene and protect individuals – again, very vulnerable individuals – in order to promote the health or safety of those individuals who are in the facilities that are licensed by the Department of Public Welfare.

I believe we should keep in place the protections we have for these people, and I ask your support for this amendment.

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

Mr. TURZAI. Thank you, Mr. Speaker.

I would ask this body to reject the amendment 6328 that is proposed. A few clarifying points.

I believe it is a misstatement that the Federal statute was in fact declared unconstitutional. The Federal statute was declared applicable to Federal actions, meaning Federal legislation, but to the extent that it tried to apply to local or State legislation, it was held inapplicable, which is the reason that the statute is proposed by its sponsors in the Senate and the House in State legislation like 11 other States have done.

Secondly, the exceptions to the protections outlined in the legislation include crimes designated as felonies or misdemeanors and all substance abuse offenses, and also includes any provision of the Public Welfare Code which prevents the endangerment of the health or safety of individuals in facilities which are licensed or supervised under the Public Welfare Code, and it also exempts those known as the Health Care Facilities Act, which requires the safe construction or operation of licensed health-care facilities.

Again, this amendment is redundant, superfluous, unnecessary, and I ask for a “no” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Again, the arguments in opposition to this amendment have been properly stated, and I, too, would ask for a “no” vote on amendment 6328.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Once again to rise in opposition to the amendment. As the previous speaker said, it is unnecessary. The bill does not threaten these items, and let us defeat the amendment and pass the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I want to reluctantly but definitively stand and ask for opposition to the Josephs amendment. As she had in her previous amendment, I think she has some valid points to this bill. I think this amendment has some valid points. But I would like to remind the members here that we have introduced a companion bill, Representative Sam Smith and myself, on this very subject, cosponsored by many members, Democrats and Republicans here, and the reality is that we are at that point in our legislative process where we do not have the ability to wait for the perfect instead of the good, or even in this case, to try to work for the better rather than the good. This is a good bill – not perfect; it could be better – but it is a good bill. We ought to pass it here today. If this amendment or any amendments are put into this bill, of course, the bill will essentially be dead for this legislative session and have to start over.

It is a good bill; it deserves to be signed into law, so I want to reluctantly but strongly ask for a negative vote on the Josephs amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–28

Cohen, L. I.	James	Myers	Stetler
Cohen, M.	Josephs	Oliver	Sturla
Cruz	Kaiser	Pallone	Thomas
Curry	LaGrotta	Preston	Trich
Dermody	Manderino	Robinson	Vitali
Frankel	Michlovic	Roebuck	Washington
Freeman	Mundy	Steelman	Youngblood

NAYS–165

Adolph	Donatucci	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Mann	Scrimenti
Armstrong, G.	Evans, D.	Markosek	Semmel
Armstrong, T.	Evans, J.	Marsico	Shaner
Baker, J.	Fairchild	Mayernik	Smith, B.
Baker, M.	Feese	McCall	Smith, S. H.
Bard	Fichter	McGeehan	Solobay
Barrar	Fleagle	McGill	Staback
Bastian	Flick	McIlhattan	Stairs
Bebko-Jones	Forcier	McIlhinney	Steil
Belardi	Gabig	McNaughton	Stern
Belfanti	Gannon	Melio	Stevenson, R.
Benninghoff	Geist	Metcalfe	Stevenson, T.
Birmelin	George	Micozzie	Strittmatter
Blaum	Godshall	Miller, R.	Surra
Boyes	Gordner	Miller, S.	Tangretti
Brooks	Grucela	Nailor	Taylor, E. Z.
Browne	Gruitza	Nickol	Taylor, J.
Bunt	Habay	O'Brien	Tigue
Butkovitz	Haluska	Perzel	Travaglio
Buxton	Hanna	Petrarca	Trello

Caltagirone	Harhai	Petrone	Tulli
Cappelli	Harhart	Phillips	Turzai
Casorio	Harper	Pickett	Vance
Cawley	Hasay	Pippy	Veon
Civera	Hennessey	Pistella	Walko
Clark	Herman	Raymond	Wansacz
Clymer	Hershey	Readshaw	Waters
Coleman	Hess	Reinard	Watson
Cornell	Horsey	Rieger	Williams, J.
Corrigan	Hutchinson	Roberts	Wilt
Costa	Jadlowiec	Rohrer	Wojnaroski
Coy	Keller	Rooney	Wright, G.
Creighton	Kenney	Ross	Wright, M.
Dailey	Lederer	Rubley	Yewcic
Daley	Leh	Sainato	Yudichak
Dally	Levdansky	Samuelson	Zug
DeLuca	Lewis	Santoni	
DeWeese	Lucyk	Sather	
DiGirolamo	Mackereth	Saylor	Ryan,
Diven	Maher	Scavello	Speaker

NOT VOTING–1

Kirkland

EXCUSED–9

Bishop	Laughlin	Lescovitz	Ruffing
Colafrella	Lawless	Lynch	Zimmerman
Krebs			

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

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. Does the lady, Ms. Josephs, have another amendment she wishes to offer?

Ms. JOSEPHS. One more.

The SPEAKER pro tempore. And that is amendment, which number?

Ms. JOSEPHS. 6311.

The SPEAKER pro tempore. The clerk will read amendment 6311.

On the question recurring,

Will the House agree to the bill on third consideration?

Ms. JOSEPHS offered the following amendment No. **A6311**:

Amend Bill, page 7, by inserting between lines 16 and 17 Section 7. Civil rights.

(a) No defense to civil action or criminal prosecution.—Except as provided in subsection (b), this act does not establish or eliminate a defense to a civil action or criminal prosecution under a Federal, State or local civil rights law.

(b) Other applicability.—This act is fully applicable to claims regarding the employment, education or volunteering of those who perform duties, such as spreading or teaching faith, performing devotional services or internal governance, for a person.

Amend Sec. 7, page 7, line 17, by striking out “7” and inserting 8

Amend Sec. 8, page 7, line 28, by striking out “8” and inserting 9

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you.

This amendment would prevent the Religious Freedom Protection Act from becoming the freedom-to-discriminate act. The amendment makes it clear that the Religious Freedom Protection Act will not be asserted as a defense in a civil rights action.

Now, I know there is inattention here, but to me, these are two really important sentences: Nothing in this amendment will change or weaken a religious institution's ability to hire a clergy person of its choosing. That is not what I want to do. I have always protected religious institutions' rights to do that. And nothing in this amendment will stop a religious institution from using religion as a hiring criteria. Hypothetically, an institution run by and staffed by religion A can hire everybody who is from religion A and never hire anybody who is not, and that is proper. What this amendment does is to prevent the legal sanctioning of bigoted actions by those who would claim that discrimination is justified by their religion.

The language in my amendment is based on civil rights language found in the Texas – again, not your flaming liberal State – the Texas Religious Freedom Restoration Act. The law was signed by then Governor Bush, and I want to read a little bit of what the sponsor, one of our Texas colleagues, a man named Scott Hochberg, said about his language.

He said, I believe my language, which is the same as which is before you in this amendment, "...strengthens religious freedom in Texas," as it will in Pennsylvania, "without weakening other fundamental individual rights...."

"Early on," Representative Hochberg said, "I saw that the model...(Religious Freedom Restoration Act) language left open a possibility that the act could be used to get around Texas' civil rights laws. That concern was first raised by the...(American Jewish Committee), and then later by the...(Anti-Defamation League)...."

"Clearly, the intended purpose of this bill" and of our bill "was not to weaken civil rights laws. When Gov. Bush talked about the need for..." this act, "he cited examples, including the skullcap situation, where..." the act "could be used to help protect a person's religious practice from government interference. None of the examples were about giving any individual the right to deny..." any other individual's "equal protection rights...."

Hochberg goes on to say, "I wanted to pass a strong..." Freedom Restoration Act "in Texas, but not one that would rewrite Texas civil rights laws. So I added language clarifying that...."

"But later some...coalition members," supporters of the Religious Freedom Restoration Act, "argued that to completely move civil rights out from under..." the act "might imply that even a religious organization could not use religion...in hiring – an exemption that is included in our state labor code" – and in ours – "as well as in federal law.

"So coalition members helped craft language to apply..." the Religious Freedom Restoration Act "to the special circumstances of religious organizations, while continuing to

leave the task of balancing religious and equal...rights to the courts." Language was unanimously adopted in a bipartisan way and signed by then Governor George W. Bush.

SB 1421 does not provide a clear exemption for civil rights. Legislation introduced a few years ago in Congress, which we have talked about, similarly failed to explicitly protect civil rights. As a result, numerous civil rights and religious organizations ultimately opposed the Federal legislation. These groups included the United Church of Christ, Episcopal Church, Union of American Hebrew Congregations, Friends Committee on National Legislation, Evangelical Lutheran Church in America, United Synagogues of Conservative Judaism, Consortium for Citizens with Disabilities, Mexican American Legal Defense and Education Fund, the NAACP (National Association for the Advancement of Colored People), the National Fair Housing Alliance, and the National Women's Law Center.

I am sorry that we are doing this at this time, but, Mr. Speaker, I do not control the traffic on the floor, and I assure you that if I did, we would not be here arguing these very, very important points at a time when even the person who is standing up here and speaking is feeling very, very impatient.

I ask for support for my amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. I would ask that the members reject this amendment. The amendment fails to recognize that the practice of one's religion is a civil right, too, and that there needs to be a balancing of civil rights, not having other civil rights always trump the freedom to practice one's religion.

As my good friend, Kelly Lewis, said, just oppose the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Manderino. The lady waives off.

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I, too, ask for a "no" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, for the second time.

Ms. JOSEPHS. I hope that there is no religion in our fair State here that would discriminate against anybody on the basis of race, ethnicity, gender, or any one of those inherent characteristics. I fear that what the gentleman from Allegheny just told us was that that was not true. I do not believe it. I just want to make it clear, if you belong to religion A, you can hire only people who belong to religion A, but you may not discriminate between two employees on the basis of race because you are religion A. That has always been our stand in this country. That is what our Constitution does. That is what we ought to support, Constitution of this country and of this State, and not some bill that comes to us at the last moment, having never had a hearing, no public input.

Please help me support our civil rights law in this State and support this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.
 Again, this amendment is unnecessary. The bill does not permit that discrimination, and I ask that the amendment be defeated and that the bill be adopted.

**THE SPEAKER (MATTHEW J. RYAN)
 PRESIDING**

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

The following roll call was recorded:

YEAS—27

Cohen, L. I.	Josephs	Pallone	Sturla
Cohen, M.	LaGrotta	Preston	Thomas
Curry	Manderino	Robinson	Trich
Dermody	Michlovic	Roebuck	Vance
Frankel	Myers	Ross	Vitali
Freeman	Nickol	Steelman	Washington
James	Oliver	Stetler	

NAYS—166

Adolph	Diven	Mackereth	Scavello
Allen	Donatucci	Maher	Schroder
Argall	Eachus	Maitland	Schuler
Armstrong, G.	Egolf	Major	Scrimenti
Armstrong, T.	Evans, D.	Mann	Semmel
Baker, J.	Evans, J.	Markosek	Shaner
Baker, M.	Fairchild	Marsico	Smith, B.
Bard	Feese	Mayernik	Smith, S. H.
Barrar	Fichter	McCall	Solobay
Bastian	Fleagle	McGeehan	Staback
Bebko-Jones	Flick	McGill	Stairs
Belardi	Forcier	McIlhattan	Steil
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stevenson, R.
Birmelin	Geist	Melio	Stevenson, T.
Blaum	George	Metcalfe	Strittmatter
Boyes	Godshall	Micozzie	Surra
Brooks	Gordner	Miller, R.	Tangretti
Browne	Grucela	Miller, S.	Taylor, E. Z.
Bunt	Gruitza	Mundy	Taylor, J.
Butkovitz	Habay	Nailor	Tigue
Buxton	Haluska	O'Brien	Travaglio
Caltagirone	Hanna	Perzel	Trello
Cappelli	Harhai	Petrarca	Tulli
Casorio	Harhart	Petrone	Turzai
Cawley	Harper	Phillips	Veon
Civera	Hasay	Pickett	Walko
Clark	Hennessey	Pippy	Wansacz
Clymer	Herman	Pistella	Waters
Coleman	Hershey	Raymond	Watson
Cornell	Hess	Readshaw	Williams, J.
Corrigan	Horsey	Reinard	Wilt
Costa	Hutchinson	Rieger	Wojnaroski
Coy	Jadlowiec	Roberts	Wright, G.
Creighton	Kaiser	Rohrer	Wright, M.
Cruz	Keller	Rooney	Yewcic
Dailey	Kenney	Rubley	Youngblood
Daley	Lederer	Sainato	Yudichak
Dally	Leh	Samuelson	Zug
DeLuca	Levdansky	Santoni	
DeWeese	Lewis	Sather	
DiGirolamo	Lueyk	Saylor	

NOT VOTING—1

Kirkland

EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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

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

Mr. VITALI offered the following amendment No. **A6538**:

Amend Sec. 6, page 7, by inserting between lines 16 and 17
 (8) Any State or municipal law relating to zoning or land use.

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

The SPEAKER. On the question of the adoption of the Vitali amendment, the gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker. I will be as brief as I can.

The purpose of the bill is to prevent government action from burdening religion, and the makers of the bill in their wisdom listed seven exceptions to make it very clear that certain governmental actions are not included in this bill. They have decided to do that.

For example, they made it clear that the Vehicle Code and the enforcement of the Vehicle Code is not on the table here. As is the Crimes Code, it is not on the table here; the Construction Code is not on the table here, and other exceptions. All this amendment does, in keeping with the spirit of the maker of the bill, is to add the zoning and land-use laws to make it clear that they are not on the table.

I did this amendment in response to some editorial complaints, speculating that perhaps, for example, a church in expanding, in putting in a parking lot or an addition, may cite this as a defense to local zoning laws. All we are trying to do is make it very clear in conformance with what the makers of the bill, who clearly did not find that superfluous, in adding these other exceptions.

I agree we should not strive for a perfect bill. At the same time we do have time to act, and I would ask for an affirmative vote for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Turzai. Mr. Turzai, do you desire—

Mr. TURZAI. Yes.

The SPEAKER. —recognition?

Mr. TURZAI. Yes, Mr. Speaker. Real briefly.

It is an unnecessary amendment for two reasons. There is a Federal bill that already covers this. It was introduced by Senators Kennedy and Hatch in 2000 called the Religious Land Use and Institutionalized Persons Act that has been upheld, and it prohibits government from imposing a land-use regulation in a manner that imposes a substantial burden on the exercise of religion unless the burden is in the furtherance of a compelling governmental interest and least restrictive means, and that applies to Federal, State, and local legislation.

Second, in no way, given the definition of “substantially burden” in this statute, would the type of use that is suggested by Mr. Vitali, would it fit the definition for protection of the basis of this statute, and that would include even the use of a church. All comprehensive plans and all zoning ordinances have to provide some level of area for usage for church, stores, entertainment, et cetera. If those zoning ordinances provide that— If they do not, they can be held unconstitutional on other grounds, not in terms of violation of this statute.

It is unnecessary, and I would ask the members to vote “no.”

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, Representative Turzai really has defined the good reasons to oppose this amendment, and I would ask for a “no” vote.

The SPEAKER. Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

For all the reasons previously mentioned, I would ask the members for a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—31

Bard	LaGrotta	Robinson	Thomas
Cohen, L. I.	Michlovic	Roebuck	Trich
Cohen, M.	Mundy	Rublely	Vitali
Curry	Myers	Schroder	Washington
Dermody	Oliver	Scrimenti	Williams, J.
Frankel	Pallone	Steelman	
James	Petrone	Stetler	Ryan,
Josephs	Preston	Sturla	Speaker
Kaiser			

NAYS—160

Adolph	DiGirolamo	Lewis	Samuelson
Allen	Diven	Lucyk	Santoni
Argall	Donatucci	Mackereth	Sather
Armstrong, G.	Eachus	Maher	Saylor
Armstrong, T.	Egolf	Maitland	Scavello
Baker, J.	Evans, D.	Major	Schuler
Baker, M.	Evans, J.	Manderino	Semmel
Barrar	Fairchild	Mann	Shaner
Bastian	Feese	Markosek	Smith, B.
Bebko-Jones	Fichter	Marsico	Smith, S. H.
Belardi	Fleagle	Mayernik	Solobay
Belfanti	Flick	McCall	Staback
Benninghoff	Forcier	McGeehan	Stairs
Birmelin	Gabig	McGill	Steil
Blaum	Gannon	McIlhattan	Stern
Boyes	Geist	McIlhinney	Stevenson, R.
Brooks	George	McNaughton	Stevenson, T.
Browne	Godshall	Melio	Strittmatter
Bunt	Gordner	Metcalfe	Surra
Butkovitz	Grucela	Micozzie	Tangretti
Buxton	Gruitza	Miller, R.	Taylor, E. Z.
Caltagirone	Habay	Miller, S.	Taylor, J.
Cappelli	Haluska	Nailor	Tigue
Casorio	Hanna	Nickol	Travaglio
Cawley	Harhai	O’Brien	Trello
Civera	Harhart	Perzel	Tulli
Clark	Harper	Petrarca	Turzai
Clymer	Hasay	Phillips	Vance
Coleman	Hennessey	Pickett	Veon
Cornell	Herman	Pippy	Walko
Corrigan	Hershey	Pistella	Wansacz

Costa	Hess	Raymond	Watson
Coy	Horsey	Readshaw	Wilt
Creighton	Hutchinson	Reinard	Wojnaroski
Cruz	Jadlowiec	Rieger	Wright, G.
Dailey	Keller	Roberts	Wright, M.
Daley	Kenney	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Yudichak
DeWeese	Levdansky	Sainato	Zug

NOT VOTING—3

Freeman	Kirkland	Waters
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EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ROEBUCK reoffered the following amendment No. **A6257**:

Amend Sec. 3, page 3, line 13, by inserting after “religion.”
This paragraph does not include failure to authorize or appropriate money raised by taxation.

Amend Sec. 7, page 7, line 27, by inserting after “SERVICES.”
Nothing in this act shall be construed to authorize the expenditure of or to appropriate funds of the Commonwealth or a political subdivision for any purpose.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Roebuck amendment, would the gentleman explain his amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Within the language of this bill, under the category of the title of “Substantially burden,” there is in subsection (3) the statement, “Denies a person a reasonable opportunity to engage in activities which are fundamental to the person’s religion.” I would propose to add to that the statement, “This paragraph does not include failure to authorize or appropriate money raised by taxation,” and that concept that this should not involve the expenditure of government moneys is also reflected in later language in the bill itself. Clearly, this is the effort to make clear that this bill does not involve spending money in order to characterize these particular goals of the legislation.

We have been told that this bill should not be amended, but the reality is, there is no excuse, Mr. Speaker, for bad law. There is no excuse for law that is sloppily designed and sloppily drawn. There ought to be clarity on this point if no other point, Mr. Speaker, and to pass this without that clarity is a major mistake by this legislative body.

I would ask that this amendment be adopted. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, this bill as written has nothing to do with funding, and in fact, the only remedy that some claimant can get is injunctive relief. The fact of the matter is, the amendment would actually create discriminatory behavior by government in the sense that it would allow governments to issue out moneys but specifically prohibit religious ones from getting them when they are not promoting a religious activity, like moneys that would go to a day-care facility's funding or moneys that would go to universities, so a PHEAA (Pennsylvania Higher Education Assistance Agency) grant, by way of example, if somebody takes it to Villanova or St. Joseph's.

I would strongly urge the members to reject this amendment.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the establishment clause already prohibits the funding of the religious activities of religious entities. So this amendment really is unnecessary, and it could be harmful to religious affiliated entities, and I would ask for a "no" vote.

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Once again, with all respect, the amendment is unnecessary and ask for a negative vote.

The SPEAKER. Mr. Roebuck, for the second time.

Mr. ROEBUCK. Mr. Speaker, if this has nothing to do with money, say that. What is wrong with clarity in language in legislation? It was suggested that somehow this is discriminatory to say that you are not going to spend money in that way. How is that discriminatory? To say that we are not going to underwrite building separate facilities by religion or we are going to underwrite separate kinds of religious activity, what is wrong with saying that, Mr. Speaker? The argument against that, this is specious; it is shallow; it is not a factual argument.

If indeed there is no problem here, say it in the law. Let us be clear. Let us be clear. What is wrong with clarity, Mr. Speaker? Say it.

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

The following roll call was recorded:

YEAS-35

Cohen, L. I.	Kirkland	Preston	Sturla
Cohen, M.	LaGrotta	Readshaw	Thomas
Cruz	Manderino	Rieger	Trich
Curry	Michlovic	Robinson	Vitali
Frankel	Mundy	Roebuck	Washington
Freeman	Myers	Ross	Waters
James	Oliver	Scrimenti	Williams, J.
Josephs	Pallone	Steelman	Youngblood
Kaiser	Pistella	Stetler	

NAYS-158

Adolph	DeWeese	Levdansky	Saylor
Allen	DiGirolamo	Lewis	Scavello
Argall	Diven	Lucyk	Schroder
Armstrong, G.	Donatucci	Mackereth	Schuler
Armstrong, T.	Eachus	Maher	Semmel
Baker, J.	Egolf	Maitland	Shaner

Baker, M.	Evans, D.	Major	Smith, B.
Bard	Evans, J.	Mann	Smith, S. H.
Barrar	Fairchild	Markosek	Solobay
Bastian	Feese	Marsico	Staback
Bebko-Jones	Fichter	Mayernik	Stairs
Belardi	Fleagle	McCall	Steil
Belfanti	Flick	McGeehan	Stern
Benninghoff	Forcier	McGill	Stevenson, R.
Birmelin	Gabig	McIlhattan	Stevenson, T.
Blaum	Gannon	McIlhinney	Strittmatter
Boyes	Geist	McNaughton	Surra
Brooks	George	Melio	Tangretti
Browne	Godshall	Metcalfe	Taylor, E. Z.
Bunt	Gordner	Micozzie	Taylor, J.
Butkovitz	Grucela	Miller, R.	Tigue
Buxton	Gruitza	Miller, S.	Travaglio
Caltagirone	Habay	Nailor	Trello
Cappelli	Haluska	Nickol	Tulli
Casorio	Hanna	O'Brien	Turzai
Cawley	Harhai	Perzel	Vance
Civera	Harhart	Petrarca	Veon
Clark	Harper	Phillips	Walko
Clymer	Hasay	Pickett	Wansacz
Coleman	Hennessey	Pippy	Watson
Correll	Herman	Raymond	Wilt
Corrigan	Hershey	Reinard	Wojnaroski
Costa	Hess	Roberts	Wright, G.
Coy	Horsey	Rohrer	Wright, M.
Creighton	Hutchinson	Rooney	Yewcic
Dailey	Jadlowiec	Rubley	Yudichak
Daley	Keller	Sainato	Zug
Dally	Kenney	Samuelson	
DeLuca	Lederer	Santoni	Ryan,
Dermody	Leh	Sather	Speaker

NOT VOTING-1

Petrone

EXCUSED-9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House this evening Cadet Zachary Seidel, home from West Point, the United States Military Academy, for Thanksgiving. He is here as the guest of Representative Pat Vance. Would the gentleman please rise.

His proud mother is Diane Warriner of the Republican staff in the Appropriations Committee.

CONSIDERATION OF SB 1421 CONTINUED

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

The SPEAKER. Ms. Manderino, do you have an amendment? On final passage?

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.
The question is, shall the bill pass finally?

Mr. Hennessey, do you rise on final passage?

Mr. HENNESSEY. I do. First I would like to interrogate the maker of the bill.

The SPEAKER. Not yet. I am first recognizing Ms. Manderino. I was not sure why you were rising.

Ms. Manderino, on final passage.

Ms. MANDERINO. Thank you, Mr. Speaker.

“All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.” That, Mr. Speaker, is Article I, section 3, of the Pennsylvania Constitution.

If all we were here about today was religious freedom and protecting the free exercise of religion, it would be done. I just read it to you. It is Article I, section 3, of the Pennsylvania Constitution. So then you have to ask yourself, if Article I, section 3, is not adequate, is not what we are here today about, what are we here today about?

Please look at the language of SB 1421. We are here about setting up a rule with regard to government agencies and whether laws or regulations of government agencies pass a two-prong test. So this is not government coming in and saying you cannot practice your religion the way you want, you cannot worship the way you want, because that is protected by our Constitution. What we are talking about is, when a person or a religious institution chooses to participate in a government program, what rules do they have to follow? And to date our laws have said, just like the Constitution says, that government is to make no special rules with regard to the practice or worship of religion, and if you are going to participate in government programs, everyone should participate the same.

This legislation sets up a two-prong test. The first test, I think, is a very worthy test of the furtherance of a compelling interest by the agency. The second prong is the troubling prong, the least restrictive means in furthering a compelling interest. This is a very high standard from a legal point of view and one that you have to stop about and think. Let us think about some of our laws.

For example, we just passed a law in the past 2 days – I assume it is on its way to the Governor – with regard to the Pledge of Allegiance, and somebody could make the argument, one, does government have a compelling interest in the goal of that legislation, which is patriotism, and then two, is that way that government chose to implement that the least restrictive way to do that? Or we might have rules about day-care centers. Does government have a compelling interest to make sure that children are safe in day-care centers, and is a child-to-staff ratio the least restrictive way for government to achieve that purpose? Or does government have the right to make rules

about food shelters or homeless shelters, and then do the rules that they make, are they the absolutely least restrictive way that government could have accomplished that goal? That is what the test is that we are asking to be set up in law, and that may be what you want to do. I am not trying to change anybody’s mind; I am just trying to make the debate clear about what it is that we are trying to do.

In my opinion, I do not think that government has the right, and I support the Constitution that they do not have a right, to impinge upon my religious beliefs or my mode of chosen worship, but I do believe that government has the right to set rules and regulations with regard to public spending and participation in public programs, and I do not believe that they ought to be two sets of rules, and I do believe that if you are a religious entity and you want to participate in the government’s programs, that you participate on the same level following the same rules as anybody else.

So I am angered that I again feel that I am put into a position where I have been defined as being against the free exercise of religion because I am against SB 1421, but I believe so deeply in the protections that this Constitution of the United States and this Constitution of Pennsylvania give me that I can with confidence vote “no” on SB 1421 and be assured that I am right with my conscience, that I am right with my Constitution, that I am right with my God, that I am not interfering with anybody’s free practice of religion.

The SPEAKER. The gentleman, Mr. Hennessey. Mr. Hennessey? Waives off.

Mr. Turzai.

Mr. TURZAI. With all due respect, we just read or heard language from the Pennsylvania Constitution. When with respect to so many of our court decisions did language get in the way of a decision of a court? What precipitated the Kennedy-Hatch statute was a 1990 decision by the court that ignored the constitutional language in the First Amendment about that there should be no law to abridge the right to free exercise of religion. Jurisprudence in the country had for years, culminating in the 1972 Yoder case, set forth a test in accordance with the First Amendment that asked for a compelling governmental interest and a narrowly tailored approach. It was, in the 1990 decision, abrogated that any general applicability of a law, no matter how it suppressed a person’s religious belief, could be upheld. Both Senators Kennedy and Hatch found that outrageous and so did the Congress and the President, because it was signed in 1993 and made into law under President Clinton.

Now, the fact of the matter is, Stephen Carter, a professor at Yale, in “The Culture of Disbelief,” put it, “In our sensible zeal to keep religion from dominating our politics, we have created a political and legal culture that presses the religiously faithful to be other than themselves, to act publicly, and sometimes privately as well, as though their faith does not matter to them.” Other speakers would like to subordinate this right, which is in the same place as other rights – the freedom of the press, the freedom of speech, the freedom to assemble, and the freedom to exercise your religious belief. It should not have the same restrictions or it should not have restrictions imposed upon it that are not imposed upon our other basic freedoms.

So I will stand with Representatives Veon and Smith and Senators Jubelirer and Mellow and Senators Kennedy and Hatch and say, let us show that the Yoder test, which says that you just

cannot smush, in your disregard, people's religious practices and beliefs and call for a compelling governmental interest and a narrowly tailored approach. This is not an unfettered right to your religious belief, and to the extent that that was made or insinuated, it is just downright wrong. You have to establish under the statute a substantial burden in the first instance, you have to do it by clear and convincing evidence in the second instance, and even then the government has the opportunity to justify the legislation based on a compelling governmental interest and a narrow approach. And finally, a wide variety of laws, including criminal laws, are exempted from the statute.

I applaud the sponsors of this legislation. It is a narrowly tailored piece of legislation, and it shows our support in the right to freedom with respect to the exercise of a religion.

One final note. Do not forget that William Penn, who is on the wall in front of us, came to this country to exercise the freedom of his religion. He escaped Great Britain. We have hundreds of years of tolerance in this State for that right, and by voting for this bill, you will put yourself in line with William Penn.

Thank you very, very much.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Representative Turzai had taken the lines that I wanted to say about William Penn, about his Holy Experiment here in Pennsylvania, and about the free exercise and enjoyment of religion.

I ask for a positive vote.

The SPEAKER. Pursuant to the provisions of the Constitution, the yeas and nays will now be taken— Mr. Vitali, pardon me. You are recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I will be brief, because this clearly is going to pass by about 170 votes to 30. But I do want to go on the record as to why I am going to be voting against it, and it has nothing to do with infringing on anyone's right to believe what they want. I think that is a belief I fully support. And frankly, the fact that Orrin Hatch codrafted this is not a selling point to me, and the fact that Senator Kennedy drafted it is probably not a selling point to you. The fact of the matter is, I think this is a poorly drafted bill and could do more harm than good.

When I first read it, I thought, what is going on here? What bad actions are the makers trying to prevent? And the answer is, I just did not know. I think a well-drafted bill gives people who would violate it notice as to what actions they should or should not commit, and as I read this bill, if I am a government agency, I am not really on notice as to what things I should not be doing. So I think the real problem with this bill is, it is simply not specific enough. It does not give instruction to the government as to where the line should be drawn.

If we want to talk about, you know, regulations in day-care centers, religious day-care centers, talk about that. If you have some specific problem, deal with that. The problem, when you have an overbroad, vaguely worded statute like this, you have all these unintended consequences. Too many people under perceived actions and violations use this. It has too much litigation, unintended litigation.

I support the concepts. I am voting against it, because it is just too darn vague.

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—171

Adolph	Egolf	Mackereth	Saylor
Allen	Evans, D.	Maher	Scavello
Argall	Evans, J.	Maitland	Schroder
Armstrong, G.	Fairchild	Major	Schuler
Armstrong, T.	Feese	Mann	Scrimenti
Baker, J.	Fichter	Markosek	Semmel
Baker, M.	Fleagle	Marsico	Shaner
Barrar	Flick	Mayernik	Smith, S. H.
Bastian	Forcier	McCall	Solobay
Bebko-Jones	Frankel	McGeehan	Staback
Belardi	Freeman	McGill	Stairs
Belfanti	Gabig	McIlhinney	Stern
Benninghoff	Gannon	McNaughton	Stetler
Birmelin	Geist	Melio	Stevenson, R.
Blaum	George	Metcalfe	Stevenson, T.
Boyes	Godshall	Micozzie	Strittmatter
Browne	Gordner	Miller, R.	Sturla
Bunt	Grucela	Miller, S.	Surra
Butkovitz	Gruitza	Nailor	Tangretti
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Haluska	Oliver	Taylor, J.
Cappelli	Hanna	Pallone	Thomas
Casorio	Harhai	Perzel	Tigue
Cawley	Harhart	Petrarca	Travaglio
Civera	Harper	Petrone	Trello
Clark	Hasay	Phillips	Trich
Clymer	Hennessey	Pickett	Tulli
Coleman	Herman	Pippy	Turzai
Cornell	Hershey	Pistella	Veon
Corrigan	Hess	Preston	Walko
Costa	Horsley	Raymond	Wansacz
Coy	Hutchinson	Readshaw	Watson
Creighton	Jadlowiec	Reinard	Wilt
Cruz	Kaiser	Rieger	Wojnaroski
Dailey	Keller	Roberts	Wright, G.
Daley	Kenney	Robinson	Wright, M.
Dally	Kirkland	Rohrer	Yewcic
DeLuca	LaGrotta	Rooney	Youngblood
Dermody	Lederer	Rublely	Yudichak
DeWeese	Leh	Sainato	Zug
DiGirolamo	Levdansky	Samuelson	
Diven	Lewis	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker
Eachus			

NAYS—21

Bard	Manderino	Roebuck	Vance
Cohen, L. I.	Michlovic	Ross	Vitali
Cohen, M.	Mundy	Smith, B.	Washington
Curry	Myers	Steelman	Waters
James	Nickol	Steil	Williams, J.
Josephs			

NOT VOTING—2

Brooks	McIlhattan
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EXCUSED—9

Bishop	Laughlin	Lescovitz	Ruffing
Colafella	Lawless	Lynch	Zimmerman
Krebs			

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.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1331, PN 4731; HB 1974, PN 4685; HB 2674, PN 4710; HB 2725, PN 4728; and HB 2842, PN 4719**, 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 1900, PN 3864; HB 2256, PN 4587; HB 2350, PN 3262; HB 2411, PN 4509; HB 2456, PN 3493; HB 2614, PN 4364; HB 2772, PN 4630; HB 2898, PN 4419; HB 2923, PN 4588; HB 2924, PN 4486; HB 2963, PN 4635; and HB 2971, PN 4629**, 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 2863, PN 4720

An Act providing for the designation and use of certain State office buildings; and making a repeal.

HB 2910, PN 4739

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Leon Dwinga and Patricia Dwinga, his wife, certain land situate in the Township of Collier, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Governor, to execute a deed to remove certain restrictions imposed on lands conveyed to Cranberry Township and situate in Cranberry Township, Butler County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District certain lands and building situate in the City of Uniontown, Fayette County; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to the Indiana Fire Association certain lands situate in White Township, Indiana County.

SB 1100, PN 2436

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; further providing for powers and duties of the Municipal Police Officers' Education and Training Commission; prohibiting political activity by municipal police officers; further providing, in parking authorities, for definitions, for purposes and powers and for special provisions for authorities in first class cities; providing, in parking authorities in first class cities, for additional special provisions, for management of authority funds, for special funds, for bonds, for contracts with authority obligees, for Commonwealth pledges, for bond and trust indentures, for funds collected, for bonds as legal investments, for pledge validity, for security interests in funds and accounts and for bankruptcy limitations; further providing for municipal authority governing bodies and money; providing for regulation of taxicabs and limousines in first class cities; further providing for governing body of municipal authorities and for certain fiscal reporting; codifying the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act; defining "expansion or substantial renovation"; further providing for purposes and powers and for capital and operating budgets; providing for expansion funding; further providing for governing board, for moneys of the authority, for award of contracts, for interests of public officers and for rental tax; making an appropriation; and making repeals.

SB 1370, PN 2428

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; recodifying the Machinery and Equipment Loan Fund Act; further providing for tax-exempt bond allocation and for loan eligibility; and making repeals.

SB 1569, PN 2393

An Act providing for counterterrorism planning, preparedness and response; imposing powers and duties on the Pennsylvania Emergency Management Agency, the Department of Health, counties and municipalities; and providing for the organization of various response teams.

SB 1576, PN 2365

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County, certain lands in Benner Township, Centre County.

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

SUPPLEMENTAL CALENDAR I

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1553, PN 4748**, as further amended by the House Rules Committee:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and for notice of change of name or address; requiring compliance with Federal selective service

requirements as part of application for learners' permits or drivers' licenses; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handhold on motorcycles, for driving under the influence of alcohol or controlled substance and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

On the question,

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

The SPEAKER. On the question, Mr. Wilt.

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

I would like to speak on HB 1553 on concurrence very briefly and then ask for a motion.

HB 1553 was passed several hours ago in the Senate; it was sent over to the House and put into our Rules Committee. My concern is that with the amendments offered in Rules, when we vote to concur in 1553, it will send it back to the Senate, and therefore, the Senate may or may not at this late hour have an opportunity to bring it up.

The motion that I would like to make would be to convert HB 1553 to a prior printer's number, the printer's number that was sent over here from the Senate, so that we can vote on that bill, and that bill can go directly to Governor Schweiker for his signature.

So, Mr. Speaker, I would like to make a motion to revert to a prior printer's number.

The SPEAKER. The motion the gentleman wishes to make requires— Mr. Wilt? Mr. Wilt? Prior to making that motion, it will be necessary for you to suspend the rules of the House.

Mr. WILT. That is what I understand, Mr. Speaker. I wanted you to correct me on that.

MOTION TO SUSPEND RULES

Mr. WILT. So I would like to make a motion to suspend the rules of the House, and after that vote, if I am successful, then I will make my motion to convert to a prior printer's number.

Thank you very much.

The SPEAKER. The gentleman, Mr. Wilt, moves the rules of the House be suspended to permit him to make a subsequent motion to revert to a prior printer's number.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the Chair only recognizes the two floor leaders, who may yield.

Mr. Perzel, Mr. Geist seeks recognition.

Mr. PERZEL. Thank you, Mr. Speaker.

Could we be at ease for a moment, Mr. Speaker? Just for one moment.

(Conference held at Speaker's podium.)

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Perzel, yields to the chairman of the Transportation Committee, Mr. Geist.

Mr. Geist, on the question of suspension of the rules to permit Mr. Wilt to offer a reversion motion.

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

We are waiting to make sure we have the right printer's number up. All right; it is up.

Mr. Speaker, much effort—

The SPEAKER. The gentleman will yield for a moment.

RULES COMMITTEE MEETING

The SPEAKER. Mr. Perzel calls for an immediate meeting of the Rules Committee.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1553, PN 4748 (Amended)

By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and for notice of change of name or address; requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handhold on motorcycles, for driving under the influence of alcohol or controlled substance and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

RULES.

CONSIDERATION OF HB 1553 CONTINUED

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

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

It has been a long 2 years. A lot of effort has gone into this bill. We have amended it so that next term, our select group which is now working can come back with a very, very comprehensive revision of the DUI (driving under the influence) bill, the whole law rewriting, and at this time I would oppose the suspension and ask for a "no" vote on suspension of the rules.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

The SPEAKER. Mr. Veon, you yield to Mr. McCall?

Mr. VEON. That is correct, Mr. Speaker.

The SPEAKER. Mr. McCall.

Mr. McCALL. Mr. Speaker, for the benefit of the members, I support the motion made by Representative Geist not to revert.

But I think it is important that the members understand what that reversion means, and I want you to have an informed vote when you vote to either revert or not to revert.

When this bill came over from the Senate—

The SPEAKER. Mr. McCall, if I may, this vote is on suspension; it is not on the reversion question. I think you misstated it. I am just trying to correct you.

Mr. McCALL. I understand.

Mr. Speaker, I would ask that the members vote not to suspend the rules.

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—31

Casorio	Habay	Lederer	Petrarca
Cruz	Hanna	Leh	Samuelson
Daley	Hennessey	Maher	Saylor
Dally	Hershey	McGeehan	Scrimenti
Evans, J.	Horsey	McIlhattan	Stevenson, R.
Gabig	Hutchinson	McIlhinney	Wilt
Godshall	Jadlowiec	Metcalfe	Zug
Gruitza	Keller	Oliver	

NAYS—162

Adolph	Diven	Mayernik	Smith, B.
Allen	Donatucci	McCall	Smith, S. H.
Argall	Eachus	McGill	Solobay
Armstrong, G.	Egolf	McNaughton	Staback
Armstrong, T.	Evans, D.	Melio	Stairs
Baker, J.	Fairchild	Michlovic	Steelman
Baker, M.	Feese	Micozzie	Steil
Bard	Fichter	Miller, R.	Stern
Barrar	Fleagle	Miller, S.	Stetler
Bastian	Flick	Mundy	Stevenson, T.
Bebko-Jones	Forcier	Myers	Strittmatter
Belardi	Frankel	Nailor	Sturla
Belfanti	Freeman	Nickol	Surra
Benninghoff	Gannon	O'Brien	Tangretti
Birmelin	Geist	Pallone	Taylor, E. Z.
Blaum	George	Perzel	Taylor, J.
Boyes	Gordner	Petrone	Thomas
Brooks	Grucela	Phillips	Tigue
Browne	Haluska	Pickett	Travaglio
Bunt	Harhai	Pippy	Trello
Butkovitz	Harhart	Pistella	Trich
Buxton	Harper	Preston	Tulli
Caltagirone	Hasay	Raymond	Turzai
Cappelli	Herman	Readshaw	Vance
Cawley	Hess	Reinard	Veon
Civera	James	Rieger	Vitali
Clark	Josephs	Roberts	Walko
Clymer	Kaiser	Robinson	Wansacz
Cohen, L. I.	Kenney	Roebuck	Washington
Cohen, M.	Kirkland	Rohrer	Waters
Coleman	LaGrotta	Rooney	Watson
Cornell	Levdansky	Ross	Williams, J.
Corrigan	Lewis	Rubley	Wojnaroski
Costa	Lucyk	Sainato	Wright, G.
Coy	Mackereeth	Santoni	Wright, M.
Creighton	Maitland	Sather	Yewcic
Curry	Major	Scavello	Youngblood
Dailey	Manderino	Schroder	Yudichak
DeLuca	Mann	Schuler	
DeWeese	Markosek	Semmel	Ryan,
DiGirolamo	Marsico	Shaner	Speaker

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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

On the question recurring,

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

The SPEAKER. Mr. Wilt, on the question.

Mr. WILT. Very briefly, on HB 1553 on concurrence, I want to urge concurrence in HB 1553.

I did not want to put our members on the spot tonight on the .08 issue. The bill that we now have before us, the current printer's number, keeps in statute what we currently have, which is .10. Hopefully we have an agreement worked out with the Senate that they will run this bill yet tonight and send it to the Governor for his signature.

So I am asking for concurrence on this printer's number of HB 1553, and hopefully we will get the bill done tonight over in the Senate.

Thank you very much for your indulgence, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, on concurrence.

Mr. VITALI. Thank you, Mr. Speaker.

Again I will be brief, because obviously, this is going to pass overwhelmingly.

I just wanted to put members on notice of several things I noticed in the bill.

One, for those with environmental concerns, there is a provision in this that provides up to \$1 million in funding for the creation of ATV (all-terrain vehicle) trails in State lands, which could be of some concern to environmentalists and hunters.

The second point, to those who are vehemently opposed to the restriction of cell phones, there is a provision in here that restricts, prohibits, those with learner's permits from using mobile phones when they drive.

And the third point is, this bill makes it a requirement that you register with the Selective Service as a condition to getting a driver's license. I know some people have concerns with that issue.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Wilt.

I know he wants to correct you, Mr. Vitali.

Mr. WILT. I would just like to correct something that the gentleman just said, Mr. Speaker.

This does not create trails on State land. There is a moratorium on trail creation on State land. It sends \$1 million over to the group that is charged with approving grants. All of the special interest groups sit around the table and discuss those grants. We just want to make sure that these people that are paying into the Motor License Fund \$7 1/2 million a year can get at least \$1 million out. The boaters put a lot of money in the Motor License Fund, and they get every nickel back that they put in. The snowmobilers and ATVers do not get anything back.

This does not create trails on State land. Please do not buy into that argument. There is a moratorium on trail creation on State land.

I urge concurrence on HB 1553.

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I would urge a “yes” vote.

The debate on the tenth amendment and the .08 will be fought at a later date, and I would urge concurrence on this bill. Thank you.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—183

Adolph	Evans, D.	Manderino	Schroder
Allen	Evans, J.	Mann	Schuler
Argall	Fairchild	Markosek	Semmel
Armstrong, G.	Feese	Marsico	Shaner
Armstrong, T.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barrar	Forcier	McGill	Staback
Bastian	Frankel	McIlhattan	Stairs
Bebko-Jones	Freeman	McIlhinney	Steelman
Belardi	Gabig	McNaughton	Steil
Belfanti	Gannon	Melio	Stern
Benninghoff	Geist	Michlovic	Stetler
Birmelin	George	Micozzie	Stevenson, R.
Blaum	Godshall	Miller, R.	Stevenson, T.
Boyes	Gordner	Miller, S.	Strittmatter
Brooks	Grucela	Mundy	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O’Brien	Taylor, E. Z.
Buxton	Hanna	Oliver	Taylor, J.
Caltagirone	Harhai	Pallone	Thomas
Cappelli	Harhart	Perzel	Tigue
Cawley	Harper	Petrarca	Travaglio
Civera	Hasay	Petrone	Trello
Clark	Hennessey	Phillips	Trich
Clymer	Herman	Pickett	Tulli
Cohen, L. I.	Hershey	Pippy	Turzai
Cohen, M.	Hess	Pistella	Vance
Coleman	Horsey	Preston	Veon
Cornell	Hutchinson	Raymond	Walko
Corrigan	Jadlowiec	Readshaw	Wansacz
Costa	Kaiser	Reinard	Washington
Coy	Keller	Rieger	Watson
Creighton	Kenney	Roberts	Williams, J.
Cruz	Kirkland	Robinson	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	Ryan,
Eachus	Major	Scavello	Speaker
Egolf			

NAYS—10

Baker, J.	Josephs	Roebuck	Vitali
Casorio	Metcalfe	Scrimenti	Waters
James	Myers		

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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

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

HOUSE SCHEDULE

The SPEAKER. The gentleman, Mr. DeWeese, desires recognition for a moment. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, a point of information.

If I might share with the membership, I have consulted with the Republican whip as well as yourself and the Parliamentarian and wanted to alert the membership to the potential scheduling pursuit for the evening.

It seems as if the docket as of about a quarter till 7 was such that we have about 2 hours of work ahead of us with the consideration of modest debate. If there is lengthy debate, obviously that would be elongated. But with what was in the realm of the Speaker’s dais at that time, it was a 2-hour charge, and there are bills and amendments that are pertinent to many folks on the floor, so I would assume that most of us would want to linger at that degree.

However, this is Thanksgiving Eve, and best-case scenario, if we were to conclude by 9 o’clock, our friends in Erie would not be home till 3 or 3:30 in the morning.

So I would politely request that we all collectively work to see if we could get finished in 2 hours, if the calendar reflects what it did about 15 minutes ago. The caveat would be that if a floodtide of House bills came back on concurrence from the Senate, we might be here a little bit longer.

But I thought it was only appropriate and Sam Smith agreed that we should take a 2- or 3-minute hiatus and discuss or at least share with the membership what the evening’s schedule may look like.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for that information.

The Chair recognizes the gentleman, Mr. Smith.

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

I would concur with the assessment that the minority leader just shared.

We do appreciate the patience, and as I think he said, the emphasis would be on abbreviated debate will keep us within that projected timeframe. Legislation is moving, and we are getting things back from the Senate at this point, so we would ask for the patience through that next 2 hours.

Thank you, Mr. Speaker.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1331, PN 4731

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L. 177, No.175), known as The Administrative Code of 1929, further providing for consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; further providing for furnishing lists of employees to certain State officers; and making repeals.

RULES.

HB 1974, PN 4685

By Rep. PERZEL

An Act authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County, in return for imposition of Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

RULES.

HB 2674, PN 4710

By Rep. PERZEL

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

RULES.

HB 2725, PN 4728

By Rep. PERZEL

An Act designating Exit 60B in Robinson Township, Allegheny County, on Interstate Route 79 as the Trooper Todd C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Aughwick Creek in Cromwell Township, Huntingdon County, as the Charles Price Bridge; designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive; designating a certain bridge on SR 513 in Bensalem Township, Bucks County, as the Bensalem Veterans Memorial Bridge; designating a portion of State Route 901 in Schuylkill County as the Pottsville Maroons Highway; designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway; designating a bridge on that portion of State Route 259 over the Conemaugh River between Robison, Indiana County, and the Borough of Bolivar, Westmoreland County, as the Wesley E. Dodson Bridge; designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsonstown Borough, Northumberland County, as the Nurse Helen Fairchild

Memorial Bridge; designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway; and designating a road in Springville Township, Susquehanna County, as West Nicholson Road.

RULES.

HB 2842, PN 4719

By Rep. PERZEL

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification, for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

RULES.

ANNOUNCEMENT BY MR. GEIST

The SPEAKER. Does the gentleman, Mr. Geist, desire recognition?

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

I understand from my sources in the west, Representative Costa and others, that it is snowing heavily in Pittsburgh.

The SPEAKER. Well, we will get Mr. Wilt to provide some of those tractors that he was trying to take care of and get them out.

SUPPLEMENTAL CALENDAR H

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 591, PN 4715**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation, and for ineligibility of incarcerated employees.

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—189

Adolph	Evans, D.	Markosek	Schuler
Allen	Evans, J.	Marsico	Scrimenti
Argall	Fairchild	Mayernik	Semmel
Armstrong, G.	Feese	McCall	Shaner
Armstrong, T.	Fichter	McGeehan	Smith, B.
Baker, J.	Fleagle	McGill	Smith, S. H.
Baker, M.	Flick	McIlhattan	Solobay
Bard	Forcier	McIlhinney	Staback
Barrar	Frankel	McNaughton	Stairs
Bastian	Freeman	Melio	Steelman
Bebko-Jones	Gabig	Metcalfe	Steil
Belardi	Gannon	Michlovic	Stern

Belfanti	Geist	Micozzie	Stetler
Benninghoff	George	Miller, R.	Stevenson, R.
Birmelin	Godshall	Miller, S.	Stevenson, T.
Blaum	Gordner	Mundy	Strittmatter
Boyes	Gruitza	Myers	Sturla
Brooks	Habay	Nailor	Surra
Browne	Haluska	Nickol	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Butkovitz	Harhart	Oliver	Taylor, J.
Buxton	Harper	Pallone	Thomas
Caltagirone	Hasay	Perzel	Tigue
Cappelli	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	Tulli
Civera	Hess	Pickett	Turzai
Clark	Horsey	Pippy	Vance
Clymer	Hutchinson	Pistella	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Raymond	Walko
Coleman	Josephs	Readshaw	Wansacz
Cornell	Kaiser	Reinard	Washington
Corrigan	Keller	Rieger	Waters
Costa	Kenney	Roberts	Watson
Coy	Kirkland	Robinson	Williams, J.
Creighton	LaGrotta	Roebuck	Wilt
Cruz	Lederer	Rohrer	Wojnaroski
Dailey	Leh	Rooney	Wright, G.
Daley	Levdansky	Ross	Wright, M.
Dally	Lewis	Rubley	Yewcic
DeLuca	Lucyk	Sainato	Youngblood
DeWeese	Mackereth	Samuelson	Yudichak
DiGirolamo	Maher	Santoni	Zug
Diven	Maitland	Sather	
Donatucci	Major	Saylor	
Eachus	Manderino	Scavello	Ryan,
Egolf	Mann	Schroder	Speaker

NAYS-1

Curry

NOT VOTING-3

Grucela Harhai Travaglio

EXCUSED-10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

The House proceeded to consideration of concurrence in Senate amendments to **HB 731, PN 4716**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of

decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Maitland, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Samuelson.
Mr. SAMUELSON. Thank you, Madam Speaker.

I just wanted to ask the gentleman, Mr. Maitland, for a brief description of the Senate amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams County, Mr. Maitland.

Mr. MAITLAND. Thank you, Madam Speaker.

The legislation amends section 502 of the Unemployment Compensation Law to require that attorneys or other representatives of record be notified of administrative actions as well as the main parties.

The legislation amends section 503 by adding a new subsection that would require that referees conduct their hearings, quote, "de novo," unquote.

And the legislation amends section 509 by adding a new subsection to state that no finding of fact or law, judgment, conclusion, or final order made with respect to a claim for compensation may be conclusive or binding or used as evidence in any separate or subsequent action or proceeding in another forum, regardless if the prior action was between the same or related parties or involved the same facts and issues.

Thank you, Madam Speaker.

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

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

The following roll call was recorded:

YEAS-193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich

Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnarowski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 878, PN 4708**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Fairchild, that the House concur in the amendments inserted by the Senate.

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

Mr. FREEMAN. Thank you, Madam Speaker.

Could the gentleman, Mr. Fairchild, give us a brief rundown of what amendments were put in by the Senate.

The SPEAKER pro tempore. The gentleman agrees. The Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Madam Speaker.

The Senate amendments removed the definition of "mental illness." It limited the definitional changes in the bill to affect only products, not services, and put in compliance review language that will be written by DGS (Department of

General Services) to require DGS to ensure that all worksites are checked annually to ensure that 75 percent of the man-hours of labor are performed by persons with disabilities.

Thank you, Madam Speaker.

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

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

The following roll call was recorded:

YEAS-193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnarowski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 1945, PN 4709**, entitled:

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Petrone, that the House concur in the amendments inserted by the Senate.

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

Mr. PETRONE. Thank you, Madam Speaker.
Madam Speaker, I agree with the amendments inserted by the Senate and ask for concurrence on HB 1945.

Thank you very much.

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

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

The following roll call was recorded:

YEAS—192

Adolph	Evans, J.	Markosek	Schuler
Allen	Fairchild	Marsico	Scrimenti
Argall	Feese	Mayernik	Semmel
Armstrong, G.	Fichter	McCall	Shaner
Armstrong, T.	Fleagle	McGeehan	Smith, B.
Baker, J.	Flick	McGill	Smith, S. H.
Baker, M.	Forcier	McIlhattan	Solobay
Bard	Frankel	McIlhinney	Staback
Barrar	Freeman	McNaughton	Stairs
Bastian	Gabig	Melio	Steelman
Bebko-Jones	Gannon	Metcalfe	Steil
Belardi	Geist	Michlovic	Stern
Belfanti	George	Micozzie	Stetler
Benninghoff	Godshall	Miller, R.	Stevenson, R.
Birmelin	Gordner	Miller, S.	Stevenson, T.
Blaum	Grucela	Mundy	Strittmatter
Boyes	Gruitza	Myers	Sturla
Brooks	Habay	Nailor	Surra
Browne	Haluska	Nickol	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Butkovitz	Harhai	Oliver	Taylor, J.
Buxton	Harhart	Pallone	Thomas
Caltagirone	Harper	Perzel	Tigue

Cappelli	Hasay	Petrarca	Travaglio
Casorio	Hennessey	Petrone	Trello
Cawley	Herman	Phillips	Trich
Civera	Hershey	Pickett	Tulli
Clark	Hess	Pippy	Turzai
Clymer	Horsey	Pistella	Vance
Cohen, L. I.	Hutchinson	Preston	Veon
Cohen, M.	Jadlowiec	Raymond	Vitali
Coleman	James	Readshaw	Walko
Cornell	Josephs	Reinard	Wansacz
Corrigan	Kaiser	Rieger	Washington
Costa	Keller	Roberts	Waters
Coy	Kenney	Robinson	Watson
Cruz	Kirkland	Roebuck	Williams, J.
Curry	LaGrotta	Rohrer	Wilt
Dailey	Lederer	Rooney	Wojnaroski
Daley	Leh	Ross	Wright, G.
Dally	Levdansky	Rubley	Wright, M.
DeLuca	Lewis	Sainato	Yewcic
DeWeese	Lucyk	Samuelson	Youngblood
DiGirolamo	Mackereth	Santoni	Yudichak
Diven	Maher	Sather	Zug
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	
Egolf	Manderino	Schroder	Ryan,
Evans, D.	Mann		Speaker

NAYS—1

Creighton

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 J

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1331, PN 4731**, entitled:

An Act amending the act of April 9, 1929 (P.L. 177, No.175), known as The Administrative Code of 1929, further providing for consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; further providing for furnishing lists of employees to certain State officers; and making repeals.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. DeWeese, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

This bill appears to deal with membership on the Public Utility Commission, and I want to ask the gentleman, Mr. DeWeese, if this affects the terms of office of the members of the Public Utility Commission. Perhaps you could give a brief description of the bill or specifically the Senate amendments to this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Madam Speaker, this was an agreed-to amendment, and Mr. Smith—

The SPEAKER pro tempore. Would the gentleman cease just a moment.

We can barely hear the gentleman up here. Could we have quiet in the hall of the House, please.

The gentleman may proceed.

Mr. DeWEESE. This was an agreed-to amendment arranged by the leadership of the Senate Republicans and Senate Democrats to assure that a minority representation would be present on the Public Utility Commission.

My colleague, Representative Smith, the Republican whip, has a few observations that would be appropriate. If Mr. Samuelson would be the beneficiary of those, I would defer to the gentleman from Indiana.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Smith.

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

As the previous speaker noted, this is an amendment to the Administrative Code. It was agreed to by the Democrats and the Republicans in the Senate. It alters the vote by which the Senate confirms certain gubernatorial appointees relative to filling vacancies in office for certain boards, commissions, and department posts.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, I, too, rise and ask for concurrence of HB 1331.

When this bill originally left the House chamber, I offered an amendment on PUC membership specifically that said that no more than three members can be from the same political party as the Governor. That language was changed somewhat in the Senate but still maintains the same integrity of my language, and I would ask that the members do in fact concur in HB 1331.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

Just one question for the gentleman, Mr. Smith, the majority whip.

Did he say that the vote to confirm a member of the Public Utility Commission would change? My understanding is, it is currently a two-thirds vote required in the Senate to confirm a member of the Public Utility Commission. Does this legislation change that in any way?

Mr. S. SMITH. No; that one does not change, but other commissions and boards were affected by this amendment.

Mr. SAMUELSON. To move from a two-thirds vote to a lower threshold?

Mr. S. SMITH. Madam Speaker, let me correct that. The Milk Marketing Board, the Fish and Boat Commission, the Game Commission, and the PUC are proposed to be changed by

this amendment to a confirmation vote of a simple majority as opposed to the two-thirds vote that is currently required.

Mr. SAMUELSON. I apologize. To repeat, the Public Utility Commission, the Fish and Boat Commission, and one other? And the Game Commission? Is that the complete list?

Mr. S. SMITH. And the Milk Marketing Board.

Mr. SAMUELSON. So from here on, they would just require a simple majority vote in the State Senate to confirm?

Mr. S. SMITH. That is what the Senate agreed to, Madam Speaker.

Mr. SAMUELSON. Thank you, Madam Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—191

Adolph	Evans, D.	Mann	Schroder
Allen	Evans, J.	Markosek	Schuler
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Lewis	Rubley	Yewcic
DeLuca	Lucyk	Sainato	Youngblood
DeWeese	Mackereth	Samuelson	Yudichak
DiGirolamo	Maher	Santoni	Zug
Diven	Maitland	Sather	
Donatucci	Major	Saylor	Ryan,
Eachus	Manderino	Scavello	Speaker
Egolf			

NAYS-1

Scrimenti

NOT VOTING-1

Levdansky

EXCUSED-10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 1974, PN 4685**, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County, in return for imposition of Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Phillips, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue

Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eajus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 2674, PN 4710**, entitled:

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Steil, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Madam Speaker.

This is the Procurement Code bill which passed this House by a relatively wide margin. There were several areas that the Senate amended or changed, beginning with it is now both a Title 62 and a Title 67 bill. This addresses the Board of Claims problem that many members had a concern with the first time.

Also, another revision: Bidders, offerors, and contractors may request and receive information contained in their files under the Contractor Responsibility Program if a Commonwealth agency should terminate a contract.

In the original printer's number, the need for a board of commissioners to review and approve sole source procurement of computer software was eliminated. Under the Senate amendment, the board will continue to review and approve all sole source procurement of computer software except software updates under \$50,000.

Another amendment was to further clarify that electronic bidding does not apply to construction contracts.

In the Senate version also, an amendment creates a new section to provide right-of-way acquisition assistance services.

The Board of Claims language included in the original printer's number was taken out but was replaced by the Senate Appropriations Committee and is the same as it was when it left the House.

There is special language regarding the definition of "motor vehicles" in the act, specifically applying and requiring that language is applicable to cars and trucks only.

A new section was added to permit local transportation organizations that are recipients of Federal funds for transportation purposes to use the simplified acquisition procedures of the Federal law.

Language was also added regarding contract negotiation, specifically the dollar allocation amounts as established by DGS (Department of General Services) for the contract.

And finally, the language regarding the Board of Claims and the Department of Welfare, that section has been revised. The Board of Claims is now included in the Procurement Code.

Thank you, Madam Speaker.

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

Mr. MAHER. Thank you, Madam Speaker.

I will be brief and start off with the good news, which is that I will not offer a motion to suspend the rules to consider an amendment.

I do wish to note that during the course of this year, this chamber had occasion to celebrate when we advanced the public's right to know with our open records bill that becomes effective just about a month from now.

This legislation, as currently drafted, actually serves to circumscribe some of the public's right to know, and I wanted just to share with the members that it would be my intention next year, in the next part of the open records process, to see if

we can improve from the standard that is set forth in this legislation.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Samuelson, on concurrence.

Mr. SAMUELSON. Thank you, Madam Speaker.

I wanted to ask the gentleman, Mr. Steil, for an additional clarification on that Board of Claims.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SAMUELSON. When this bill was discussed in the House, there was some discussion and controversy over, I believe, a proposed salary change for the Board of Claims. I am looking on page 41 of this bill. It appears that the salary adjustment has been taken out.

Am I correct that the bill we are voting on tonight would maintain the salary or the compensation at the same level as previously for the Board of Claims?

Mr. STEIL. There was a separate bill passed in October regarding that language. We will have to get the answer on this specific question. We are getting it now.

Mr. SAMUELSON. Okay.

Mr. STEIL. Madam Speaker, could I ask for a repeat of the question so that we entirely understand? Are you asking whether or not the agency is able to set the salary, or are you asking the authority to set the salary?

Mr. SAMUELSON. Let me divide my query into two questions.

One, I believe the previous legislation had a salary increase for the Board of Claims. I want to doublecheck to see if that salary increase is now not in this legislation, and question two is, currently it is the legislature that sets the salary for this group. On page 40, line 14, it looks like this legislation would take that legislative authority away, and in the future this board would set their own salary. Is that correct that they would have the right to set all future salaries for this board?

I stand corrected. The Executive Board of the Governor, rather than the legislature, would appear to have the authority to set future salaries, if I am reading that correctly.

Mr. STEIL. Madam Speaker, it is our understanding that the Board of Claims continues to exist, and this act does not impact in any way how the Board of Claims is constituted or how its salaries are set. We simply remove the Board of Claims from certain procurement actions.

Mr. SAMUELSON. And just to follow up on the setting of salaries in the future for this board, is this legislation taking the legislative authority away and giving it to the Governor's Executive Board?

Mr. STEIL. That has already been done by another act. This legislation does not deal with that issue in any way.

Mr. SAMUELSON. Thank you, Madam Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rublely	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGiroloamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 401, PN 4746; HB 930, PN 4747; HB 2070, PN 4743; HB 2574, PN 4740; and HB 2778, PN 4741**, 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

The SPEAKER pro tempore. The majority leader calls for an immediate meeting of the Rules Committee at the majority leader's desk.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 401, PN 4746

By Rep. PERZEL

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

RULES.

HB 2070, PN 4743

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; further providing for unlawful contact with a minor; and providing for contingent compensation.

RULES.

HB 2574, PN 4740

By Rep. PERZEL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

RULES.

HB 2778, PN 4741

By Rep. PERZEL

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations, for critical job training grants and for workforce development courses.

RULES.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2725, PN 4728**, entitled:

An Act designating Exit 60B in Robinson Township, Allegheny County, on Interstate Route 79 as the Trooper Todd C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Aughwick Creek in Cromwell Township, Huntingdon County, as the Charles Price Bridge; designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive; designating a certain bridge on SR 513 in Bensalem Township, Bucks County, as the Bensalem Veterans Memorial Bridge; designating a portion of State Route 901 in Schuylkill County as the Pottsville Maroons Highway; designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway; designating a bridge on that portion of State Route 259 over the Conemaugh River between Robison, Indiana County, and the Borough of Bolivar, Westmoreland County, as the Wesley E. Dodson Bridge; designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsontown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge; designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway; and designating a road in Springville Township, Susquehanna County, as West Nicholson Road.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Trello, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello

Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsley	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Daily	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 K

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2842, PN 4719**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification, for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

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

The SPEAKER pro tempore. It has been moved by the gentleman, Mr. Fairchild, that the House concur in the amendments inserted by the Senate.

On concurrence, the Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

Will the gentleman stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. BELFANTI. Thank you, Madam Speaker.
Do you have a fiscal note for this bill?
Mr. FAIRCHILD. Not to my knowledge.
Mr. BELFANTI. Thank you very much, Madam Speaker.

On the question recurring,
Will the House concur in Senate amendments?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—192

Adolph	Evans, D.	Markosek	Schuler
Allen	Evans, J.	Marsico	Scrimenti
Argall	Fairchild	Mayernik	Semmel
Armstrong, G.	Feese	McCall	Shaner
Armstrong, T.	Fichter	McGeehan	Smith, B.
Baker, J.	Fleagle	McGill	Smith, S. H.
Baker, M.	Flick	McIlhattan	Solobay
Bard	Forcier	McIlhinney	Staback
Barrar	Frankel	McNaughton	Stairs
Bastian	Freeman	Melio	Steelman
Bebko-Jones	Gabig	Metcalfe	Steil
Belardi	Gannon	Michlovic	Stern
Belfanti	Geist	Micozzie	Stetler
Benninghoff	George	Miller, R.	Stevenson, R.
Birmelin	Godshall	Miller, S.	Stevenson, T.
Blaum	Gordner	Mundy	Strittmatter
Boyes	Grucela	Myers	Sturla
Brooks	Gruitza	Nailor	Surra
Browne	Habay	Nickol	Tangretti
Bunt	Haluska	O'Brien	Taylor, E. Z.
Butkovitz	Hanna	Oliver	Taylor, J.
Buxton	Harhai	Pallone	Thomas
Caltagirone	Harhart	Perzel	Tigue
Cappelli	Harper	Petrarca	Travaglio
Casorio	Hasay	Petrone	Trello
Cawley	Hennessey	Phillips	Trich
Civera	Herman	Pickett	Tulli
Clark	Hershey	Pippy	Turzai
Clymer	Hess	Pistella	Vance
Cohen, L. I.	Horsey	Preston	Veon
Cohen, M.	Hutchinson	Raymond	Vitali
Coleman	Jadlowiec	Readshaw	Walko
Cornell	James	Reinard	Wansacz
Corrigan	Josephs	Rieger	Washington
Costa	Kaiser	Roberts	Waters
Coy	Keller	Robinson	Watson
Creighton	Kenney	Roebuck	Williams, J.
Cruz	Kirkland	Rohrer	Wilt
Curry	LaGrotta	Rooney	Wojnaroski
Dailey	Lederer	Ross	Wright, G.
Daley	Leh	Rubley	Wright, M.
Dally	Lewis	Sainato	Yewcic
DeLuca	Lucyk	Samuelson	Youngblood
DeWeese	Mackereth	Santoni	Yudichak
DiGirolamo	Maher	Sather	Zug
Diven	Maitland	Saylor	
Donatucci	Major	Scavello	
Eachus	Manderino	Schroder	Ryan, Speaker
Egolf	Mann		

NAYS—1

Levdansky

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 L

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 401, PN 4746**, entitled:

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Solobay, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.

Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnarowski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 2070, PN 4743**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; further providing for unlawful contact with a minor; and providing for contingent compensation.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Evans, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Freeman.
Mr. FREEMAN. Thank you, Madam Speaker.

Could we have a brief analysis or rundown of what is included in the Senate amendments? Is anyone willing to stand to give that?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. I will give you a little history on the amendment.

Let me first say that the amendment is supported by the Governor's Office, by the State Police, and by the D.A.s.

The language in the bill deals with restoration of firearms rights for offenses, and let me give you a couple illustrations.

A constituent from York County was convicted of a DUI in 1959. He has not violated any laws of the Commonwealth since that time. He was honorably discharged from the Army and was a volunteer fireman. Due to this conviction, which was an ungraded misdemeanor under the old Vehicle Code, the constituent is prohibited from possessing firearms and cannot hunt with his children and grandchildren. If he had been convicted of a single DUI under current Commonwealth law, there would have been no impact on his right to possess firearms.

Another illustration is, a constituent from Jefferson County was convicted of DUI in early 1977. Since then, he has served on the borough council in his municipality and even received an Outstanding Citizenship Award from the Pennsylvania State Police. If his conviction had occurred just a few months later, after the effective date of the new, consolidated Vehicle Code, then it would not have affected his right to own firearms. Since the offense occurred before the effective date, although after the new Vehicle Code had passed the legislature the year before, he was prohibited from possession of firearms.

And I guess probably all of us have examples similar to the ones I have just mentioned. DUIs, stealing apples from a neighbor's orchard, certain other minor criminal offenses – none of these would have any impact on the individual's right to own a gun if committed today, but prior to 1977 for Vehicle Code offenses and prior to 1973 for Penal Code offenses, these were ungraded misdemeanors. Individuals convicted of these old, ungraded misdemeanors are prohibited by Federal law from possessing firearms.

This bill is intended to fill a gap left by the interplay between our own Uniform Firearms Act and the Federal Gun Control Act with respect to certain old offenses under prior Commonwealth laws. Since section 6105 of the Uniform Firearms Act provides an avenue for individuals to apply to the court for restoration of gun rights lost due to recent convictions, the language of the bill would create a new section 6105.1 to offer a similar procedure for old offenses.

Under the proposed legislation, an individual would only be granted restoration of firearms rights under the new section, which is 6105.1, if he had been convicted of a minor offense, an offense currently graded as a misdemeanor of the second degree or less; if the conviction had been under the prior laws of the Commonwealth Vehicle Code or Penal Code; if he was not under any other firearms disabilities – and an example of that would be other convictions, commitments to mental institutions, and so on – and if after consideration of his character, a judge was satisfied that the individual would not be likely to act in a manner dangerous to public safety.

This is really what this amendment does. It gives those an opportunity who prior to 1973 and the Penal Code of 1977 and the Vehicle Code, if those offenses would happen today, they would not be deprived of buying a firearm.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna County, Mr. Staback.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I also stand in support of HB 2070 as amended by the Senate for all those reasons stated by the previous speaker.

The language amended into the bill, Madam Speaker, will resolve a longstanding problem that has plagued Pennsylvanians for a good number of years regarding their ability to own and purchase firearms.

As was previously stated, the bill is supported not only by the Pennsylvania State Police but the NRA (National Rifle Association), the Governor's Office, as well as the D.A.s Association.

So with that being said, I, as did the previous speaker, would request a "yes" vote on concurrence. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie County, Mr. Scrimenti, on concurrence.

Mr. SCRIMENTI. Thank you, Madam Speaker.

I would like to interrogate the caucus administrator there, if I could, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SCRIMENTI. Thank you.

Madam Speaker, I would like to know if a brief explanation of section 4 concerning lobbyists could be explained to this chamber and provide us with a rationale for that as well.

Mr. PHILLIPS. Section 4, this created the offense of "CONTINGENT COMPENSATION," which codifies a similar provision recently struck down by the Pennsylvania courts.

Mr. SCRIMENTI. Madam Speaker, could we have a little bit expanded explanation to what brought this about? What was the case, perhaps, that provoked, if you will, this legislation?

Mr. PHILLIPS. Okay. The offense defined, "(1) NO PERSON MAY COMPENSATE OR INCUR AN OBLIGATION TO COMPENSATE ANY PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE PASSAGE, DEFEAT, APPROVAL OR VETO OF LEGISLATION," and "(2) NO PERSON MAY ENGAGE OR AGREE TO ENGAGE IN LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON THE PASSAGE, DEFEAT, APPROVAL OR VETO OF LEGISLATION."

Mr. SCRIMENTI. Thank you, Madam Speaker.

I do not wish to beg the point any further, but I really would like to have an understanding of what prompted this proposal in this bill as listed as section 4.

The SPEAKER pro tempore. Perhaps the gentleman would like to go over and talk to the other gentleman.

Mr. SCRIMENTI. Well, I think it would be beneficial, Madam Speaker, for the entire chamber to have that information, and I think it would provide some value to all of us because—

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. SCRIMENTI. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Madam Speaker, perhaps I could enlighten the gentleman in that regard, having worked on the lobbyist disclosure legislation.

When that legislation was knocked down in the courts, we had language that said it could not knock out any part of the bill. It knocked the entire piece of legislation out, and what this amendment is, is apparently provisions that were defining some serious kinds of offenses that we would not want people to make, and that is, to compensate persons directly for the success of legislation, so the lobbyist has to be hired simply on the basis of the contract and not whether it passes or fails, and it also defines "lobbying," and those things were in the Lobbyist Disclosure Act, and remember, that was all knocked out. This just puts it into law, and that is what the Senate did.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horseley	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenny	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic

DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 2574, PN 4740**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Donatucci, that the House concur in the amendments inserted by the Senate.

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

Mr. ALLEN. Thank you, Madam Speaker.

Can someone just very briefly tell me what the amendments were in the Senate; just very briefly?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Donatucci.

Mr. DONATUCCI. Thank you, Madam Speaker.

Basically, what the Senate did was, they gutted the bill we passed last week and added three amendments.

One was, basically, many licensees now are using swipe machines, and if a minor should give a card to an establishment and it is a counterfeit and the machine says it is okay and the licensee gets a violation, they could use the machine as a defense when there is a hearing.

The second one is, it lets 14- and 15-year-olds work at golf courses where there is liquor as long as the liquor is locked up where they work.

And the last one has to do with satellite winery stores at like, let us say, a mall. If there are four wineries in one store, right now you need four managers. What this amendment does is, you just need one manager.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Madam Speaker.

I have just one question: In the amendments no amendment was added on the 2-year residency requirement for wholesaler distribution?

Mr. DONATUCCI. No, Madam Speaker.

Mr. ALLEN. Thank you, Madam Speaker. Thank you very much.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 2778, PN 4741**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations, for critical job training grants and for workforce development courses.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Tulli, that the House concur in the amendments inserted by the Senate.

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

Mr. VITALI. Madam Speaker, could we have a brief outline of what the amendments of the Senate were?

The SPEAKER pro tempore. For an explanation of Senate amendments, the Chair recognizes the gentleman, Mr. Tulli.

Mr. TULLI. Thank you, Madam Speaker.

The Senate made some changes in the bill that we sent over to them. They removed the language that created the chief operating officer of workforce development; and the Tuition Account Program, which we had in the legislation, does not need legislative authorization, so they took that out; and we did SB 1370, which does the self-employment assistance programs, so they took that out of the bill.

Thank you, Madam Speaker.

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

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman

Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rublely	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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 pro tempore. Would the Speaker, Mr. Ryan, come to the podium, please. Will the Speaker, Mr. Ryan, come to the podium, please.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick, for a point of personal privilege.

Mr. FLICK. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Madam Speaker, please.

Mr. FLICK. I am sorry. I could not tell by the voice. You are getting rather hoarse, Madam Speaker. It is getting deep.

I just wanted to pay my personal compliments to Representative Tulli, who has worked for over 2 years in

accomplishing the modifications of our Workforce Investment Act. HB 2778 was a labor of love, and he has been working on this day and night with the Governor, with the administration over in the Senate.

And since Representative Tulli is serving in his last waning hours of his term, I think we all ought to give him a big round of applause. Good job.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will be at ease.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1947, PN 4718**, 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 BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2131, PN 2843**, with information that the Senate has passed the same without amendment.

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

RULES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Perzel, calls for an immediate meeting of the Rules Committee.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. McIlhattan.
Mr. McILHATTAN. Thank you, Mr. Speaker.

I would like to correct the record on final passage of SB 1421. I am shown as not voting. My intention was to vote "yes" on final passage.

The SPEAKER. The remarks of the gentleman will be spread upon the record. Thank you.

Mr. McILHATTAN. Thank you.

The SPEAKER. Are there any other corrections while we are waiting for the clerks to prepare a supplemental calendar?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

With regard to the debate on SB 1421, I have remarks that are prepared in support of SB 1421, which I submit for the record.

The SPEAKER. Yes. Send it up with one of the pages.

Mr. HENNESSEY. Thank you.

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

I rise to seek support for SB 1421. This bill would in large measure return our State law to its status for generations prior to a court decision 10 to 15 years ago. After that court decision, Congress passed the Religious Freedom Restoration Act, applicable to the nation and to the States, restoring the prior standard.

But the Federal courts ruled that while Congress could determine Federal laws, it could not impose its laws upon the States. The court ruled that each State was the proper body to enact State statutes. SB 1421 will establish that standard for Pennsylvania.

There has been some concern that the provisions of SB 1421 would automatically exempt any operations, buildings, or activities conducted by or owned by a church organization from applicable provisions of local zoning laws. As was established in the debate, that is not the case. Current Federal law enunciates that the mere fact of church sponsorship or affiliation is not sufficient to create a blanket exemption from local zoning ordinances. Existing State law requires that a municipality provide for every legitimate land use somewhere within its borders, so it is difficult to see how a successful claim could be made that local zoning regulations create a substantial burden sufficient to meet the definitions contained within the bill. With that fear of a blanket exemption allayed, I ask your support for SB 1421.

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 401, PN 4746

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

HB 591, PN 4715

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation, and for ineligibility of incarcerated employees.

HB 731, PN 4716

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

HB 878, PN 4708

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

HB 1331, PN 4731

An Act amending the act of April 9, 1929 (P.L. 177, No.175), known as The Administrative Code of 1929, further providing for consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; and further providing for furnishing lists of employees to certain State officers.

HB 1945, PN 4709

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

HB 2070, PN 4743

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; further providing for unlawful contact with a minor; and providing for contingent compensation.

HB 2574, PN 4740

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

HB 2674, PN 4710

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

HB 2725, PN 4728

An Act designating Exit 60B in Robinson Township, Allegheny County, on Interstate Route 79 as the Trooper Todd C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Aughwick Creek in Cromwell Township, Huntingdon County, as the Charles Price Bridge; designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive; designating a certain bridge on SR 513 in Bensalem Township, Bucks County, as the Bensalem Veterans Memorial Bridge; designating a portion of State Route 901 in Schuylkill County as the Pottsville Maroons Highway; designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway; designating a bridge on that portion of State Route 259 over the Conemaugh River between Robison, Indiana County, and the Borough of Bolivar, Westmoreland County, as the Wesley E. Dodson Bridge; designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsontown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge; designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway; and designating a road in Springville Township, Susquehanna County, as West Nicholson Road.

HB 2778, PN 4741

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations, for critical job training grants and for workforce development courses.

HB 2842, PN 4719

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification, for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2892, PN 4742**, 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 1255, PN 1458**; and **HB 1700, PN 4023**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 14, PN 2379; SB 460, PN 2321; SB 813, PN 2358; SB 879, PN 2426; SB 1208, PN 2388; SB 1242, PN 2420; SB 1402, PN 2429; SB 1416, PN 2353; and SB 1452, PN 2439.**

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:

SB 14, PN 2379

An Act relating to the satisfaction of residential and other mortgages; providing for certain forms; and making repeals.

SB 460, PN 2321

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for license terms and fees, for fees and charges and for applicability.

SB 813, PN 2358

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the discount rate on workers' compensation insurance policies.

SB 879, PN 2426

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for surcharge recoverability and offset; and further providing for electricity supplied to certain organizations.

SB 1179, PN 2441

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tinicum Township certain lands and buildings situate in the Township of Tinicum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Greene County certain lands and building situate in Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the

City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

SB 1208, PN 2388

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further defining "practice of professional nursing"; further providing for the duties of the State Board of Nursing; providing for certified registered nurse practitioners and for their scope of practice and prescriptive authority; establishing the Drug Review Committee; and making a repeal.

SB 1242, PN 2420

An Act providing for the adoption of capital projects to be financed from the incurring of debt or from current revenue of the Fish Fund and the Boat Fund; and making a repeal.

SB 1402, PN 2429

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of rape, involuntary deviate sexual intercourse, aggravated indecent assault and forgery; and providing for computer offenses and for penalties.

SB 1416, PN 2353

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for licensing and regulation of insurance producers, managers and exclusive general agents; conferring powers and imposing duties on the insurance commissioner and Insurance Department; permitting the payment of referral fees; imposing penalties; and making repeals.

SB 1452, PN 2439

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas; further defining "health care provider"; further providing for limitations of appeals, for the powers and duties of probation officers concerning juveniles, for inspection of court files and records, for taking child into custody, for informal hearings, for notice and hearing, for adjudication and for disposition of dependent child and for exemption from attachment; providing for immunity of State parole officers and county probation officers; conferring powers and duties on the Juvenile Court Judges' Commission; providing for liability for violations of general and specific criminal statutes and for merger of sentences; and providing a technical correction to, confirmation of the scope of and clarification of existing law regarding the Rental-Purchase Agreement Act.

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

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 2892, PN 4742**

By Rep. PERZEL

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; and providing for continuation of tax.

RULES.

SUPPLEMENTAL CALENDAR O

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2892, PN 4742**, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; and providing for continuation of tax.

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—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
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Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
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Cappelli	Harper	Perzel	Travaglio
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Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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. For what purpose does the gentleman rise, Mr. Thomas?

Mr. THOMAS. Point of order, Mr. Speaker.

Mr. Speaker, so often that enough days go by, months go by, and we just kind of accept things as they are, but, Mr. Speaker, there were people that were with us last year at this time that are not here this year, and I just wanted to take this opportunity to wish all of my colleagues a very safe trip home and a very happy Thanksgiving with their families.

The SPEAKER. That is very kind of you. It is appreciated, and I know it is reciprocated. Thank you, Mr. Thomas.

BILL SIGNED BY SPEAKER

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

HB 2892, PN 4742

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; and providing for continuation of tax.

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

SUPPLEMENTAL CALENDAR N

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 930, PN 4747**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of authorities.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The question has been asked of the Chair as to whether or not this particular bill is violative of House rules. The Chair, after consultation with the Parliamentarian,

consultation with those principally involved with this bill, is of the opinion that in fact it does breach the House rules, namely rule 27, which provides, "No bill shall be amended so as to change its original purpose," which also, I might add, is duplicative of the Pennsylvania Constitution on the same subject.

In brief, a brief outline of how I reached that decision is a reading of HB 930, which is an ambitious bill containing some at a glance 28 – no – 49 pages. The original bill dealt with mergers and consolidation of municipalities. Thereafter, the bill was amended. Everything to do with the consolidation and merger was stricken in the Senate amendment and what was added was a new section dealing with the powers and duties of authorities. When this was called to our attention, we studied it I think somewhat carefully, more carefully than I frequently do this late at night, and formed the opinion that this is violative of our House rules as well as violative of the statutes of Pennsylvania.

BILL WITHDRAWN

The SPEAKER. And accordingly, I have discussed this with Mr. Herman indirectly and with the parties who are principally involved, and all are in agreement that the bill be withdrawn.

So that is just for the record so that any persons outside of this House who are interested in the bill will understand why it was not brought up this evening. The other way of doing it, of course, would be to have a pitched battle, which you would lose because it is a violation of the House rules.

Thank you.

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 1255, PN 1458

An Act reenacting and amending the act of December 21, 1988 (P.L.1860, No.178), entitled "An act providing for the disposal of unclaimed garments," providing for the disposal of unclaimed footwear and other items left with shoe repairers.

HB 1700, PN 4023

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 and for definitions.

HB 1900, PN 3864

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits.

HB 2131, PN 2843

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

HB 2256, PN 4587

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

HB 2350, PN 3262

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

HB 2411, PN 4509

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, revising provisions relating to athlete agents.

HB 2456, PN 3493

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

HB 2614, PN 4364

An Act prohibiting certain facsimiles, commercial electronic transmissions and the use of text, graphic or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; imposing penalties; authorizing the blocking of commercial electronic mail by interactive computer service; and providing for the powers of the Attorney General.

HB 2772, PN 4630

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties," establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

HB 2898, PN 4419

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Corrections, to grant and convey a 50-year easement of certain lands situate in Canaan Township, Wayne County, to Waymart Wind Farm L.P.

HB 2923, PN 4588

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to the Society for the Prevention of Cruelty to Animals of Chester County, Inc., certain land situate in West Bradford Township, Chester County.

HB 2924, PN 4486

An Act amending the act of December 11, 1986 (P.L.1508, No.163), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kilbuck Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to the County of Chester 230.693 acres of land, more or less, situate in

Newlin and West Bradford Townships, Chester County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to North Penn Comprehensive Health Services 8.7 acres of land, more or less, situate in the Borough of Blossburg, Tioga County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to Gilbert Collussy, Lena M. Collussy, James T. Dresher and Virginia M. Dresher, a tract of land situate in North Shenango Township, Crawford County, Pennsylvania, in exchange for a tract of land in the same township, and for other consideration; and authorizing and directing the Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and Transportation, to convey to the Mid-State Regional Airport Authority a tract of land situate in Rush Township, Centre County, Pennsylvania," further providing for deed of conveyance; and providing for conveyance in West Bradford Township, Chester County, Pennsylvania.

HB 2963, PN 4635

An Act 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 certain lands situate in Latrobe Borough, Westmoreland County, to the Borough of Latrobe; 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, at a price determined through competitive bidding, certain lands situate in Scottdale Borough, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Blairsville Borough, Indiana County, to the Borough of Blairsville; 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 certain lands situate in Kutztown Borough, Berks County, to the Borough of Kutztown; and authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey a certain tract of land situate in the Borough of Media, Delaware County, to the Borough of Media; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey an access road right-of-way over certain State land to Sanford J. and Doris M. Henry, Paul L. and Deborah K. Baker, Michael R. and Jeanne M. Henry, Lynn A. and Kimberly R. Henry, Leland W. Henry, Sr., and Leland W. Henry, Jr., all of Middlecreek Township, Somerset County, Pennsylvania, and their heirs and assigns; authorizing the release of Project 70 restrictions on certain land owned by the Lehighon Water Authority, Township of Penn Forest, Carbon County, to provide access right-of-way to John A. Wargo, et al. "Apollo Associates"; and making a repeal.

HB 2971, PN 4629

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council; and making editorial changes.

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

The SPEAKER. The House will be at ease for a couple moments.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls for a Rules Committee meeting.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2163, PN 4749**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1453, PN 2447**.

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

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 152, PN 4693**; and **HB 1553, PN 4748**.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 2163, PN 4749

By Rep. PERZEL

An Act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for permits for storm water discharges associated with oil and gas wells and for deputy secretaries in the Department of Transportation.

RULES.

SB 1453, PN 2450

By Rep. PERZEL

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, and imposing Project 500

restrictions on other land owned by the Borough of Royalton, Dauphin County.

RULES.

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 152, PN 4693

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft, reconstructed and flood vehicles; further providing for registration of vehicles, for judicial review, for licensing of drivers, for commercial driver's license, for disqualification, for commercial and school vehicle drivers prohibited from operating with any alcohol in system, for license fees, for required financial responsibility, for annual hauling permits, for automated red light enforcement systems in first class cities, for removal of vehicle by or at direction of police, for prohibitions in specified places, for pedalcycle use on freeways and for footrests and handlebars on motorcycles; providing for lighted lamp requirements for motorcycles; further providing for abandonment and stripping of vehicles; providing for restitution of property owners and for stripping abandoned vehicles; further providing for driving under influence of alcohol or controlled substance, for periods for requiring lighted lamps, for rear wheel shields, for inspection requirements and for scope and application of provisions relating to size, weight and load; providing for application to tow trucks; further providing for authority to issue permits, for permit for movement of waste coal and beneficial combustion ash, for salvors; providing for duties of police and salvors; further providing for abandoned vehicles and cargos and for messenger service; and providing for the Messenger and Agent Advisory Committee.

HB 1553, PN 4748

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and for notice of change of name or address; requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handhold on motorcycles, for driving under the influence of alcohol or controlled substance and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. DeWEESE. A point of information, Mr. Speaker.

The SPEAKER pro tempore. Would the gentleman state his point.

Mr. DeWEESE. Could the Chair offer us any kind of direction for what we might anticipate for the next hour or two or three or what time some of our members might depart? Notwithstanding the ordeal at hand, some of these men and women are contemplating a 4-, 5-, and 6-hour drive so they can be home for Thanksgiving, and I am only asking politely, respectfully, for some kind of an update as to where we are and what we are going to be doing during the remainder of our session evening.

Thank you, Mr. Speaker.

Even a rough guess would be helpful.

The SPEAKER pro tempore. The Chair has been advised that we are going to be running approximately three bills. We are awaiting the return of the Speaker, who is currently meeting with the leadership in the Senate, and upon his return, we will be, hopefully, moving the bills straight away.

Mr. DeWEESE. Thank you, Mr. Speaker.

MOTION TO ADJOURN

Mr. VITALI. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. VITALI. I move that this House adjourn sine die.

The SPEAKER pro tempore. Will the gentleman please come to the rostrum, please.

(Conference held at Speaker's podium.)

MOTION WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I withdraw my motion to adjourn.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 463, PN 2445; SB 807, PN 2442; SB 958, PN 2437; and SB 1478, PN 2438.**

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 406, PN 2449.**

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

SUPPLEMENTAL CALENDAR S

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

The House proceeded to consideration of concurrence in Senate amendments to House amendment to **SB 1453, PN 2450**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, and imposing Project 500 restrictions on other land owned by the Borough of Royalton, Dauphin County.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. Mr. Hennessey.

Mr. HENNESSEY. Mr. Speaker, I rise to speak against concurrence. Would you prefer that I defer until someone speaks in favor of concurrence?

The SPEAKER. Is this on the system?

The Chair apologizes to the House.

The House will be at ease for a few minutes. I am told that it is being put on the system as we wait. It is a land transfer bill in Chester County.

Who is going to speak in favor of the bill?

There has been some confusion. This is SB 1453, PN 2450, a land transfer bill in at least Chester County and, as I look quickly, it looks like Dauphin County is in here. Is there someone prepared to speak on this bill?

Mr. Ross.

Mr. ROSS. Mr. Speaker, this land transfer in Chester County is designed to help the West Chester School District acquire some property. The State currently has a PENNDOT facility that PENNDOT is leaving.

The SPEAKER. Is anyone familiar with the Dauphin County transfer? Any questions on it?

Mr. Kenney.

Mr. KENNEY. Mr. Speaker, the bill is still not on the system, and the printer's number I have contains language that is supposed to be removed, and can we just be at ease?

The SPEAKER. What printer's number do you have, Mr. Kenney?

Mr. KENNEY. The last copy that I was able to attain was PN 2447. I believe you referenced PN 2450.

The SPEAKER. I did.

All right. The House will be at ease.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1947, PN 4718

By Rep. PERZEL

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for tax levies and for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

RULES.

SUPPLEMENTAL CALENDAR M

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1947, PN 4718**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for tax levies and for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

On the question,

Will the House concur in Senate amendments?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Wright, from Bucks County.

Mr. WRIGHT. Mr. Speaker, I move the rules of the House be suspended to permit the insertion of an amendment into HB 1947, a bill before the House on concurrence in Senate amendments.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

Adolph	Evans, D.	Mann	Scrimenti
Allen	Evans, J.	Markosek	Semmel
Argall	Fairchild	Marsico	Shaner
Armstrong, G.	Feese	Mayernik	Smith, B.
Armstrong, T.	Fichter	McCall	Smith, S. H.
Baker, J.	Flick	McGeehan	Solobay
Baker, M.	Forcier	McGill	Staback
Bard	Frankel	McIlhattan	Stairs
Barrar	Freeman	McIlhinney	Steelman
Bastian	Gabig	McNaughton	Steil
Bebko-Jones	Gannon	Melio	Stern
Belardi	Geist	Metcalfe	Stetler
Belfanti	George	Michlovic	Stevenson, R.
Benninghoff	Godshall	Micozzie	Stevenson, T.
Birmelin	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Brooks	Habay	Myers	Tangretti
Browne	Haluska	Nailor	Taylor, E. Z.
Bunt	Hanna	Nickol	Taylor, J.
Butkovitz	Harhai	O'Brien	Thomas
Buxton	Harhart	Oliver	Tigue
Caltagirone	Harper	Pallone	Travaglio
Cappelli	Hasay	Perzel	Trello
Casorio	Hennessey	Petrarca	Trich
Cawley	Herman	Petrone	Tulli
Civera	Hershey	Phillips	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Preston	Vitali
Cohen, M.	Jadlowiec	Raymond	Walko
Coleman	James	Readshaw	Wansacz
Cornell	Josephs	Reinard	Washington
Corrigan	Kaiser	Rieger	Waters
Costa	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rublely	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Santoni	Yudichak
DiGirolamo	Mackereth	Sather	Zug
Diven	Maher	Saylor	
Donatucci	Maitland	Scavello	
Eachus	Major	Schroder	Ryan,
Egolf	Manderino	Schuler	Speaker

NAYS—1

Samuelson

NOT VOTING—3

Coy	Fleagle	Pistella
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EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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

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

Mr. **WRIGHT** offered the following amendment No. **A6792**:

Amend Title, page 1, lines 5 through 20, by striking out “PROVIDING FOR” in line 5, all of lines 6 through 20 and inserting further providing for tax levies, for authority to sell or lease real property, for separate specifications for contract and for eminent domain proceedings.

Amend Bill, page 2, lines 5 through 18, by striking out all of said lines and inserting

Section 1. Section 1970 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, amended February 14, 1986 (P.L.16, No.6), is amended to read:

Amend Bill, page 3, lines 19 through 30; pages 4 through 13, lines 1 through 30; page 14, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 2. Section 2506 of the act is amended to read:

Amend Bill, page 17, lines 10 through 30; pages 18 through 20, lines 1 through 30, by striking out all of said lines on said pages

Amend Sec. 7.1, page 21, line 1, by striking out “7.1” and inserting

3

Amend Bill, page 23, lines 23 through 30; pages 24 through 60, lines 1 through 30; page 61, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 3. Sections 3025 and 3027 of the act are amended to read:

Amend Bill, page 61, lines 5 through 17, by striking out all of said lines

Amend Bill, page 62, lines 4 through 18, by striking out all of said lines and inserting

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the question of the adoption of the amendment, Mr. Wright, kindly explain your amendment.

Mr. **WRIGHT**. Thank you, Mr. Speaker.

There are a number of amendments in the bill, but there is an offending amendment. It is only a Second Class County Code. Allegheny County had a problem with one of the provisions regarding the commissioners automatically receiving medical benefits. So we are removing that amendment from the bill.

The **SPEAKER**. Ms. Josephs, your machine does not have this on it?

Check now, Ms. Josephs. Thank you.

On the amendment, the gentleman, Mr. Markosek, is recognized.

Mr. **MARKOSEK**. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Wright.

The **SPEAKER**. Mr. Wright indicates he will stand for interrogation. You may begin.

Mr. **MARKOSEK**. Thank you, Mr. Speaker.

Mr. Speaker, you mentioned commissioners for Allegheny County. Allegheny County now has councilmen. Is that what was intended?

Mr. **WRIGHT**. I was not the maker of the original amendment that was inserted in the Senate, but apparently, on the second page of the bill, it talks about commissioners of a second-class county automatically receiving medical benefits and health insurance and other types of benefits. Members of

Allegheny County recognize that you do not have commissioners, but there was some concern of who this related to. So we took it right out of the bill.

Mr. MARKOSEK. So it is no longer in the bill?

Mr. WRIGHT. It is not in the bill.

Mr. MARKOSEK. Thank you.

Mr. WRIGHT. My amendment just deletes that provision of the bill.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

Would the gentleman be willing to stand for interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation. You may begin.

Mr. PIPPY. Thank you, Mr. Speaker.

Just to clarify. Our understanding, in discussions of that, there were in essence three items: one is the Separations Act. It is an agreed-to amendment dealing with second-class counties – in particular, some public buildings – and the unions and the local government have agreed to that amendment. The second is some eminent domain language put in by the Senate dealing with rails-to-trails, and the third was a Bucks County millage issue.

Is there anything else in the bill other than those three elements?

Mr. WRIGHT. No.

Mr. PIPPY. Thank you, Mr. Speaker.

The SPEAKER. Ms. Harper.

Ms. HARPER. Mr. Speaker, is there anybody who will stand for interrogation on the eminent domain aspects of this bill?

The SPEAKER. Is that part of the amendment?

Ms. HARPER. Well, I guess that is my first question, Mr. Speaker. Are there eminent domain provisions in the amendment?

The SPEAKER. Mr. Wright.

Mr. WRIGHT. Yes. It is not part of the amendment, but when we get to the bill, the next step, I will be glad to discuss that as best I can.

Ms. HARPER. Thank you, Mr. Speaker. I will hold my question until then.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong, G.	Feese	Mayernik	Shaner
Armstrong, T.	Fichter	McCall	Smith, B.
Baker, J.	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Gabig	Melio	Steil
Belardi	Gannon	Metcalfe	Stern
Belfanti	Geist	Michlovic	Stetler
Benninghoff	George	Micozzie	Stevenson, R.
Birmelin	Godshall	Miller, R.	Stevenson, T.
Blaum	Gordner	Miller, S.	Strittmatter
Boyes	Grucela	Mundy	Sturla

Brooks	Gruitza	Myers	Surra
Browne	Habay	Nailor	Tangretti
Bunt	Haluska	Nickol	Taylor, E. Z.
Butkowitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhai	Oliver	Thomas
Caltagirone	Harhart	Pallone	Tigue
Cappelli	Harper	Perzel	Travaglio
Casorio	Hasay	Petrarca	Trello
Cawley	Hennessey	Petrone	Trich
Civera	Herman	Phillips	Tulli
Clark	Hershey	Pickett	Turzai
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Horsey	Pistella	Veon
Cohen, M.	Hutchinson	Preston	Vitali
Coleman	Jadlowiec	Raymond	Walko
Cornell	James	Readshaw	Wansacz
Corrigan	Josephs	Reinard	Washington
Costa	Kaiser	Rieger	Waters
Coy	Keller	Roberts	Watson
Creighton	Kenney	Robinson	Williams, J.
Cruz	Kirkland	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Levdansky	Rubley	Yewcic
DeLuca	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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

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

The SPEAKER. On that question, on the question of concurrence, does the lady care to be recognized on this question?

Ms. HARPER. Mr. Speaker, I have satisfied myself on that issue. Thank you.

The SPEAKER. The Chair thanks the lady.

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

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

The following roll call was recorded:

YEAS—184

Adolph	Egolf	Manderino	Scavello
Allen	Evans, D.	Mann	Schroder

Argall	Evans, J.	Markosek	Schuler
Armstrong, G.	Fairchild	Marsico	Scrimenti
Armstrong, T.	Feese	Mayernik	Semmel
Baker, J.	Fichter	McCall	Shaner
Baker, M.	Fleagle	McGeehan	Smith, S. H.
Bard	Flick	McGill	Solobay
Barrar	Forcier	McIlhattan	Staback
Bastian	Frankel	McIlhinney	Stairs
Bebko-Jones	Freeman	McNaughton	Steelman
Belardi	Gabig	Melio	Steil
Belfanti	Gannon	Michlovic	Stern
Benninghoff	Geist	Micozzie	Stetler
Birmelin	George	Miller, R.	Stevenson, R.
Blaum	Godshall	Miller, S.	Stevenson, T.
Boyes	Gordner	Mundy	Strittmatter
Brooks	Grucela	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Haluska	Nickol	Tangretti
Butkovitz	Hanna	O'Brien	Taylor, E. Z.
Buxton	Harhai	Oliver	Taylor, J.
Caltagirone	Harhart	Pallone	Thomas
Cappelli	Harper	Perzel	Tigue
Cawley	Hasay	Petrarca	Travaglio
Civera	Hennessey	Petrone	Trello
Clark	Herman	Phillips	Trich
Clymer	Hershey	Pickett	Tulli
Cohen, L. I.	Hess	Pippy	Vance
Cohen, M.	Horsey	Pistella	Veon
Coleman	Hutchinson	Preston	Walko
Cornell	Jadlowiec	Raymond	Wansacz
Corrigan	James	Readshaw	Washington
Costa	Josephs	Reinard	Waters
Coy	Kaiser	Rieger	Watson
Creighton	Keller	Roberts	Williams, J.
Cruz	Kenney	Robinson	Wilt
Curry	Kirkland	Roebuck	Wojnaroski
Dailey	LaGrotta	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Youngblood
DeLuca	Lewis	Rubley	Yudichak
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Mackereth	Santoni	
Diven	Maher	Sather	
Donatucci	Maitland	Saylor	Ryan,
Eachus	Major		Speaker

NAYS—9

Casorio	Metcalfe	Smith, B.	Vitali
Habay	Samuelson	Turzai	Yewcic
Levdansky			

NOT VOTING—0

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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

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

SUPPLEMENTAL CALENDAR P

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2163, PN 4749**, entitled:

An Act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for permits for storm water discharges associated with oil and gas wells and for deputy secretaries in the Department of Transportation.

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

The SPEAKER. On the question of concurrence in the Senate amendments, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, it is rather difficult at this late hour and not having access to some environmental attorneys to get expert advice on this, but there is an amendment that was inserted in the Senate relative to an amendment with the Oil and Gas Act and especially how it affects the State Clean Streams Law that I think at my reading is especially egregious, and I need to call everybody's attention to it.

This amendment essentially would significantly emasculate the high quality and exceptional value of watersheds throughout the Commonwealth. There is a provision in this amendment that simply says that if you have an Oil and Gas Act permit, that you are not going to need a Clean Streams Act permit if you are going to develop a site to do oil and gas drilling in a particular area.

You know, it is one thing to not pass a good piece of environmental legislation; we missed that opportunity yesterday, but to pass an amendment that essentially guts the State Clean Streams Law is especially egregious and especially at this late hour.

The legislation, the amendment, as I also read it, would essentially say that the department is going to be required to put in place a general use permit process. So they are going to issue a general use permit, and as long as you have that general use permit, you know, you are going to be able to go ahead and put your oil and gas rig wherever and conduct that drilling.

Mr. Speaker, you know, one thing that we have done in this Commonwealth, you know, our waterways are significant, they are vast, and they are diverse as well, and in our Commonwealth, what we have always had a policy is that we are going to treat our exceptional-value and high-quality watersheds differently than, for example, the way we would treat watersheds like the Monongahela River that comes through my district, which has various, multiple, probably thousands of sources of pollution both point and nonpoint.

Our whole philosophy has been that these pristine waters of the Commonwealth – okay? – that these pristine waters, that we are going to treat them differently. These are waters of the Commonwealth, Mr. Speaker, that next week when I am chasing white-tailed deer, I, like an animal, can bend down and drink water out of those streams because I know they are high-quality and exceptional-value waters. They are different from other waters, and to pass an amendment like this at this

late hour, under the darkness of night, when everybody wants to get out of here, is outrageous. It would be the most egregious and damaging thing that we could do to the State Clean Streams Act, and given what I know about this, Mr. Speaker, and the fact that there is a lot that I do not know but I think on its face it seems that this is especially egregious, I would urge all the members to vote “no” on this particular piece of legislation.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Smith.

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

Mr. Speaker, just real briefly on this legislation.

Some of the language that was put into it that deals with the Clean Streams Law, clearly it does not gut the Clean Streams Law.

Someone would make you believe that this turns the clock back 50 years environmentally. What this does is reinstates what has been happening in Pennsylvania with the small, and I am talking small, oil-and-gas site permits. I am talking areas smaller than this room that are directly affected by a permit for oil and gas for drilling a well.

It basically puts into law what the practice had been over the last several years. Because of a bureaucratic interpretation that was implemented over the last year, we felt that this legislation was necessary. It is important to the people of the northwestern part of Pennsylvania. Clearly, it is not something that is going to lead to any degradation of Pennsylvania’s waterways, and I clearly take issue with the idea that it guts the Clean Streams Law, and I would urge the members to keep that in mind as they vote for this legislation.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose concurrence.

Despite the points made by the gentleman, Mr. Smith, if it does in fact what he says, we can take this up in the next session. There is no need in the eleventh hour of this session to go down this path adopting legislation that we do not truly know the full environmental implications of. That is reckless legislation; that is irresponsible legislating, and we should shut this bill down.

Vote “no” on concurrence.

The SPEAKER. The Chair thanks the gentleman.

Ms. Harper, on the subject. Then I have Mr. Hutchinson and Mr. DeWeese.

Ms. HARPER. Mr. Speaker, I have a question for somebody regarding the impact of this on the clean streams. I do not know who wants to stand for it.

The SPEAKER. Mr. Smith indicates he will stand for interrogation. You may begin.

Ms. HARPER. Mr. Speaker, I am confused about the amount of land that would be affected, because some of the bill refers to construction activities at the site which disturb 1 acre or more and some is less. So I do not understand the implications of that. Can the gentleman explain?

Mr. S. SMITH. Mr. Speaker, as I understand it, the way the law had been handled in terms of these permits historically, if a person came in to get a permit for a site for drilling a gas well or an oil well in that region – and I am talking about an area smaller than this room, in many cases – they would not be subject to a certain element of this permit.

What is happening over the last year, if someone came onto a single property of, let us say, 400 acres and they were going to drill three wells on that plot of ground – actually, it may be five wells; I am not positive – but they came in with a site plan where they are going to drill five different wells over, you know, over a 400-acre plot, that is where the department is coming in and telling them that they need to now have a different permit when in fact, if they came in and did individual permits or individual sites, they would not be required to go through the extensive permitting process.

So because of the change of interpretation with what the law had been over the many years, strictly through a policy decision within the department, this legislation is being proposed to allow them to continue their permitting process the way they have.

Ms. HARPER. Mr. Speaker, can I ask a followup?

Does the bill distinguish between streams of exceptional quality and other streams in not requiring permits? I am sorry; I probably asked that inartfully, and I apologize. I am trying to figure out if there is a stream of exceptional value. Does this bill make any distinction between such a stream in the vicinity of the construction activities and some lesser quality stream?

Mr. S. SMITH. No; they are treated the same.

Ms. HARPER. That is all the questions I have, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I rise in support of this bill, and I want to tell the members that this bill came over from the Senate following a vote of 48 to 0. There is no problem with this bill.

I come from the area of this State that has the cleanest water and the greatest environment of all the entire Commonwealth, and we have been doing oil and gas for almost 150 years.

This bill does one thing: it simply tracks Pennsylvania’s laws to the Federal EPA (Environmental Protection Agency) regulations; it goes no further and no less, and for that reason I think we should pass this commonsense legislation to help our small oil and gas producers whose permit process has changed from a 30-day wait to, recently, up to 9 months to get permits. That is unforgivable, and I think that we should track these Federal EPA regulations by passing this bill.

Thank you.

The SPEAKER. The gentleman, Mr. Levdansky, for the second time on the issue.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I want to call particular attention to language, and let me read this because this is especially critical. It says this: “NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE OWNER OR OPERATOR OF A WELL THAT IS SUBJECT TO THE PERMIT OR REGISTRATION REQUIREMENTS OF THE ‘OIL AND GAS ACT’ SHALL NOT BE REQUIRED TO OBTAIN A PERMIT PURSUANT TO ‘THE CLEAN STREAMS LAW’....” Right now you are required to get both an Oil and Gas Act permit and a Clean Streams Act permit; you are required both. This language would relieve, would exempt the driller from getting a Clean Streams Act permit. That is what it does.

Now, why does it do that? It does that probably for a couple of reasons. One is, one is, the standards of the Clean Streams Act are more stringent than Federal law. Of course, of course, those that do not care about the environment would love to be

held to the weaker Federal standard; that is what they want. They do not want to abide by the stronger State standard as enunciated in the State Clean Streams Law. So that is what they would like to do.

Secondly, the Oil and Gas Act does not have the public notification nor the citizen supervisions that are contained in the State Clean Streams Law, and rather than trying to amend the Clean Streams Law and take those strong citizen and public notice requirements out of the law, what they want to do is exempt the drillers from getting, from requiring a permit under the Clean Streams Law. Make no doubt about it, make no doubt about it, this is a lessening of the standards for drilling exceptional-value and high-quality watersheds; no doubt about it. That is exactly what the language says. It exempts you from getting a permit under the State Clean Streams Law.

So, you know, to say that this is an innocuous amendment and we are just trying to handle a little bureaucratic snafu is, I think, misleading. Now, if it is taking too long to get a permit, then that is an issue we need to work on with the department relative to the timely issuance of permits. That may be a legitimate issue that we can handle in a legitimate fashion, and we are going to have a new Governor and a new DEP (Department of Environmental Protection) that ought to focus on doing that, but we do not need to emasculate the Clean Streams Act in order to solve that problem and we ought not.

Vote "no." Thank you.

The SPEAKER. The gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would ask the House to nonconcur.

I mean, it very well may be true that everything Mr. Hutchinson is saying about this is true and this is truly an innocuous measure, yet at the same time it could be true that everything Mr. Levdansky is saying about it is true. We simply just do not know tonight at this eleventh hour.

I think the admission by Representative Smith with regard to this affecting exceptional-value streams is truly disturbing, and I think it should give us all pause.

I think the reality is that what this measure should be is considered by the House Environmental Committee perhaps right when we get back, which is only about 6 weeks away. That is the way we should act as a deliberative body. The bill should be introduced; we should have hearings on it. We should perhaps bring people from the DEP in and perhaps someone from Allegheny County oil and gas and just listen to both sides and act in a deliberative way. It is only 6 weeks away. That is what we really should be doing on this, and perhaps we should start the new session right and just approach this thing in the right way.

So no one is going to be prejudiced by this, and I would simply ask for a nonconcurrency.

Thank you.

The SPEAKER. The gentleman, Mr. Surra, from Elk.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise at this late hour to oppose the concurrence on HB 2163.

When other speakers have gone to the microphone and said that there is no change in the historic pattern, basically, of how DEP has been enforcing the law, well, there is a reason for that, Mr. Speaker, and that is because the Ridge/Schweiker administration has had a very weak interpretation of this law,

and that is probably about to change. So we are now going to try to legitimize the previous actions of the administration.

The language that Mr. Levdansky read is correct, and I am going to repeat it: to obtain a permit for a stormwater discharge, they will be exempt from getting a permit. At this late hour, Mr. Speaker, I do not think it is prudent to be doing this. This is something that the Environmental Committee can take up next year. You know, all you have got to do is look to the coast of Spain and you can see that oil and water do not mix, Mr. Speaker.

I think that we do need to look at this issue. I do understand that some of our drillers have a problem, but I think total exemption from getting a permit is not the answer, and we ought to vote "no."

Thank you.

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

If I could bring the focus of this concurrence back to the original intent and what the main portion of the bill really is, our Transportation Committee was charged with a mission, and that mission was to make sure that we were able to protect and do everything that we could on the transportation infrastructure in the State of Pennsylvania for homeland security.

This bill is the last piece of the homeland security, and it creates a Deputy Secretary for Transportation Security. Representative McCall has the language, the clarifying language, that is in here on the other deputy secretaries at the Department of Transportation.

We believe this is very important on the security front. We would ask that you vote in the affirmative on concurrence.

The other information that is in this bill, if there is a problem with it, I am sure that we can address it under the leadership of Governor Rendell, but tonight it is very important to pass this piece of legislation for the Deputy Secretary of Transportation Security.

I would urge a "yes" vote.

MOTION TO SUSPEND RULES

The SPEAKER. On the question, Mr. McCall.

Mr. McCALL. On concurrence, Mr. Speaker.

Mr. Speaker, I agree wholeheartedly with Chairman Geist that we did work hard to get language inserted into this bill that dealt with homeland security, and I think we should concur in that.

However, I do feel that enough concerns have been raised by our members about the additional language that was inserted on oil and gas drilling, and I would ask that we revert to a prior printer's number.

The SPEAKER. Mr. McCall, it will be necessary for you to suspend the rules to do that.

Mr. McCALL. I would so move, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McCall, moves that the rules of the House be suspended to permit him to offer a motion to revert to a prior printer's number. Do you have that number, by chance, Mr. McCall?

Mr. McCALL. 2979.

The SPEAKER. The Chair thanks the gentleman.

To allow the gentleman to revert to the just-stated prior printer's number.

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

The SPEAKER. On the question of suspension of the rules, Mr. Perzel.

Mr. PERZEL. I would just ask the membership for a “no” vote, Mr. Speaker. That is all. Thank you.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I would ask the membership for an affirmative vote.

I think that the arguments of the gentleman, Mr. Geist, are worthwhile, and they would probably be embraced 100 percent. The reason we have the parliamentary maneuver that allows us to revert to a prior printer’s number is just exactly made for tonight.

The declarations of the gentleman from Elizabeth, Mr. Levdansky; from Easton, Mr. Freeman; from Delaware, Mr. Vitali, are on target. If we are going to make substantial changes in environmental law, and I believe, as the gentleman, Mr. Hutchinson, has inferred, that this legislation is probably not a bad bill, but we do not know, and the midnight hour is upon us.

This is the proverbial sausage that legislation becomes at these late hours. We can make these environmental changes early in the new session.

We all agree with the gentleman from Altoona, Mr. Geist. Mr. McCall and Mr. Geist are famous in this chamber for having a very good bipartisan relationship. If we revert to a prior printer’s number, this bill will sail through smoothly to victory.

Within the body of the bill, Mr. Speaker, if we revert to a prior printer’s number, some language that I had inserted previously will remain because it is in the prior printer’s number, and that would protect the addresses of our corrections guards. So any of my members and any of the members on the other side of the aisle who have a State correctional institution in your district would be making a very good vote along with the reasons that Mr. Geist has averred.

So for the above reasons, Mr. Speaker, a reversion to a prior printer’s number, if we are allowed to suspend the rules, is a win-win. We can help make a homeland security issue successfully confronted by our Assembly; we can help our prison guards; and we can study the environmental issues that Mr. Levdansky passionately argued about a little while ago. These things are going to be viable and important in January and February. It is not as if the midnight hour is going to terminate their importance.

A suspension of the rules is the right vote, especially at midnight on the eve of Thanksgiving. We are tired. We have been here for 15 consecutive hours. This is not the moment to make substantial legislative changes in our environmental laws. This is a time to do things we agree upon. Geist and McCall agree on a reversion – well, at least they agree on the body of the bill that would be reverted to – and I would ask for a suspension of the rules so we can make an amicable, bipartisan reversion to a prior printer’s number.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Levdansky, you are not permitted to debate this motion.

I cannot hear you; pardon me.

PARLIAMENTARY INQUIRY

Mr. LEVDANSKY. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVDANSKY. Mr. Speaker, when Representative McCall made a motion, I thought that he made a motion to revert to a prior printer’s number, but what is on the board—

The SPEAKER. That is true.

Mr. LEVDANSKY. —is a motion to suspend the rules. Why do we need to suspend the rules if he just wants to revert?

The SPEAKER. Because the effect of the reversion is the same as putting an amendment in a bill and it is treated the same way under our rules, and to offer an amendment you have to at this point in the game suspend the rules to consider it, and that is the reason we have always done it that way.

Mr. LEVDANSKY. I understand the practical—

The SPEAKER. I am not going to debate. If you are not happy with my ruling, you can appeal the ruling of the Chair.

Mr. LEVDANSKY. No; that is okay.

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—101

Bard	George	McIlhinney	Staback
Bebko-Jones	Gordner	Melio	Steelman
Belardi	Grucela	Michlovic	Steil
Belfanti	Gruitza	Mundy	Stetler
Blaum	Haluska	Myers	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Pallone	Tangretti
Caltagirone	Harper	Petrarca	Thomas
Casorio	Hennessey	Petrone	Tigue
Cawley	Horsey	Pistella	Travaglio
Clark	James	Preston	Trello
Cohen, M.	Josephs	Readshaw	Trich
Corrigan	Kaiser	Rieger	Veon
Costa	Keller	Roberts	Vitali
Coy	Kirkland	Robinson	Walko
Cruz	LaGrotta	Roebuck	Wansacz
Curry	Lederer	Rooney	Washington
Daley	Levdansky	Ross	Waters
DeLuca	Lucyk	Rubley	Watson
DeWeese	Manderino	Sainato	Williams, J.
Diven	Mann	Samuelson	Wojnaroski
Eachus	Markosek	Santoni	Wright, G.
Evans, D.	Mayernik	Scrimenti	Yewcic
Fairchild	McCall	Shaner	Youngblood
Frankel	McGeehan	Solobay	Yudichak
Freeman			

NAYS—90

Adolph	Dally	Lewis	Saylor
Allen	DiGirolamo	Mackereth	Scavello
Argall	Egolf	Maher	Schroder
Armstrong, G.	Evans, J.	Maitland	Schuler
Armstrong, T.	Feese	Major	Semmel
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	McGill	Smith, S. H.
Barrar	Flick	McIlhattan	Stairs
Bastian	Forcier	McNaughton	Stern
Benninghoff	Gabig	Metcalfe	Stevenson, R.
Birmelin	Gannon	Micozzie	Stevenson, T.
Boyes	Geist	Miller, R.	Strittmatter
Brooks	Godshall	Miller, S.	Taylor, E. Z.

Browne	Habay	Nailor	Taylor, J.
Bunt	Harhart	Nickol	Tulli
Cappelli	Hasay	Perzel	Turzai
Civera	Herman	Phillips	Vance
Clymer	Hershey	Pickett	Wilt
Cohen, L. I.	Hess	Pippy	Wright, M.
Coleman	Hutchinson	Raymond	Zug
Cornell	Jadlowiec	Reinard	
Creighton	Kenney	Rohrer	Ryan,
Dailey	Leh	Sather	Speaker

NOT VOTING—2

Donatucci O'Brien

EXCUSED—10

Bishop	Krebs	Lescovitz	Ruffing
Colafella	Laughlin	Lynch	Zimmerman
Dermody	Lawless		

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.

ADJOURNMENT

The SPEAKER. The Chair at this time interrupts the deliberation and recognizes the gentleman, Mr. Raymond.

Mr. RAYMOND. Mr. Speaker, I move that this House do now adjourn until 12:06 a.m., e.s.t., Thursday, November 28, 2002.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 12:05 a.m., e.s.t., Thursday, November 28, 2002, the House adjourned.