

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 18, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.d.t.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Let us pray together:

Dear Father, we thank You for each member of the House of Representatives and our hardworking staff, both here at the Capitol and in the district offices. We thank You for the sacrifice they give in order to represent our communities – time spent away from their families, time spent here at the Capitol, all for the noble purpose in serving others. Grant them all the wisdom needed to respond to the enormity of the responsibility in making good, just, and reasonable decisions about the issues that not only affect the present but also the future.

May we stand strong to protect our precious freedoms and moral well-being as a State and nation. We pray that You would bless these men and women with physical health, mental acuity, moral toughness, and spiritual strength and peace. You have established us as a nation under God. You have reminded us that blessed is the nation whose God is the Lord.

Heavenly Father, we ask for Your continued blessing on our nation and State and for Thy will to be done, as You are the alpha and the omega and sovereign over all. We humbly pray in the name of our Lord. 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, October 17, 2006, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 3041 By Representatives GANNON, HENNESSEY, CALTAGIRONE, E. Z. TAYLOR, CAPPELLI,

BEBKO-JONES, DeLUCA, BALDWIN, SONNEY, SCAVELLO, JAMES, GEIST and THOMAS

An Act directing the State Board of Medicine and the State Board of Osteopathic Medicine to promulgate regulations providing for a designation indicating board certification on physician licenses; and providing for additional reimbursement by insurers.

Referred to Committee on PROFESSIONAL LICENSURE, October 18, 2006.

No. 3042 By Representatives GANNON, DeLUCA, KOTIK, YOUNGBLOOD, JAMES, DALEY, LEDERER and BARRAR

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, prohibiting discrimination against certain willing providers by health care benefit plan payers.

Referred to Committee on INSURANCE, October 18, 2006.

No. 3043 By Representative PETRI

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for definitions and for mandatory and optional membership; and providing for the State Employees' Optional Retirement Program.

Referred to Committee on STATE GOVERNMENT, October 18, 2006.

No. 3044 By Representatives SEMMEL, TIGUE, PHILLIPS, CALTAGIRONE, BAKER, BASTIAN, BEBKO-JONES, BOYD, CAUSER, CLYMER, CRAHALLA, FABRIZIO, FLAHERTY, GEIST, GINGRICH, GOOD, HERSHEY, MARSICO, R. MILLER, O'NEILL, PYLE, RAPP, SATHER, SONNEY, STERN, E. Z. TAYLOR and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for open meetings and for General Assembly meetings covered.

Referred to Committee on STATE GOVERNMENT, October 18, 2006.

No. 3045 By Representatives NICKOL, R. MILLER, BAKER, BARRAR, BENNINGHOFF, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CREIGHTON, GRUCELA, HERSHEY, HUTCHINSON, LEH, MACKERETH, REICHLEY, RUBLEY, B. SMITH, STERN, E. Z. TAYLOR and WATSON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for work to be done under contract let on bid.

Referred to Committee on EDUCATION, October 18, 2006.

No. 3046 By Representatives NICKOL, CALTAGIRONE, CRAHALLA, CREIGHTON, FABRIZIO, GINGRICH, GRELL, HERSHEY, R. MILLER, RUBLEY, B. SMITH, TIGUE, VITALI, WATSON and WRIGHT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for control of public travel on private property by owner.

Referred to Committee on TRANSPORTATION, October 18, 2006.

No. 3047 By Representatives RUBLEY, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, CREIGHTON, FABRIZIO, FLAHERTY, GINGRICH, GRUCELA, HARHAI, HERSHEY, JOSEPHS, LEACH, MANN, MARKOSEK, MUNDY, PAYNE, PYLE, ROSS, SANTONI, STEIL, STURLA, VITALI, WATSON, WRIGHT, DALEY and YOUNGBLOOD

An Act requiring the design, construction and renovation of buildings that receive a State appropriation to comply with specified energy and environmental building standards.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 18, 2006.

No. 3048 By Representatives RUBLEY, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, CREIGHTON, FABRIZIO, FLAHERTY, GEIST, GINGRICH, GRUCELA, HARHAI, HERSHEY, JOSEPHS, LEACH, MANN, MARKOSEK, MUNDY, PAYNE, PYLE, ROSS, SANTONI, B. SMITH, STEIL, STURLA, VITALI, WATSON, WRIGHT, DALEY and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the High-Performance Buildings Tax Credit.

Referred to Committee on FINANCE, October 18, 2006.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 897 By Representatives PETRONE, RAMALEY, BEBKO-JONES, CALTAGIRONE, COHEN, COSTA, DALEY, DeLUCA, FLAHERTY, GERGELY, GRUCELA, JAMES, JOSEPHS, KOTIK, LEDERER, MELIO, MUSTIO, PALLONE, PISTELLA, PRESTON, READSHAW, SAINATO, SIPTROTH, SOLOBAY, THOMAS, WALKO, WHEATLEY and YOUNGBLOOD

A Resolution directing the Joint State Government Commission to conduct an in-depth investigation into the landslide in Kilbuck Township, Allegheny County, including a thorough review of the applicable State and local permit and approval processes; and requiring a report.

Referred to Committee on STATE GOVERNMENT, October 18, 2006.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 19, PN 1827

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 18, 2006.

SB 553, PN 2083

Referred to Committee on JUDICIARY, October 18, 2006.

SB 592, PN 2044

Referred to Committee on RULES, October 18, 2006.

SB 628, PN 2117

Referred to Committee on JUDICIARY, October 18, 2006.

SB 808, PN 2045

Referred to Committee on PROFESSIONAL LICENSURE, October 18, 2006.

SB 934, PN 2084

Referred to Committee on HEALTH AND HUMAN SERVICES, October 18, 2006.

SB 1095, PN 2113

Referred to Committee on TRANSPORTATION, October 18, 2006.

SB 1110, PN 2164

Referred to Committee on RULES, October 18, 2006.

SB 1216, PN 1849

Referred to Committee on STATE GOVERNMENT, October 18, 2006.

SB 1330, PN 2165

Referred to Committee on TRANSPORTATION, October 18, 2006.

SB 1331, PN 2166

Referred to Committee on FINANCE, October 18, 2006.

SB 1332, PN 2115

Referred to Committee on EDUCATION, October 18, 2006.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 1209, PN 2047

By Rep. HERSHEY

An Act providing for the Healthy Farms and Healthy Schools Program.

AGRICULTURE AND RURAL AFFAIRS.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2465, PN 3735**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for home education program.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2465 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2465 be taken off the table.

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

LEAVES OF ABSENCE

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

The Chair recognizes the majority whip, who requests a leave of absence for the day for the gentleman from Adams County, Mr. MAITLAND, and the gentlelady from Chester County, Mrs. E. Z. TAYLOR. Without objection, the leaves of absence are granted.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Jeff Crews, Scott Drinkwater, Justin Faught, Ben Haring, Joe Tillman, Megan Keller, Collette Rebuck, and

they are seniors at Emmanuel Baptist Christian Academy in Mechanicsburg studying government, who are the guests of the honorable Representative Glen Grell. Please rise and be recognized.

RULES COMMITTEE MEETING

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 331;
HB 2269;
HB 2919;
HB 2971;
SB 513;
SB 557;
SB 655;
SB 669;
SB 703;
SB 812;
SB 935;
SB 1025;
SB 1115;
SB 1116;
SB 1119;
SB 1121;
SB 1139;
SB 1266; and
SB 1305.

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

BILLS ON SECOND CONSIDERATION

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

HB 331, PN 4813; HB 2269, PN 4731; HB 2919, PN 4599; HB 2971, PN 4693; SB 513, PN 1717; SB 557, PN 2172; SB 655, PN 2171; SB 669, PN 2173; SB 703, PN 2170; SB 812, PN 1787; SB 935, PN 2174; SB 1025, PN 1523; SB 1115, PN 1639; SB 1116, PN 2175; SB 1119, PN 1826; SB 1121, PN 1891; SB 1139, PN 2176; SB 1266, PN 2085; and SB 1305, PN 2114.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 331;
 HB 2269;
 HB 2919;
 HB 2971;
 SB 513;
 SB 557;
 SB 655;
 SB 669;
 SB 703;
 SB 812;
 SB 935;
 SB 1025;
 SB 1115;
 SB 1116;
 SB 1119;
 SB 1121;
 SB 1139; and
 SB 1266.

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

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—196

Adolph	Feese	Maher	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderingo	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Siptroth
Bianucci	Gergely	Metcalfe	Smith, B.
Birmelin	Gillespie	Micozzie	Smith, S.
Blackwell	Gingrich	Millard	Solobay
Blaum	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Staback
Bunt	Goodman	Mundy	Stairs
Buxton	Grell	Mustio	Steil
Caltagirone	Grucela	Myers	Stern
Cappelli	Haluska	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causar	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue
Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali

Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel, Speaker
Fairchild	Mackereth		

ADDITIONS—1

Semmel

NOT VOTING—0

EXCUSED—6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

LEAVES ADDED—5

Birmelin	Gannon	LaGrotta	Leach
Frankel			

LEAVES CANCELED—2

Maitland	Taylor, E. Z.
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BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 592, PN 2044

By Rep. S. SMITH

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining “alternative investment” and “alternative investment vehicle”; and further providing for administrative duties of the board.

RULES.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 126, PN 4579

By Rep. S. SMITH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, defining “alternative investment” and “alternative investment vehicle”; and further providing for administrative duties of the State Employees’ Retirement Board.

RULES.

HB 632, PN 4757

By Rep. S. SMITH

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

RULES.

FILMING PERMISSION

The SPEAKER pro tempore. The members are so informed that the Chair is in receipt of requests by the media to take still photographs and video of the Barnstormers, the Lancaster Barnstormers. They will be filming and photographing beginning now. They are Ryan O'Hara, WGAL-TV; Laura Stuft, WHP, CBS 21; Michael Torchia, ABC 27; Andy Blackburn, Lancaster New Era newspaper; and Brittany Diehl, Cable 11 News.

LANCASTER BARNSTORMERS BASEBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sturla, for a citation presentation.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am joined here with Representative Hickernell, Representative Armstrong, Representative Denlinger, Representative True, Representative Baldwin, Representative Boyd, and Representative Creighton to present a citation to the Lancaster Barnstormers. And today from the Barnstormers organization we are joined by Jon Danos, who is the owner and president of Keystone Baseball; Keith Lupton, the senior vice president of baseball operations for the Lancaster Barnstormers, and some of you may recognize as a former St. Louis Cardinal – I think they are involved in a little something right now with baseball – Frank Klebe, who is a coach with the Lancaster Barnstormers; Jeremy Todd, who is a player and an infielder with the Lancaster Barnstormers; Andy Zwirchitz, who is a pitcher; Jutt Hileman, an outfielder with the Barnstormers; I cannot give up his name, but it is I.M. Fun, who is the fun guy over here holding the trophy; and Cylo, the mascot.

Mr. Speaker, the Lancaster Barnstormers, in only their second year of existence, brought the city of Lancaster its first professional baseball championship in 51 years. The Lancaster Barnstormers became the only team in Atlantic League history to go unbeaten in the two rounds of playoffs and only the second to win both halves of the season and the title. They ranked second in attendance among 8 teams in the Atlantic League, bringing over 350,000 people into the city of Lancaster.

The first game of the divisional playoffs, their starting pitcher, Denny Harriger, who is from Kittanning, outpitched the Atlantic League pitcher of the year to win 8 to 3, and Harriger again pitched a complete game to lead the Lancaster Barnstormers to a 5-2 win over the Bridgeport Bluefish on October 1, 2006, sealing the Atlantic League Championship. More than 6500 fans were on hand to watch catcher Lance Burkhart, Taylor, and Todd each hit a home run in that game, and watched Harriger freeze the pinch-hitter with a slider for a called third strike to end the game.

The players attributed their success to Lancaster Barnstormers manager Tom Herr, who guided the team through the 75-51 championship season, despite losing a host of key players to injuries and other Major League-affiliated teams. Lancaster general manager Joe Pinto was named the Atlantic League General Manager of the Year.

Now I would like to read this citation. It says:

“WHEREAS, The Lancaster Barnstormers Baseball Team is being honored upon capturing the 2006 Atlantic League Championship; and

“WHEREAS, To its great credit, the Lancaster Barnstormers Baseball Team, in only its second year of existence, captured the first professional baseball championship for the City of Lancaster in fifty-one years. The only team in Atlantic League history to remain unbeaten in the two rounds of playoffs....

“WHEREAS, Under the expert guidance of General Manager Joe Pinto, Manager Tom Herr, Pitching Coach Rick Wise” – some of you might remember him from the Phillies – “and Third Base Coach Frank Klebe, the team was comprised of Eric Ackerman, John Boker, Christopher Clem, Denny Harriger, Matt Knox, James Lira, Ross Peeples, Todd Pennington, Cam Smith, Scott Sobkowiak, Josh Stevens, Charlie Weatherby, Brian Whitaker, Andy Zwirchitz, Lance Burkhart, Manny Santana, Jason Bowers, Danny Gonzalez, Travis Hake, Keith Maxwell, Jose Ortiz, Jeremy Todd, Steve Van Note, Eric Crozier, Jutt Hileman, Reggie Taylor and Chris Van Rossum. Also providing assistance and support for the team was Mark Francis, Athletic Trainer.

“NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania heartily congratulates the members and coaches of the Lancaster Barnstormers Baseball Team, as well as all those who assisted them, upon their stellar season and championship victory; commends them for skillfully using their abilities with unflinching dedication in pursuit of athletic excellence; offers best wishes for success in all future endeavors;

“AND DIRECTS that a copy of this citation...” be presented to them.

On behalf of the citizens of Lancaster City and Lancaster County, I am very glad to be able to present this citation today.

And now I think Cylo will work the crowd a little bit.

The SPEAKER pro tempore. Congratulations to all.

RESOLUTION PURSUANT TO RULE 35

The SPEAKER pro tempore. In recognition of the accomplishments of the Lancaster Barnstormers, the gentleman, Mr. Sturla, calls up HR 891, which will be read by the clerk.

Mr. STURLA called up **HR 891, PN 4770**, entitled:

A Resolution honoring the accomplishments of the Lancaster Barnstormers baseball team on the occasion of winning the 2006 Atlantic League Championship.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather

Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causser	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGiroloamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS—0

NOT VOTING—1

Semmel

EXCUSED—6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitz	Rieger		

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

GUEST INTRODUCED

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

Mr. M. KELLER. Thank you, Mr. Speaker.

I want to take the opportunity to welcome my intern from the district office, an intern from West Perry High School, Morgan Brubaker. If the House would give a round of applause for her. She is over to the left of the Speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Curry, on unanimous consent. He would like to enter some remarks for the record.

Mr. CURRY. Thank you, Mr. Speaker.

As you know from yesterday, today is the 225th anniversary of the surrender at Yorktown, and I would like to submit remarks—

The SPEAKER pro tempore. Will the gentleman suspend.

Members, please take your seats. We cannot hear the gentleman, Mr. Curry.

Mr. CURRY. Today is the 225th anniversary of the British surrender at Yorktown, and I would like to submit some remarks for the record. We passed a resolution on Monday.

The SPEAKER pro tempore. The Chair thanks the gentleman and will submit his remarks for the record.

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

Yesterday we passed a resolution commemorating the 225th anniversary of the American victory at Yorktown and the conclusion of the War for Independence, October 19, 1781. The victory at Yorktown brought to a close the 6 years of War for Independence fought by the Thirteen American Colonies.

The British capitulation at Yorktown set the framework for the Treaty of Paris 2 years later in 1783.

The Colonists, through the efforts of Ben Franklin, had been able to secure an alliance with France for recognition and aid, which added to the strength of the American effort and brought neutrality from most other European nations in this historic conflict. Significantly, French forces were present on land and sea as the English force was trapped in an untenable position at Yorktown and were compelled to surrender.

The cause for this conflict was clear, and a declaration had declared the reasons for independence and the need to take up arms.

The Yorktown battle and English surrender is a significant milestone in the launching of the American Revolution – an exciting, continuing process that promotes human dignity and human values in a free and open society and which promotes liberty and freedom universally for humankind.

RESOLUTIONS PURSUANT TO RULE 35

Mrs. RUBLEY called up **HR 889, PN 4768**, entitled:

A Resolution designating November 15, 2006, as “America Recycles Day” in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato

Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mrs. TRUE called up **HR 766, PN 4092**, entitled:

A Resolution commemorating November 2006 as "National Adoption Awareness Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mrs. TRUE called up **HR 831, PN 4522**, entitled:

A Resolution recognizing November 2006 as “National Diabetes Month.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS—0

NOT VOTING—1

Semmel

EXCUSED—6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mr. WOJNAROSKI called up **HR 858, PN 4648**, entitled:

A Resolution designating the month of November 2006 as “Alzheimer’s Disease Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	

Evans, J. Lescovitz Rohrer Perzel,
Fabrizio Levdansky Rooney Speaker
Fairchild

NAYS—0

NOT VOTING—1

Semmel

EXCUSED—6

Bishop Maitland Ruffing Taylor, E.Z.
Gruitza Rieger

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

* * *

Miss MANN called up **HR 866, PN 4672**, entitled:

A Resolution designating the month of November 2006 as “Pulmonary Hypertension Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson

DeLuca Keller, M. Pyle Wheatley
Denlinger Keller, W. Quigley Williams
Dermody Kenney Ramaley Wilt
DeWeese Killion Rapp Wojnaroski
DiGirolamo Kirkland Raymond Wright
Diven Kotik Readshaw Yewcic
Donatucci LaGrotta Reed Youngblood
Eachus Leach Reichley Yudichak
Ellis Lederer Roberts Zug
Evans, D. Leh Roebuck
Evans, J. Lescovitz Rohrer Perzel,
Fabrizio Levdansky Rooney Speaker
Fairchild

NAYS—0

NOT VOTING—1

Semmel

EXCUSED—6

Bishop Maitland Ruffing Taylor, E.Z.
Gruitza Rieger

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

* * *

Ms. RAPP called up **HR 884, PN 4763**, entitled:

A Resolution designating the month of November 2006 as “Retinoblastoma Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.

Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mrs. FORCIER called up **HR 888, PN 4767**, entitled:

A Resolution recognizing November 15, 2006, as "National Education Support Professionals Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Bianucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney

Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causler	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mrs. GINGRICH called up **HR 765, PN 4091**, entitled:

A Resolution designating November 14, 2006, as "Prematurity Awareness Day" in Pennsylvania and encouraging efforts to fund research and programs to find causes of prematurity.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni

Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

Mr. HERSHEY called up **HR 764, PN 4090**, entitled:

A Resolution designating the month of November 2006 as "Home Care Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Semmel

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

* * *

The SPEAKER pro tempore. Members, please take your seats. We are about to take up a condolence resolution. This is a condolence resolution in honor of a fallen soldier. Members, please take your seats.

Mr. SAINATO called up **HR 736, PN 3967**, entitled:

A Resolution honoring and recognizing United States Marine Corporal Albert Pasquale Gettings' bravery and sacrifice for his country.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Sainato, is recognized.

Mr. SAINATO. Thank you, Mr. Speaker.

Under normal circumstances, I believe it is an honor and a privilege to address this chamber, even when things get a little tense and tedious. At this moment, however, I wish it were not necessary for me to address the House, though I am certainly proud of the person in the honor I am speaking.

In January, Lawrence County was saddened by word that a son of our community, Marine Cpl. Albert Pasquale Gettings of the 2d Battalion, 6th Marines, Fox Company, died as a result of sniper fire while leading his squad in Fallujah, Iraq. But after he was struck by the bullet, there was still life in Corporal Gettings, and he used that time to uphold the greatest tradition of the United States Marine Corps, *semper fidelis*, "always faithful." Despite his grave injury, Corporal Gettings returned fire, buying time for another wounded Marine and the rest of his patrol to get to the safety of cover.

Corporal Gettings was 27 years old, was scheduled to return home in June. He was about to celebrate his first wedding anniversary with his wife, Stephanie. He was supposed to be discharged after serving the people of the United States in June. Now his service is eternal.

Corporal Gettings, a 1996 graduate of New Castle High School, had enlisted in the Marines in 2002, about 6 months after the attacks of September 11, 2001. He knew when he signed up he would likely be put in harm's way. Prior to his Iraq duty, Corporal Gettings had spent several months in Kabul, Afghanistan.

Mr. Speaker, when one speaks of hallowed ground, images come into our minds of Gettysburg, the Arizona Memorial, Normandy, and Iwo Jima, but in New Castle today there is ground that is equally hallowed because of the sacrifice given by one individual for the good of his family, friends, and countrymen, the grave of Cpl. Albert Gettings.

I knew Cpl. Albert Gettings; he was close to my family, and, Mr. Speaker, I am hoping this is the last time I have to address the House for a resident in my district, and I am sure my colleagues hope they never have to stand here as well.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and with honor and reverence, those in favor will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—195

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Flaherty	Major	Sabatina
Armstrong	Fleagle	Manderino	Sainato
Baker	Flick	Mann	Samuelson
Baldwin	Forcier	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siproth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild			

NAYS—0

NOT VOTING—1

Semmel

EXCUSED—6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 126, PN 4579**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, defining "alternative investment" and "alternative investment vehicle"; and further providing for administrative duties of the State Employees' Retirement Board.

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

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Semmel, notes his presence on the floor of the House, and his name will be added to the master roll call.

CONSIDERATION OF HB 126 CONTINUED

The SPEAKER pro tempore. Mr. Vitali, are you seeking recognition?

Mr. VITALI. Yes, Mr. Speaker, to interrogate the maker.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to know if this bill involves the issue that has been somewhat controversial involving the State Employees' Retirement System with regard to records of retired members that one group wants to get and the other group does not want to give up. I know the State Government Committee has been considering this issue. Does this right-to-know issue involve that issue?

I am not sure if I am making myself clear yet, but I get lobbied by these State retirement people about one group wants the list and the other group does not want to give it up, and I am not sure if this involves that issue.

Mr. GODSHALL. Mr. Speaker, if I may respond?

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

Mr. GODSHALL. No, this has nothing to do with anything along that line. It has to do with investments and the bill that really we passed back in June of last year by 195 to 1. It has to do with investments and when the investments as such and the funds we are investing in get released to the public.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, will the House concur in the amendments inserted by the Senate?

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—193

Adolph	Fairchild	Mackereth	Ross
Allen	Feese	Maher	Sabatina
Argall	Fichter	Major	Sainato
Armstrong	Flaherty	Manderino	Samuelson
Baker	Fleagle	Mann	Santoni
Baldwin	Flick	Markosek	Sather
Barrar	Forcier	Marsico	Saylor
Bastian	Frankel	McCall	Scavello
Bebko-Jones	Freeman	McGeehan	Schroder
Belardi	Gabig	McGill	Semmel
Belfanti	Gannon	McIlhattan	Shaner
Benninghoff	Geist	McIlhinney	Shapiro
Beyer	George	McNaughton	Siproth
Biancucci	Gerber	Melio	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S.
Blackwell	Gillespie	Micozzie	Solobay
Blaum	Gingrich	Millard	Sonney
Boyd	Godshall	Miller, R.	Staback
Bunt	Good	Miller, S.	Stairs
Buxton	Goodman	Mundy	Steil
Caltagirone	Grell	Mustio	Stern
Cappelli	Grucela	Myers	Stevenson, R.
Casorio	Haluska	Nailor	Stevenson, T.
Causer	Hanna	Nickol	Sturla
Cawley	Harhai	O'Brien	Surra
Civera	Harhart	O'Neill	Tangretti
Clymer	Harper	Oliver	Taylor, J.
Cohen	Harris	Pallone	Thomas
Cornell	Hasay	Parker	Tigue
Corrigan	Hennessey	Payne	True
Costa	Herman	Petrarca	Turzai
Crahalla	Hershey	Petri	Veon
Creighton	Hess	Petrone	Vitali
Cruz	Hickernell	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Youngblood
Donatucci	LaGrotta	Reed	Yudichak
Eachus	Leach	Reichley	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker

NAYS—3

Hutchinson	Rublely	Yewcic
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NOT VOTING—0

EXCUSED—6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Larry and Nancy Worshawsky of Lancaster. They are the constituents and guests of Representative Mike Sturla, and they are seated to the left of the Speaker. Please rise and be recognized.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 632, PN 4757**, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Hershey, 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	Fairchild	Levdansky	Rooney
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Sabatina
Armstrong	Flaherty	Major	Sainato
Baker	Fleagle	Manderino	Samuelson
Baldwin	Flick	Mann	Santoni
Barrar	Forcier	Markosek	Sather
Bastian	Frankel	Marsico	Saylor
Bebko-Jones	Freeman	McCall	Scavello
Belardi	Gabig	McGeehan	Schroder
Belfanti	Gannon	McGill	Semmel
Benninghoff	Geist	McIlhattan	Shaner
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Blackwell	Gillespie	Metcalfe	Smith, S.
Blaum	Gingrich	Micozzie	Solobay
Boyd	Godshall	Millard	Sonney
Bunt	Good	Miller, R.	Staback
Buxton	Goodman	Miller, S.	Stairs
Caltagirone	Grell	Mundy	Stern
Cappelli	Grucela	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causar	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	O'Neill	Taylor, J.
Cohen	Harris	Oliver	Thomas
Cornell	Hasay	Pallone	Tigue
Corrigan	Hennessey	Parker	True
Costa	Herman	Payne	Turzai
Crahalla	Hershey	Petrarca	Veon
Creighton	Hess	Petri	Vitali
Cruz	Hickernell	Petrone	Walko
Curry	Hutchinson	Phillips	Wansacz

Daley	James	Pickett	Waters
Dally	Josephs	Pistella	Watson
DeLuca	Kauffman	Preston	Wheatley
Denlinger	Keller, M.	Pyle	Williams
Dermody	Keller, W.	Quigley	Wilt
DeWeese	Kenney	Ramaley	Wojnaroski
DiGirolamo	Killion	Rapp	Wright
Diven	Kirkland	Raymond	Yewcic
Donatucci	Kotik	Readshaw	Youngblood
Eachus	LaGrotta	Reed	Yudichak
Ellis	Leach	Reichley	Zug
Evans, D.	Lederer	Roberts	
Evans, J.	Leh	Roebuck	Perzel,
Fabrizio	Lescovitz	Rohrer	Speaker

NAYS—2

Ross	Steil
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NOT VOTING—0**EXCUSED—6**

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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 B**RESOLUTION PURSUANT TO RULE 35**

Mr. REICHLEY called up **HR 898, PN 4825**, entitled:

A Resolution designating the week of October 23 through 31, 2006, as "Civil Air Patrol Red Ribbon Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maher	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Siptroth
Biancucci	Gergely	Metcalfe	Smith, B.
Birmelin	Gillespie	Micozzie	Smith, S.
Blackwell	Gingrich	Millard	Solobay
Blaum	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Staback
Bunt	Goodman	Mundy	Stairs
Buxton	Grell	Mustio	Steil
Caltagirone	Grucela	Myers	Stern
Cappelli	Haluska	Nailor	Stevenson, R.

Casorio	Hanna	Nickol	Stevenson, T.
Causer	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue
Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahall	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

CALENDAR CONTINUED

RESOLUTION

Mr. SATHER called up **HR 804, PN 4288**, entitled:

A Resolution urging the Department of Public Welfare to file a State Medicaid plan amendment with the Department of Health and Human Services under Title XIX of the Social Security Act for the purpose of establishing a State Long-Term Care Partnership Program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Feese	Maher	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder

Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Sipthoth
Biancucci	Gergely	Metcalfe	Smith, B.
Birmelin	Gillespie	Micozzie	Smith, S.
Blackwell	Gingrich	Millard	Solobay
Blaum	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Staback
Bunt	Goodman	Mundy	Stairs
Buxton	Grell	Mustio	Steil
Caltagirone	Grucela	Myers	Stern
Cappelli	Haluska	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causer	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue
Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahall	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bishop	Maitland	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2703, PN 4112**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

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?

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maitland. The Chair recognizes and notes the presence of the gentleman, Mr. Maitland, on the floor of the House, and he will be added to the master roll.

CONSIDERATION OF HB 2703 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	Feese	Maher	Rubley
Allen	Fichter	Maitland	Sabatina
Argall	Flaherty	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
Baker	Flick	Mann	Santoni
Baldwin	Forcier	Markosek	Sather
Barrar	Frankel	Marsico	Saylor
Bastian	Freeman	McCall	Scavello
Bebko-Jones	Gabig	McGeehan	Schroder
Belardi	Gannon	McGill	Semmel
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenny	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	

Fabrizio Fairchild	Levdansky Mackereth	Rooney Ross	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop Gruitza	Rieger	Ruffing	Taylor, E.Z.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2973, PN 4695**, entitled:

An Act designating SR 263 in Hatboro, Montgomery County, as the Roy W. Cornell Memorial Highway.

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?

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Sabatina
Argall	Flaherty	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
Baker	Flick	Mann	Santoni
Baldwin	Forcier	Markosek	Sather
Barrar	Frankel	Marsico	Saylor
Bastian	Freeman	McCall	Scavello
Bebko-Jones	Gabig	McGeehan	Schroder
Belardi	Gannon	McGill	Semmel
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.

Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Rieger	Ruffing	Taylor, E.Z.
Gruitza			

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

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

* * *

The House proceeded to third consideration of **HB 2729, PN 4151**, entitled:

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 to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County.

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

Mr. **McGEEHAN** offered the following amendment No. **A08968**:

Amend Title, page 1, line 5, by removing the period after "County" and inserting and authorizing and directing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease land within the bed of the Delaware River within the City of Philadelphia.

Amend Bill, page 3, by inserting between lines 22 and 23 Section 2. Lands within the Delaware River bed.

(a) Authorization.—The Commonwealth of Pennsylvania owns the lands within the bed of the Delaware River, a portion of which lands are located in the 65th Ward of the City of Philadelphia. The Department of General Services, with the concurrence of the

Department of Environmental Protection, acting on behalf of the Commonwealth, is hereby authorized to lease for an initial term of up to 99 years, land within the bed of the Delaware River in the City of Philadelphia and to extend the period for all or any portion of the leased premises for an additional term of up to 99 years.

(b) Description.—The land to be leased is approximately 7.0 acres of filled land more particularly described as follows:

ALL THAT CERTAIN lot or piece of ground together with the improvements thereon erected, situate in the 65th Ward of the City of Philadelphia and described as follows to wit:

BEGINNING AT AN INTERNAL POINT said point being the intersection of the Northeasterly side of Premises A as shown on Independence Point, Lot Line Relocation Plan prepared by Pennoni Associates Inc., dated 05/19/05, with the Bulkhead line Delaware River approved by the Secretary of War on September 10, 1940, said point being distant South 34 degrees 12 minutes 22 seconds East, 3,069.098 feet from a point on the Southeasterly side of State Road (80 feet wide) as shown on said Lot Line Relocation Plan;

THENCE from said Point of Beginning extending South 34 degrees 12 minutes 22 seconds East, 299.685 feet to the Pierhead line of the Delaware River approved by the Secretary of War on September 10, 1940;

THENCE extending along the Pierhead Line of Delaware River the following two (2) courses and distances:

(1) South 52 degrees 42 minutes 41 seconds West, 533.414 feet to an angle point;

(2) South 69 degrees 24 minutes 38 seconds West, 837.490 feet to a Point on the Southwesterly line of Premises A;

THENCE extending by the Southwesterly line of Premises A, North 32 degrees 39 minutes 35 seconds West, 306.032 feet to a point on the Bulkhead Line of the Delaware River;

THENCE extending along the Bulkhead Line of the Delaware River the following two (2) courses and distances:

(1) North 69 degrees 24 minutes 38 seconds East, 857.615 feet to an angle point;

(2) North 52 degrees 42 minutes 41 seconds East, 505.557 feet to the first mentioned point and place of beginning

Containing 409,100 Square Feet of 9.39164 Acres, more or less, be the contents thereof what they may. Excluding, however, all areas herein now covered by open water.

(c) Lease agreement.—The lease and any other documents hereby contemplated shall be approved by the Attorney General and shall be executed by the Department of General Services, with the concurrence of the Department of Environmental Protection, in the name of the Commonwealth. The lease shall grant the lessee, and all successors, assigns and sublessees, the right to use the above-described premises, or to assign the lease or sublease or permit the sublease of the above-described premises for the purposes of development, for residential, office, commercial, condominium, hotel, marina or other uses. Any development on the above-described premises, which premises also include, for this purpose, the portions of the above-described parcels situate on the Northwesterly side of the Bulkhead Line of the Delaware River established January 5, 1894, and approved by the Secretary of War September 10, 1940, is exempt from any requirement that the project be water dependent. Public access to the Delaware River shall be in conformance with the Waterfront Setback requirements set forth in Section 14-216(6)(g) of the Philadelphia Code, enacted into law by an Ordinance enacting Bill No. 050465, passed by the City Council on June 16, 2005 and signed by the Mayor on July 8, 2005, and no further public access will be required of lessee. Any mitigation which the Department of Environmental Protection is permitted to require of lessee under the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, may be made solely by financial compensation.

(d) Sublease.—The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth, is also specifically authorized to enter

into one or more nondisturbance agreements with any sublessee of the premises described in this act pursuant to which the Commonwealth will agree that, if the Commonwealth succeeds to the interest of the sublessor under the sublease, it will not terminate the sublease unless the sublessee is in default.

(e) Land use restriction.—All leases authorized or referred to under this act shall be made under and subject to the condition, which shall be contained in the lease documents, that no portion of the parcels shall be used as a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under the laws of this Commonwealth. This condition shall be a covenant running with the land and shall be binding upon the lessee and sublessees and their respective successors and assigns. Should any portion of any parcel authorized to be leased under this act be used in violation of this subsection, the lease shall terminate immediately.

(f) Improvements.—

(1) The Department of General Services, with the approval of the Attorney General, is hereby authorized to execute, on behalf of the Commonwealth, any declaration or other document necessary to submit these premises or any portion thereof and any improvements thereon to the provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to condominiums) as a leasehold condominium.

(2) Development of the parcels authorized to be leased herein shall be consistent with public and maritime uses as permitted herein.

(3) The lessee, all sublessees and their respective successors and assigns shall provide and maintain at least the following free public access to the riverfront for fishing and other recreation activities and free public parking in connection with such access:

(i) A minimum of ten free public parking spaces available at all times located proximate to the public walkway near the water edge and signage indicating the free public parking.

(ii) Public walkways on the riverfront, including water edge promenades along the entire water edge of the leasehold and adjacent to the water and providing free public access to the water and allowing for passive and active recreational activities year-round and signage indicating the walkways are open to the general public.

(iii) A free public park area along the public walkway near the water.

(iv) Public access to the Delaware River which conforms with the Waterfront Setback requirements set forth in Section 14-216(6)(g) of the Philadelphia Code (enacted into law by an Ordinance enacting Bill No. 050465, passed by the City Council on June 16, 2005, and signed by the Mayor on July 8, 2005).

(4) The lessee named herein will assure that the public access and parking constructed pursuant to this act shall be maintained. Should the lessee, any sublessee or any of their respective successors or assigns wish to modify the public access and parking required by this paragraph, it must obtain the prior written approval of the Department of Environmental Protection and the Department of General Services, which approval shall not be unreasonably withheld. The public access and parking shall be completed and open to the public no later than the date the first tenant or resident occupies the land adjacent to the leasehold.

(5) Before any fill is placed or any structure is erected upon, in or over those portions of the parcels which are presently under water, the person placing such fill or erecting such structure shall comply with the relevant provisions of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, which may require further measures to provide for public access and use of the land and adjacent water.

(6) These conditions shall be covenants that run with the land and shall be binding upon the lessee, any sublessee and their respective successors and assigns. Should the lessee, any sublessee or any of their respective successors or assigns permit the parcels authorized to be leased herein, or any portion thereof, to be used in a manner inconsistent with the conditions contained in this subsection, all rights and interests in the lease authorized by this act shall terminate immediately.

(g) Consideration.—The Department of General Services shall lease the land within the bed of the Delaware River as described in subsection (b) upon such terms and conditions and for such consideration as it shall, with the concurrence of the Department of Environmental Protection, establish through the lease agreements.

(h) Costs and fees.—Costs and fees incidental to the lease authorized by section 1 shall be borne by the lessee.

(i) Time limitation.—In the event that the lease authorized by this section is not executed within 18 months following the effective date of this act, the authority contained herein shall be void.

Amend Sec. 2, page 3, line 23, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Vitali, are you seeking recognition?

Mr. VITALI. Yes, Mr. Speaker. I want to interrogate perhaps either the maker or perhaps the chairman of the State Government Committee.

I am just trying to ascertain, is this the same one we passed the other day?

The SPEAKER pro tempore. One moment, please.

The gentleman, Mr. Clymer, has agreed, and you may proceed.

Mr. VITALI. Is this what we did the other day?

Mr. CLYMER. Mr. Speaker, yes. The answer to that is yes.

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—189

Adolph	Feese	Maher	Sabatina
Allen	Fichter	Maitland	Sainato
Armstrong	Flaherty	Major	Samuelson
Baker	Fleagle	Manderino	Santoni
Baldwin	Flick	Mann	Sather
Barrar	Forcier	Markosek	Saylor
Bebko-Jones	Frankel	Marsico	Scavello
Belardi	Freeman	McCall	Schroder
Belfanti	Gabig	McGeehan	Semmel
Benninghoff	Gannon	McGill	Shaner
Beyer	Geist	McIlhattan	Shapiro
Biancucci	George	McIlhinney	Siptroth
Birmelin	Gerber	McNaughton	Smith, B.
Blackwell	Gergely	Melio	Smith, S.
Blaum	Gillespie	Metcalfe	Solobay
Boyd	Gingrich	Micozzie	Sonney
Bunt	Godshall	Millard	Staback
Buxton	Good	Miller, R.	Stairs
Caltagirone	Goodman	Mundy	Steil
Cappelli	Grell	Mustio	Stern
Casorio	Grucela	Myers	Stevenson, R.
Causar	Haluska	Nailor	Stevenson, T.

Cawley	Hanna	Nickol	Sturla
Civera	Harhai	O'Brien	Surra
Clymer	Harhart	Oliver	Tangretti
Cohen	Harris	Pallone	Taylor, J.
Cornell	Hasay	Parker	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petrone	Turzai
Creighton	Hess	Phillips	Veon
Cruz	Hickernell	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Josephs	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker

NAYS—8

Argall	Harper	Miller, S.	Petri
Bastian	Hutchinson	O'Neill	Watson

NOT VOTING—0

EXCUSED—5

Bishop	Rieger	Ruffing	Taylor, E.Z.
Gruitza			

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. **A09892**:

Amend Title, page 1, line 5, by removing the period after "County" and inserting
; and authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to lease to Pine Township, Clearfield County, a certain tract of land situate in Pine Township, Clearfield County, for a consideration of \$1.

Amend Bill, page 3, by inserting between lines 22 and 23 Section 2. Lease in Pine Township, Clearfield County.

(a) Authorization and description.—The Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to lease and convey to Pine Township, Clearfield County, the tract of land bounded and described as follows:

All that certain lot, piece or parcel of land situated in the Township of Pine, County of Clearfield, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point, said point being a 5/8 inch iron pin with yellow plastic cap, located S 68 degrees 52 minutes 59 seconds W, 72.94 feet from United Electric Cooperative power pole no.2, located along the northern side of a certain Bureau of Forestry road, know as the Four Mile Road; thence running along the Four Mile Road, approximately 25 feet from the centerline thereof, N 63 degrees 52 minutes 12 seconds E, 436.88 feet to a 5/8 inch iron pin with yellow plastic cap; thence N 20 degrees 05 minutes 34 seconds W, 367.49 feet to a 5/8 inch iron pin with yellow plastic cap; thence S 64 degrees 44 minutes 11 seconds W, 151.49 feet to a 5/8 inch iron pin with yellow plastic cap; thence S 15 degrees 15 minutes 24 seconds W, 490.15 feet to a 5/8 inch iron pin with yellow plastic cap, the place of beginning.

Containing 108,051.926 square feet, or 2.481 acres, surveyed, and situated within the confines of a certain original tract of land warranted to James Moore and Daniel Delany, No. 5679.

Being a portion of the third described parcel of land as contained in that certain deed from Cyrus Gordon and Mary R. W. Gordon, his wife, to the Commonwealth of Pennsylvania, dated August 4, 1906 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 159, Page 253.

(b) Easements.—Lease of the land described in subsection (a) shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, appearing of record, for any portion of the land or improvements erected thereon.

(c) Restrictions.—The lease shall be under and subject to the following conditions, which shall be contained in the lease:

(1) The term of this lease shall be for one year and shall be automatically renewed from year to year thereafter, for a period not to exceed 99 years, unless terminated by either party with six months' prior notice or as otherwise stated in the lease, for a consideration of \$1 per year.

(2) The property shall be used for township purposes and should Pine Township or its successor in function cease such use, the lease shall automatically be terminated.

(3) The property shall not be used as a municipal waste transfer station. Any facilities on the property used as or for township recycling shall be screened from view or incorporated inside a structure on the property.

(4) The Department of Conservation and Natural Resources, with the concurrence of the Department of General Services, reserves the right to receive, review and comment on all designs to make improvements to the property. The departments shall have a 60-day period for review and comment.

(d) Land use restriction.—All leases authorized or referred to under this act shall be made under and subject to the condition, which shall be contained in the lease documents, that no portion of the parcels shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under the laws of this Commonwealth. The condition shall be a covenant running with the land and shall be binding upon the lessee and sublessees and their respective successors and assigns. Should any portion of any parcel authorized to be leased under this act be used in violation of this subsection, the lease shall terminate immediately.

(e) Execution.—The lease of the property described in subsection (a) shall be approved as provided by law and shall be executed by the Secretary of General Services with the approval of the Department of Conservation and Natural Resources in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees.—Costs and fees incidental to the lease shall be borne by Pine Township.

Amend Sec. 2, page 3, line 23, by striking out "2" and inserting

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

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

Mr. GEORGE. Mr. Speaker, this is a simple, straightforward land conveyance, and I thank the gentleman, Mr. Clymer, and all of those on both sides. Pine Township would like to take the ownership of a small piece of the DCNR (Department of Conservation and Natural Resources) property. They are in agreement in that it will benefit both the State and this little township who needs the space to conduct their business, and I am asking that we all concur in this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman is right. The bill did pass out of State Government, and I support his amendment to this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. LaGROTTA. Without objection, the leave of absence is granted.

CONSIDERATION OF HB 2729 CONTINUED

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

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Siptroth
Biancucci	Gergely	Metcalfe	Smith, B.
Birmelin	Gillespie	Micozzie	Smith, S.
Blackwell	Gingrich	Millard	Solobay
Blaum	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Staback
Bunt	Goodman	Mundy	Stairs
Buxton	Grell	Mustio	Steil
Caltagirone	Grucela	Myers	Stern
Cappelli	Haluska	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causer	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue

Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	LaGrotta	Ruffing	Taylor, E.Z.
Gruitza	Rieger		

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

LEAVES OF ABSENCE

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Argall, for a leave of absence.

Mr. ARGALL. Thank you, Mr. Speaker.

Please, Representative BIRMELIN and Representative GANNON, if you would place them on leave.

Also, Representative GABIG on Capitol leave.

The SPEAKER pro tempore. Without objection, the leaves will be so granted. The Chair thanks the gentleman.

CONSIDERATION OF HB 2729 CONTINUED

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

Bill as amended was agreed to.

The SPEAKER 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—192

Adolph	Feese	Maitland	Sabatina
Allen	Fichter	Major	Sainato
Argall	Flaherty	Mandernio	Samuelson
Armstrong	Fleagle	Mann	Santoni
Baker	Flick	Markosek	Sather
Baldwin	Forcier	Marsico	Saylor
Barrar	Frankel	McCall	Scavello
Bastian	Freeman	McGeehan	Schroder
Bebko-Jones	Gabig	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	O'Neill	Tangretti
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGiroloamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	Leach	Roberts	Youngblood
Eachus	Lederer	Roebuck	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	
Fabrizio	Mackereth	Rubley	Perzel,
Fairchild	Maher		Speaker

NAYS—2

Petri Reichley

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **SB 1158, PN 2125**, entitled:

An Act providing for a tax credit to encourage property owners to include visitability design features on their properties.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A09867**:

Amend Sec. 3, page 2, line 15, by inserting after "IMPAIRMENT"

or cares for a family member with significant mobility impairment

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Now, Mr. Speaker, in the bill this literally defines the eligible property owner for the purpose of tax credit as someone who cares for a family member with a significant mobility impairment. There are many of our constituents that are in serious need of care from a family member to get every day. Many times these caretakers do not always reside with the person that they care for but spend the majority of their time caring for the in-need relative. This amendment will allow the caretakers that do not reside with the seriously impaired family member to take advantage of the property owner tax benefits. This is the least that we can do for such a vital part of our community.

I ask for your support on the amendment.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The **SPEAKER** pro tempore. The bill is temporarily over.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

* * *

The House proceeded to third consideration of **HB 2551, PN 4363**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors and for audit of accounts by auditors and financial report to Department of Community Affairs.

On the question,

Will the House agree to the bill on third consideration?

Mr. HERMAN offered the following amendment No. A09028:

Amend Sec. 3, page 4, line 3, by striking out “in 60 days” and inserting
immediately

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Herman.

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

This amendment changed the effective date to immediately. It is a very simple amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kennedy	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnarowski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug

Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

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

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley

Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGrolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **HB 2063, PN 2839**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for implementation agreements.

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

Mr. **R. STEVENSON** offered the following amendment No. **A09921**:

Amend Title, page 1, line 20, by inserting after "for" adoption of municipal, multimunicipal and county comprehensive plans and plan amendments, for adoption of the official map and amendments thereto, for publication, advertisement and availability of ordinance relating to subdivision and land development and relating to zoning and for

Amend Bill, page 1, lines 24 through 26; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. Section 302(a.1) and (b) of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170) and amended June 22, 2000 (P.L.495, No.68), are amended to read:

Section 302. Adoption of Municipal, Multimunicipal and County Comprehensive Plans and Plan Amendments.—* * *

(a.1) The governing body of the county may adopt and amend the county comprehensive plan in whole or in part. Before adopting or amending a comprehensive plan, or any part thereof, the county planning agency shall hold at least one public meeting pursuant to public notice and by concurrently providing notice by United States mail to any landowner or owner of mineral rights on land in the county who has made written request for mailed notice and has supplied to the county planning agency self-addressed and stamped envelopes therefor. Any person requesting such mailings shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. A list of the landowners and owners of mineral rights on land within the county

to whom such mailings were made, indicating the dates of the mailings, that is signed by the secretary or other official of the governing body, shall create a presumption as a matter of law, that the mailings were made. The public meeting shall be held before forwarding the proposed comprehensive plan or amendment thereof to the governing body. In reviewing the proposed comprehensive plan, the governing body shall consider the comments of municipalities and school districts within the county and contiguous school districts, municipalities and counties as well as the public meeting comments and the recommendations of the county planning agency. The comments of the counties, municipalities and school districts shall be made to the governing body within 45 days of receipt by the governing body, and the proposed comprehensive plan or amendment thereto shall not be acted upon until such comment is received. If, however, the counties, municipalities and school districts fail to respond within 45 days, the governing body may proceed without their comments.

(b) The governing body shall hold at least one public hearing pursuant to public notice[,] and by concurrently providing notice by United States mail to any landowners or owner of mineral rights on land within the county who has made written request for mailed notice and has supplied to the governing body self-addressed and stamped envelopes therefor. Any person requesting such mailings shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. A list of the landowners and owners of mineral rights to whom such mailings were made, indicating the dates of mailings, that is signed by the secretary or other official of the governing body, shall create a presumption, as a matter of law, that the mailings were made. If, after the public hearing held upon the proposed plan or amendment to the plan, the proposed plan or proposed amendment thereto is substantially revised, the governing body shall hold another public hearing, pursuant to public notice, and by concurrently providing mailed notice as provided in this act. Such public hearing shall be held before proceeding to vote on the plan or amendment thereto.

* * *

Section 2. Sections 402(b), 506(a) and 610(a) of the act are amended to read:

Section 402. Adoption of the Official Map and Amendments Thereto.—* * *

(b) The county and adjacent municipalities may offer comments and recommendations during said 45-day review period in accordance with section 408. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the governing body or planning agency if requested by same during said 45-day review period. Before voting on the enactment of the proposed ordinance and official map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice[,] and by concurrently providing mailed notice as provided by this act.

* * *

Section 506. Publication, Advertisement and Availability of Ordinance.—(a) Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Where mailed notice has been requested, it shall be given as provided under this act. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

* * *

Section 610. Publication, Advertisement and Availability of Ordinances.—(a) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Where mailed notice has been requested, it shall be given as provided under this act. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

* * *

Section 3. Section 1104 of the act, amended June 22, 2000 (P.L.483, No.67), is amended to read:

Amend Sec. 2, page 4, line 9, by striking out “2” and inserting
4

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Stevenson.

Mr. R. STEVENSON. Thank you, Mr. Speaker.

This is an agreed-to amendment. Very simply, it provides a method for notice to be provided to landowners or owner of mineral rights when there is a change in the comprehensive plan or zoning ordinances.

The SPEAKER. The gentleman, Mr. Hennessey.

The Chair thanks the gentleman, Mr. Stevenson.

Mr. HENNESSEY. Thank you, Mr. Speaker.

This bill, the concept of this bill was reviewed by the House Local Government Subcommittee on Townships and has been approved, was reported out favorably to the full committee.

What has happened now is that the substance of that amendment as the local subcommittee dealt with it has been incorporated in this amendment. So I would ask approval of this amendment, because it really has been vetted by the local subcommittee.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maitland	Ruble
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Scaylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siproth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steir
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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. GRUCELA offered the following amendment No. A09926:

Amend Title, page 1, line 20, by striking out “further providing” and inserting

providing for impact of plat; and further providing for application for tentative approval of planned residential development and

Amend Bill, page 1, lines 24 through 26; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a section to read:

Section 508.1. Impact of Plat.—(a) The applicant shall send via certified mail return receipt requested, within five days after filing, a copy or summary of the application for preliminary approval of a plat to the superintendent of the school district in which the residential development plan is proposed. A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development, and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section.

(b) The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this section shall empower the school district with any authority to approve or deny any application for approval of a plat.

Section 2. Section 707 of the act is amended by adding clauses to read:

Section 707. Application for Tentative Approval of Planned Residential Development.—In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a development plan for a planned residential development and the continuing administration thereof shall be consistent with the following provisions:

* * *

(7) Within five days after the application is filed, a copy or summary of the application for tentative approval of a planned residential development shall be sent via certified mail return receipt requested by the applicant to the superintendent of the school district in which the planned residential development is proposed. A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development, and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section. Nothing in this clause shall empower the school district with any authority to approve or deny any application for tentative approval of a planned residential development.

(8) The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is

considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this clause shall empower the school district with any authority to approve or deny any application for approval of a plat.

Section 3. Section 1104 of the act, amended June 22, 2000 (P.L.483, No.67), is amended to read:

Amend Sec. 2, page 4, line 9, by striking out “2” and inserting

4

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—103

Allen	Frankel	Maier	Samuelson
Argall	Freeman	Manderino	Santoni
Barrar	Gerber	Mann	Scavello
Bebko-Jones	Gergely	McCall	Schroder
Belardi	Gingrich	McGeehan	Semmel
Belfanti	Godshall	McIlhinney	Shaner
Beyer	Goodman	Melio	Siptroth
Blackwell	Grucela	Miller, R.	Solobay
Blaum	Hanna	Miller, S.	Staback
Buxton	Harhai	Mundy	Steil
Caltagirone	Harhart	Myers	Sturla
Cawley	Harper	Nailor	Surra
Clymer	Hennessey	O'Neill	Tangretti
Cohen	Herman	Oliver	Thomas
Cornell	Hershey	Parker	Tigue
Corrigan	James	Petri	Veon
Cruz	Josephs	Petrone	Vitali
Curry	Keller, W.	Pistella	Walko
Daley	Kenney	Preston	Wansacz
Dally	Kirkland	Ramaley	Waters
DeWeese	Kotik	Reichley	Watson
DiGirolamo	Leach	Roberts	Wheatley
Donatucci	Lederer	Roebuck	Williams
Eachus	Lescovitz	Ross	Youngblood
Evans, D.	Levdansky	Rublely	Yudichak
Flaherty	Mackereth	Sabatina	

NAYS—91

Adolph	Feese	Markosek	Rooney
Armstrong	Fichter	Marsico	Sainato
Baker	Fleagle	McGill	Sather
Baldwin	Flick	McIlhatten	Saylor
Bastian	Forcier	McNaughton	Shapiro
Benninghoff	Gabig	Metcalfe	Smith, B.
Biancucci	Geist	Micozzie	Smith, S.
Boyd	George	Millard	Sonney
Bunt	Gillespie	Mustio	Stairs
Cappelli	Good	Nickol	Stern
Casorio	Grell	O'Brien	Stevenson, R.
Causar	Haluska	Pallone	Stevenson, T.
Civera	Harris	Payne	Taylor, J.
Costa	Hasay	Petrarca	True
Crahalla	Hess	Phillips	Turzai
Creighton	Hickernell	Pickett	Wilt
DeLuca	Hutchinson	Pyle	Wojnaroski
Denlinger	Kauffman	Quigley	Wright
Dermody	Keller, M.	Rapp	Yewcic
Diven	Killion	Raymond	Zug
Ellis	Leh	Readshaw	
Evans, J.	Maitland	Reed	Perzel,
Fabrizio	Major	Rohrer	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

AMENDMENT A09926 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion on amendment No. 9926, which was passed to House bill No. 2063 on the 18th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—175

Adolph	Flaherty	Maitland	Rubley
Allen	Fleagle	Major	Sabatina
Argall	Flick	Manderino	Sainato
Baker	Forcier	Markosek	Samuelson
Baldwin	Frankel	Marsico	Santoni
Barrar	Gabig	McCall	Sather
Bastian	Geist	McGeehan	Saylor
Bebko-Jones	George	McGill	Scavello
Belardi	Gerber	McLhattan	Schroder
Benninghoff	Gergely	McNaughton	Semmel
Beyer	Gillespie	Melio	Shaner
Biancucci	Gingrich	Metcalfe	Shapiro
Blackwell	Godshall	Micozzie	Smith, B.
Blaum	Good	Millard	Smith, S.
Boyd	Grell	Miller, R.	Solobay
Bunt	Haluska	Miller, S.	Sonney
Buxton	Hanna	Mustio	Staback
Caltagirone	Harhai	Myers	Stairs
Cappelli	Harhart	Nailor	Stern
Casorio	Harper	Nickol	Stevenson, R.
Causar	Harris	O'Brien	Stevenson, T.
Cawley	Hasay	O'Neill	Surra
Civera	Hennessey	Oliver	Tangretti
Clymer	Herman	Pallone	Taylor, J.
Cohen	Hershey	Parker	Thomas
Cornell	Hess	Payne	Tigue
Corrigan	Hickernell	Petrarca	True
Costa	Hutchinson	Petri	Turzai
Crahalla	James	Petrone	Vitali
Creighton	Josephs	Phillips	Walko
Cruz	Kauffman	Pickett	Waters
Daley	Keller, M.	Pistella	Watson
Dally	Keller, W.	Preston	Wheatley
DeLuca	Kenney	Pyle	Williams
Denlinger	Killion	Quigley	Wilt
Dermody	Kirkland	Rapp	Wojnaroski
DiGirolamo	Kotik	Raymond	Wright
Diven	Leach	Readshaw	Yewcic
Donatucci	Lederer	Reed	Youngblood
Ellis	Leh	Reichley	Yudichak
Evans, J.	Lescovitz	Roberts	Zug
Fabrizio	Levdansky	Roebuck	
Fairchild	Mackereth	Rohrer	Perzel,
Feese	Maher	Ross	Speaker
Fichter			

NAYS—18

Belfanti	Freeman	Mundy	Steil
Curry	Goodman	Ramaley	Sturla
DeWeese	Grucela	Rooney	Veon
Eachus	Mann	Siptroth	Wansacz
Evans, D.	McIlhinney		

NOT VOTING—1

Armstrong

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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. **A09926**:

Amend Title, page 1, line 20, by striking out "further providing" and inserting

providing for impact of plat; and further providing for application for tentative approval of planned residential development and

Amend Bill, page 1, lines 24 through 26; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a section to read:

Section 508.1. Impact of Plat.—(a) The applicant shall send via certified mail return receipt requested, within five days after filing, a copy or summary of the application for preliminary approval of a plat to the superintendent of the school district in which the residential development plan is proposed. A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development, and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section.

(b) The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this section shall empower the school district with any authority to approve or deny any application for approval of a plat.

Section 2. Section 707 of the act is amended by adding clauses to read:

Section 707. Application for Tentative Approval of Planned Residential Development.—In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to

the approval or disapproval of a development plan for a planned residential development and the continuing administration thereof shall be consistent with the following provisions:

* * *

(7) Within five days after the application is filed, a copy or summary of the application for tentative approval of a planned residential development shall be sent via certified mail return receipt requested by the applicant to the superintendent of the school district in which the planned residential development is proposed. A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development, and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section. Nothing in this clause shall empower the school district with any authority to approve or deny any application for tentative approval of a planned residential development.

(8) The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this clause shall empower the school district with any authority to approve or deny any application for approval of a plat.

Section 3. Section 1104 of the act, amended June 22, 2000 (P.L.483, No.67), is amended to read:

Amend Sec. 2, page 4, line 9, by striking out "2" and inserting

4

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, a brief explanation so there is no confusion on the amendment. This amendment would require a simple notification to a school district whenever a building or a development is coming into whatever that municipality is. Naturally, municipal ordinances govern the subdivision plans, and all other municipal ordinances are in play.

This simply says that when a development is coming into a school district, then the school district would be notified. The school district has no power. I repeat, the school district has no power to vote on the particular development. It is simple notification so that a school superintendent and a school district and a school board can project their enrollments.

I would ask those of you in growing school districts, who I think understand this, and I would ask those of you that do not have growing school districts to have some sympathy for those of us who are being inundated with the tsunami of developments that are causing an increase in property taxes. This is simply a planning tool for superintendents and school boards. Reputable developers could and should support something like this. It does not cost the developer anything, perhaps maybe a postage stamp or the gas mileage if they have to drive the plans and drop it off at a school district administration building.

I ask for your support. I realize it passed. I have been here long enough to understand the reconsideration. I have pulled this amendment in the past because it has not been germane, because it was not in a municipal planning bill. This happens to be one of those bills that it is germane to.

I ask you for support for those of us in school districts that are growing. It allows superintendents in districts to plan. It has no cost to the developer other than maybe a postage stamp. Thank you for your consideration.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I guess my first comment would be to ask a question of the sponsor of this legislation. If I may do that, I would appreciate that.

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

Mr. STAIRS. The question I have is, certainly I think there should be notification, as you indicate. My concern is, the cost of this notification, from what I understand in your legislation, it will be bore by the developer. Now, you indicate that it is probably going to be the price of a postage stamp, but I, you know, I kind of wonder. That seems a little bit low, maybe a great deal low. But I have no problem with the notification except I think that instead of the developer notifying the school district, that maybe the municipality says, hey, we got this application, the developer wants to build 100 houses here or 5 houses here, and notify the district. So I think when you put this burden on the developer, my take is, it costs more than a postage stamp, but I would wait to hear your response.

Mr. GRUCELA. Thank you, Mr. Speaker.

With all due respect to the chairman of the Education Committee, the municipalities could, and probably some do already, notify school districts. In fact, I have written to all my municipalities asking them to do that very same thing, realizing the difficulty of passing such legislation. So many municipalities already do it.

It would not be any different, but quite honestly, I do not see why these developers, unless they are different in other places, I do not think this cost is so exorbitant to a developer, and if you put it on the municipality, even if that is a cost, that is a cost to all the taxpayers in the district. All the taxpayers in the district are already paying for these developments significantly, because every new home is a loss to a school district.

I do not think it is that much money. I do not think it is such a big deal. I have former students who are developers, who have talked to me and worked with me on some of this legislation. They do not oppose this. This is not opposed by all developers, believe me. I do not think it is that significant of a cost. I think the developers can afford it, and I think it is better for the developer to pay it than it is for the taxpayer.

Mr. STAIRS. Thank you, Mr. Speaker.

That ends my question that I wanted to ask, and just a brief comment that, and I can understand where the sponsor is coming from, and I do feel that there should be notification, but without having a definite answer or something more specific, minimal cost, or this is the responsibility of the developer, I think we should have something more firm and a better handle on this, and so I would oppose this on that ground, although I do understand and appreciate your concerns about this issue,

but I would hope that we could go back and work out these maybe questions or unknowns.

I know this is the very end of the session. I do not know if, with the limited days we have, if this legislation is going to become a bill, I mean become a law, and so with that limited time frame, possibly we will have time to go back and review this again and maybe address some of these concerns, not put an unfair burden on a developer who may plan on developing something but then it may not happen and he is stuck with that cost.

So with all these question marks, you know, I think maybe it would be wise to sit back and try to do this at the beginning of next session, which we can get full input and get all the questions answered. So I would oppose this at this time, Mr. Speaker, and ask that we do it maybe at a later date. So I express my opposition. If others want to speak on this, they may do so.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Grucela amendment. Notification is a great thing, and I believe it should occur. I believe it should occur between a municipality and the school district at that level.

The difficulty I have with his amendment is it requires notification at the preliminary plan stage. A preliminary plan lasts, the approval of it lasts for 5 years, and I do not think we should burden our school districts with planning for something that may not occur for a minimum of 5 years, and it could be a maximum of even more. I do not believe the taxpayers should be burdened with expanding the school district or a school itself on a plan that may or may not occur.

For that reason I oppose the Grucela amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

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

The language contained in the Grucela amendment is a very reasonable proposal, reasonable and in many respects a very modest proposal, but one which is sorely needed here in Pennsylvania.

For too long we have kept school districts out of the loop when it comes to land development issues and planning issues, and yet in so many respects, they are the one entity of government that is most heavily impacted. We have seen the impact in effect of rampant suburban sprawl growth in the eastern half of Pennsylvania. In places like the southeast, the Lehigh Valley, the Poconos, all of those areas have become tremendously overrun by growth. The end effect is a tremendous increase in property taxes to provide for the new kids coming into the school systems, and yet, and yet, our school districts are not in the loop to have a better handle on the growth that is coming their way.

This is a very modest proposal. All it is attempting to do is to inform the one institution of government charged with educating our children about the potential impacts that are coming their way because of development. That gives them a heads-up to start thinking about physical planning, to start thinking about school bus routes, to start thinking about the

complement of teachers they have to educate their kids in a reasonable fashion. What is so wrong with that? Are we so afraid of the homebuilders lobby that we are going to let them run roughshod over a reasonable proposal? This is a commonsense concept. There is no one who should be voting against the idea of notifying school districts of what potential impacts they are going to receive from development coming their way.

Let us vote for better planning, let us vote for a commonsense approach of notifying our school districts, and let us move on with this issue.

I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Lehigh, Mrs. Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

Will the maker stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentelady is in order.

Mrs. BEYER. Mr. Speaker, I believe there is already a notification process in place for new developments that they notify or there is interaction between the school district for the purposes of bus stops. Is that not correct?

Mr. GRUCELA. I honestly do not know the answer to that question, but I can find out for you, but I do not know how it is relevant.

Mrs. BEYER. On the amendment, Mr. Speaker.

The SPEAKER. The gentelady is in order.

Mrs. BEYER. As a former school board president, I can tell the maker of the amendment that there is a requirement and there is interaction between a developer and a school district for the purposes of establishment of bus stops, and I urge my colleagues to vote "no" on this amendment, because I agree with the chairman of the Education Committee that this should be a process handled between the municipality, which is the approving authority of all developments, and the school district.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to address my good friend from Westmoreland County, the chairman of the Education Committee's concerns about this legislation, and particularly address the fact that he suggests that perhaps we can go back to the drawing board and talk about this next session.

This has been around for at least two terms that I know of that Mr. Grucela, the gentleman from Northampton, has been attempting to get done, and I think it is a modest proposal. All we want to do is to allow for a school district to be notified of potential development. That makes sense to all of us, to many of us, anyway, but every time he gets to the point where it gets to be seriously considered, somebody wants to put it back down and redraft it, and that has happened a number of times. That is a way of killing the bill. We all know that. Let us not do that. Let us put the school districts, who have a huge responsibility in terms of the tax base and the tax effort for their responsibility of educating our children, let us put them in the loop.

Let us pass the Grucela amendment and get on with it. It makes sense.

I ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Siproth.

Mr. SIPROTH. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of this amendment. Coming from two of the fastest growing areas in the State of Pennsylvania, we certainly need this type of legislation. There is absolutely nothing wrong. It is not a great infringement on anyone, by any means. It is a tool, a tool to allow our school districts to plan for the future.

My fellow colleague on the other side said a moment ago that there is ample time. Mr. Speaker, there is not ample time. By the time we go through the planning process, acquire property, and build a school, it is already outdated in our district.

I would ask you to please consider this amendment and vote in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

As the prime sponsor of the legislation, I rise to oppose the Grucela amendment at this point, and the reason is, the gentleman has a good concept in terms of growing school districts – I come from a growing school district – but one of the concerns that I have is, on a preliminary plan, and this is the part that I wanted to get to, on a preliminary plan, those plans do not necessarily always even come to pass. We have had, as the chairman of our local planning commission, we have had preliminary plans brought in that never even come to fruition, and also in that process, they actually oftentimes will be changed, in density changes, and we would not want to be giving school districts inaccurate information about future land development plans, which may actually happen in the preliminary process.

At this point, you know, I would be happy to work with the sponsor of this amendment in the next session to look at a way of trying to accomplish the goals that would provide growing school districts with accurate information. So at this point I would just have to oppose the amendment as it is drafted right now.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman please be able to explain – and I honestly do not know – what is different from current law about this? What would your amendment empower the school district to do that it currently would not be able to do after being advised about a potential residential development now?

Mr. GRUCELA. As far as I know, Mr. Speaker, as far as I know, there is no current law on this. I believe the previous speaker from Lehigh County was talking, and she was a former school board member, I believe that that may have been on the basis of when you receive an occupancy permit for the

school district, because ironically, I am sitting here thinking, this idea first came to me from a school superintendent, who I would assume would know all the school laws. So I believe that may have been something that is, the only thing I can think of that might be in effect, and again, I am not omniscient on this issue, so unless I would research it, I believe that the previous speaker was talking, it involved getting an occupancy permit way after all of these buildings are placed.

I honestly do not know any other, I could research it, but I just do not think there is any law about this at all, and again, I would tell all of you that are in growing school districts, since this is very difficult to get passed, for a lot of obvious reasons, in this body, to at least ask your municipalities, as I have done, to just do it as a matter of courtesy, and some of the, not all, but some of the municipalities that I represent in three school districts are doing this as a matter of courtesy, because they see, they know, and they understand what these developments are doing to the schools. They are increasing the property taxes, especially for the seniors who are living in the small boroughs that are surrounded by those suburban developments.

I just do not think this is a big deal, and I think we have debated it more, a lot more than it really needs to be. I could see us debating the other amendment that did have a cost to the developers. This one, good, honest, reasonable developers would support this.

Thank you, Mr. Speaker.

Mr. REICHLEY. Mr. Speaker, I am just curious, I recognize that there is not much of a cost to the developer by mailing a letter or a notice to the school district, but what is the maker of the amendment's intention, as his previous statement indicated, that the school district does not have the power to do anything after having been advised of the potential development?

Mr. GRUCELA. Well, I think the answer to that is common sense. I think what it does, and this is what was given to me by, this idea came to me from a school superintendent who woke up in the morning, reading the paper over a cup of coffee and saw 250 homes that were being developed in one of his municipalities. If he does not read it in the paper, he has no idea these homes are being built.

So I think it gives them a planning tool. I think that is the answer. The answer is, it allows a school— They have no power to— In fact, this bill was actually written with the help of the developing lobby out here, but for whatever reasons, they changed their mind, but they particularly were influential in the beginning of this bill that I have introduced maybe 3 or 4 years ago over several times.

Again, it is a planning tool for the school district to know what expenses they may have in the future as these developments are planned and are coming in. Those of us in growing school districts, and I know there are not enough of them in the State, maybe someday there will be enough growing school districts, with members from growing school districts, that things like this will pass, but growing school districts understand what I am talking about.

So I believe, to answer your question, Mr. Speaker, it is a planning tool, because unless they know, a superintendent of a school district will wake up one morning and find out they are going to have a whole lot of new students and they are going to need more teachers, more materials, more buildings.

Mr. REICHLEY. Well, Mr. Speaker, I would agree, but it really does not seem to be too much different from when he

wakes up in the morning and reads about it in the newspaper as when he wakes up in the morning and goes to his office and opens up the envelope that he has received the notification of the new development. He now understands; he has got the same situation, and I guess I am curious, is the intention of the amendment to facilitate the school district advising the municipality of its objections—

Mr. GRUCELA. No.

Mr. REICHLEY. —to the scope of the development, the size of the development?

Mr. GRUCELA. No. That is not the intention whatsoever. The intention— And I beg to differ. I think there is a big difference between finding out about it when it is being planned and finding out about it when 500 students show up in your school district. I think there is a huge difference there.

This is a planning tool – I repeat, it is a planning tool – and the school district here would know in advance, and if you read the amendment, the school district has no power, no power whatsoever, to tell a municipality, you cannot stop this development; we do not want this development. That still remains in the hands of the local control and the local government.

Mr. REICHLEY. All right. Thank you, Mr. Speaker. That is all.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

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

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, I have read through the amendment now several times. I am just looking for clarification on a couple of things.

Is there a difference between a development plan, say, for 200 homes versus 500 homes?

Mr. GRUCELA. To my knowledge, Mr. Speaker, no. This would be governed by whatever the municipal ordinance is.

Mr. PAYNE. Okay. So any plan that would come in, that a developer would come in with, would have to be submitted to the school district?

Mr. GRUCELA. Yes, Mr. Speaker; whatever that municipality's ordinance is. Its subdivision ordinances, I think, would address that; maybe its comprehensive plan. Of the 2,567 municipalities in Pennsylvania, you know, I am sure they are not all the same, but whatever that says, whenever that developer comes to that particular municipality, the planning commission, when they give the plan to the planning commission, they give one to the school district so the school district knows what is coming.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, my concern with not having a number in there is this: If a farmer subdivides a tract of land for a family member for just one home—

Mr. GRUCELA. That would not apply, Mr. Speaker, at least not in my township. Whatever your subdivision ordinance would say—

Mr. PAYNE. It does in mine, I can tell you that.

Mr. GRUCELA. So if I am going to build one home in your township, I have to go through a preliminary plan?

Mr. PAYNE. You must file a plan if you are building a home. If you are subdividing a lot, you have to file.

Mr. GRUCELA. So if you file the plan with the school district, I think the school district, it would be a moot point. That is not what this is intended to do, and I do not think it does any harm.

Mr. PAYNE. And I think that is my concern, that whether it is 1 home or 3 homes versus 200 homes, I understand your logic on a 500-home development, but there is no definition there.

Mr. Speaker, I have another follow-up question. Having served 10 years as township supervisor, the Municipal Planning Code has a limit, a time frame that you must approve the plan, and if I am within that window and I do not have the 30 days to notify the school district, what takes precedence?

Mr. GRUCELA. To my knowledge, Mr. Speaker, and I served as a township supervisor-chairman for 6 years, it does not have any effect; it does not really pertain.

Mr. PAYNE. Well, but my concern is, if it is a law that they have to notify the school district within 30 days, and let us just say, since we were both on boards, you only have 17 days to pass this plan and the developer does not comply with this law, what happens?

Mr. GRUCELA. If they do not hear from the school district, Mr. Speaker, it is my understanding it is like the Book-of-the-Month Club; you know, it would automatically pass. If you do not receive the comment from the school district, it does not matter. It is automatic.

Mr. PAYNE. Okay. One last question, Mr. Speaker, if you would?

Specifically what is to be mailed to the school district? Is it the plot plan; is it the landscaping plan; the street plan? There are different things that do not show. I mean, a lot of times developers come before us, and you know that if you served on local government, where they are just coming in with a plan and they may be looking at a cluster option or a buy-right option and the homes could be totally different. What are we mailing to the school district?

Mr. GRUCELA. An outline or the summary of what the application could include, but again, basically, Mr. Speaker, that is governed by local ordinance. Whatever the local municipality says you have to bring here, just give that same thing to the school district.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. PAYNE. Mr. Speaker, I am going to have to vote “no” on this, because I think it is too vague. If you are a developer, you do not develop just in one borough or one township, and to leave this up to whatever the local code is, the developers will be constantly trying to figure out what they have to submit and what they do not have to submit.

I also do not think that we should be forcing anybody who wants to subdivide a lot for their son or their daughter or family member to have to be submitting plans. I also think the developer telling the school district is not the way to go. We have excellent cooperation between our municipalities and the school district. That should continue.

So I ask for a “no” vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. McGill.

Mr. McGILL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Grucela amendment. During the eighties I happened to serve in the fastest growing school districts in Montgomery County and thus the fastest growing in the Commonwealth of Pennsylvania, and one of the things that I found interesting when I met with my superintendents was, they said, our job is to educate children; if you send the children, we will get them educated. But they took a proactive role instead of waiting to be alerted. Now, they took a proactive role by going out and going door to door and finding out how many students were coming into the district, not just how many houses were being built, because that does not give you, that does not give you the accurate number of how many elementary students you are going to need or how many middle school students are going to have to be in a building. So they were proactive at the time.

One of my superintendents said that one of his major problems was dealing with Harrisburg and the amount of paperwork already thrust upon him by Harrisburg, and he did a demonstration, for anybody who would look, where he took out a roll and he let it roll down the aisle, and as it rolled down the aisle, it was some several hundred pieces of paper that he needed to provide to Harrisburg on a regular basis when he did something with just one student, and he said, we do not need to be sending any more information.

My superintendent felt it was his obligation, that he would get the information that was required when development was happening and to know what kind of development was happening in the area that he was the superintendent. If you take a proactive role and you look at what is around you and you look at the building that is coming in around you and you are truly involved in your community, you do not need an amendment like this. You do not need somebody telling you that at some point in time something may get developed.

The fact is, almost all of my area in Montgomery County was developed, and people watched as it was developed and they watched carefully, and what we have is one of the finest school districts in the area, and I take a lot of pride in that, and I will say it again, one of the finest, but it was because of the superintendents that we had down there and their proactive role on what was coming into their community that we have the school districts that we have. So we do not need our superintendents and our school districts waiting and responding to municipalities when new development or potential new developments come in.

I think we need to say no to the Grucela amendment, allow the municipalities to do what their job is and allow our school districts to do what their job is. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order.

Mr. DALLY. Mr. Speaker, in paragraph 7 of the amendment, there is language that states – just bear with me a second – it says, “A summary shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development, and where required by local

ordinance to be included in the application, an economic assessment of the proposed development.”

Could you please tell me, Mr. Speaker, what you are intending by that language?

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, when this bill was before the subcommittee, that was an amendment that was added in the subcommittee by, and I honestly do not remember which member, but because there were some municipalities that had that requirement and the members of the subcommittee at that time thought that it improved the bill, and I agreed.

Mr. DALLY. Mr. Speaker, the question I have is, what would be included in such an economic assessment?

Mr. GRUCELA. Without research, Mr. Speaker, I would say, probably whatever the local municipality that has an economic assessment definition, that would be the economic assessment. I would imagine it would involve the property tax increase to the school district that would be brought on by developments, because every new home is a loss to the school district, as long as it has children. I have a further amendment that, you know, at some point, that as you are well aware of, but we would not charge an impact fee for developments, homes that do not bring children.

So I honestly do not remember except to remember that this came as an amendment in subcommittee because there are some municipalities that include an economic assessment, and again, it would be whatever that definition is, and I would really have to research it to give you an honest definition of it.

Mr. DALLY. Thank you, Mr. Speaker.

I think that the maker of the amendment has a viable idea here. My concern is, language like that is going to possibly impose more requirements that perhaps are not in the MPC (Municipalities Planning Code) at present because the language is rather vague.

Also, another question, Mr. Speaker, in paragraph 8 it says, “The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan.”

What do you envision to be included in those written comments, what you just mentioned previously?

Mr. GRUCELA. I would say, yes, Mr. Speaker—

Mr. DALLY. Okay.

Mr. GRUCELA. —the same comment that I made previously, and again, a school district, there is no requirement that they have to do that. I would imagine it would depend upon whatever the school district or superintendent or whoever is going to do that, whatever their intentions are. I would assume some might be lengthy, some might be brief, some might be none at all.

Mr. DALLY. Mr. Speaker, the only concern that I have with that language is, you could have planning boards or boards of supervisors making planning decisions based upon information that really is beyond the scope of their ordinance, meaning not using planning techniques to approve subdivisions but rather looking at external factors which at present are not included as requirements in the MPC. So that is another concern that I have.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Grucela, for the second time.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I would remind the members, and I realize we do not remember every vote we make, but on July the 2d of 2005, this amendment is the same as HB 102, which passed the House 132 to 66 on July 2, 2005. It went over to the Senate, where I am not sure what happened to it, but we can talk about unicameralism maybe next session.

Again, I would also tell you that this was recommended to me by a school superintendent, and in the beginning, many years ago, perhaps when there was better trust, I worked with the building lobby here to write this language, and essentially this was their language, and I said, write the bill anyway you want, just so you are telling the school districts. So those of you who have questioned me, you may want to question the building lobbyist because he should be able to give you the answers because he helped write the amendment. I would also say to you that I understand that he changed his mind and you changed your mind. You know, we would not have the Bill of Rights if James Madison had not changed his mind.

I again would ask you to support this. I do not think this is earth shattering. I do not think this is anything very, very difficult except it helps those of us in growing school districts.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—81

Argall	Flaherty	Melio	Semmel
Bebko-Jones	Freeman	Miller, S.	Shaner
Belardi	Gerber	Mundy	Siptroth
Blackwell	Grucela	Myers	Solobay
Blaum	Harhart	O'Neill	Staback
Caltagirone	Harper	Oliver	Steil
Cawley	Hennessey	Parker	Sturla
Clymer	Herman	Petri	Surra
Cohen	Hershey	Petrone	Tangretti
Corrigan	James	Pistella	Thomas
Costa	Josephs	Preston	Tigue
Crahalla	Keller, W.	Reichley	Veon
Cruz	Kirkland	Roberts	Vitali
Curry	Leach	Roebuck	Wansacz
Daley	Lederer	Ross	Waters
Dally	Lescovitz	Rubley	Watson
DeWeese	Manderino	Samuelson	Wheatley
DiGiolamo	McCall	Santoni	Williams
Donatucci	McGeehan	Scavello	Wright
Evans, D.	McIlhinney	Schroder	Youngblood
Fabrizio			

NAYS—112

Adolph	Fichter	Levdansky	Raymond
Allen	Fleagle	Mackereth	Readshaw
Armstrong	Flick	Maher	Reed
Baker	Forcier	Maitland	Rohrer
Baldwin	Frankel	Major	Rooney
Barrar	Gabig	Mann	Sabatina
Bastian	Geist	Markosek	Sainato
Belfanti	George	Marsico	Sather
Benninghoff	Gergely	McGill	Saylor
Beyer	Gillespie	McIlhattan	Shapiro
Biancucci	Gingrich	McNaughton	Smith, B.
Boyd	Godshall	Metcalfe	Smith, S.
Bunt	Good	Micozzie	Sonney

Buxton	Goodman	Millard	Stairs
Cappelli	Grell	Miller, R.	Stern
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	True
Cornell	Harris	O'Brien	Turzai
Creighton	Hasay	Pallone	Walko
DeLuca	Hess	Payne	Wilt
Denlinger	Hickernell	Petrarca	Wojnarowski
Dermody	Hutchinson	Phillips	Yewcic
Diven	Kauffman	Pickett	Yudichak
Eachus	Keller, M.	Pyle	Zug
Ellis	Kenney	Quigley	
Evans, J.	Killion	Ramaley	
Fairchild	Kotik	Rapp	Perzel,
Feese	Leh		Speaker

NOT VOTING—1

Stevenson, T.

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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?

Bill as amended was agreed to.

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

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla

Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, as a guest of Representative Fairchild, Sadie Sumner. She is a student at New Columbia, Union County, political science and French major at Messiah College. Would that guest please rise. She is to the left of the Speaker. Would she please rise and be recognized.

CONSIDERATION OF SB 1158 CONTINUED

The SPEAKER. The Chair is returning to SB 1158, PN 2125.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. At this time the Chair is asking the gentleman, Mr. George, to withdraw his amendment temporarily while we recognize the gentleman, Mr. Turzai, for a motion.

BILL REVERTED TO PRIOR PRINTER'S NUMBER

The SPEAKER. For what purpose does the gentleman, Mr. Geist, rise?

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

Mr. Speaker—

The SPEAKER. Would the gentleman suspend temporarily.

Mr. Geist? For what purpose does the gentleman rise?

Mr. GEIST. The bill.

The SPEAKER. On the bill?

The gentleman, Mr. Turzai.

Mr. GEIST. After the bill is done.

Mr. TURZAI. Thank you very much, Mr.—

The SPEAKER. Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion to revert to a prior printer's number. This bill was amended in committee. On behalf of a number of groups that I have worked very hard to put this compromise bill together, both from the handicapped, physically challenged community and from the building community, the original bill as written by Senator Rhoades provides for visitability. It allows for a local tax benefit. It is enabling legislation, and it is designed to allow homes to be built that have visitability for handicap standards.

The way the bill was amended in committee arguably restricts the availability of who can make use of this tax credit should local communities adopt it, and we would like to move it to a prior printer's number so that we can get to the original intent of the bill that many groups worked hard to reach, this incentive approach versus a mandated approach. It did take away what was happening or moving in the direction on some localities in terms of a mandate, and instead, adopting a statewide tax incentive approach that enables communities to take use of this tax incentive.

Thanks very much, Mr. Speaker. I would ask for an affirmative vote on this motion.

The SPEAKER. What prior printer's number would the gentleman, Mr. Turzai, like us to revert to?

Mr. TURZAI. 1661.

The SPEAKER. 1661.

On the question,

Will the House agree to the motion?

The SPEAKER. On that motion of reverting to prior printer's No. 1661, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, the rationale behind my proposal of the amendment was to allow truly an effort to be able to help these people that are disabled and these kind, caring individuals that are giving their love and their care, and I now realize that the prior printer's number, as the gentleman suggests, already had done that, but the new measure had taken it out.

So I believe that we can be supportive of the referral to the prior printer's number. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to give a brief explanation to the members of the House as to what transpired in committee, what the motivation was, and where this legislation takes us now.

In committee we attempted, we actually successfully attempted, achieved, I should say, amending the bill to redefine the definition of who would be eligible for this tax credit. The reason that was done and done unanimously in committee was out of a concern that was raised by legal experts as to the potential constitutionality of the broader language that reverting to the prior printer's number will put in place. The amendment that was put in committee narrowed it to those individuals who were the homeowner, have a disability or have a dependent with a disability. That language was meant to be in keeping with the standards set down in Article VIII, section 2(b)(ii), of the Constitution.

There are four classes of individuals who are allowed special exemptions or provisions when it comes to taxes under our State Constitution. One of those is based on age, those based on infirmity, those based on poverty, and those based on disability. Those are the parameters, and the language that was inserted in committee sought to keep a strict construction of language to those parameters by identifying a person with disabilities as being eligible.

However, I understand the urgency of this legislation. I know we are at the end of the legislative session. The advocates for this bill are anxious to have something to be able to take back to their local governments, to put in place an effort to obtain the kind of tax credits against their property tax that will enable them to comply with disability compliance in new and renovation construction in the home.

Not wanting to stand in the way of that, I am willing to support the motion to revert to a prior printer's number. However, I do want to give a cautionary note to the members of the House. I worry that we might have to come back and revisit this issue because of the constitutional issues we tried to address in committee. The ideal way of dealing with this – and I realize that our legislative process does not exist in an ideal world – but the ideal way of dealing with this and if we have to revisit this issue, this is what I would recommend, is that at some point we deal with the more restricted language that, in my opinion, would come closer to the constitutional standard and then embark upon a grant program for those who do not meet that standard. That way we could achieve the same end and not have to worry about the risk of a legal challenge.

The advocates want this legislation. It obviously is designed to help a lot of people with disabilities to be able to live in their home, to have visitation to their home from other people with disabilities. I am not going to stand in the way of that. I just hope that we do not see a legal challenge to the kind of language that is entailed, and if we do, we will have to revisit it. So I am willing to accept the reversion to the prior printer's number and hope that we can provide the relief that so many people in the disability communities are seeking.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise in support of the reversion to the prior printer's number on SB 1158.

I have a great deal of respect for the gentleman from the Lehigh Valley. I think what he explained is a high goal to try

and achieve, but in order to facilitate a good step forward on behalf of access to the disabled, I believe that this reversion moves that process forward, and I am asking members of the Democratic Caucus to support it. This is an agreed-to process.

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Bianucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Gabig, back from Capitol leave. His name will be canceled from legislative leave.

CONSIDERATION OF SB 1158 CONTINUED

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 final passage, SB 1158, PN 1661.
On that question, the Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.
Mr. Speaker, I had an amendment drawn to this printer's number as well as the last printer's number, and I will be withdrawing that amendment now and wanted to explain why to the members.

I think this is a very good bill. I have an adult disabled sister who lives with me and understand very well how hard it is for disabled people to get around in homes that were not built that way.

My concern with this bill is that it does not give local government the leeway to provide for limited waivers in situations where, because of the topography of the land or the reconstruction of an older building into new housing, the strict requirements of this act cannot be met. I think that that is a failing in the bill, and in order to make sure that the most number of builders and remodelers can take advantage of this tax credit, we may have to revisit this in the future.

But, Mr. Speaker, I am withdrawing my amendment because I do agree that encouraging visitability, the ability of disabled people to visit new homes and homes that are reconstructed, is so important and our time before the end of this session is so short that I do not want my amendment to slow down the process.

Thank you very much, Mr. Speaker.
The SPEAKER. The Chair thanks the gentlelady.

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson

Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Bianucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **SB 798, PN 1360**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for right to bail.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 798, PN 1360, be recommitted to the Committee on Judiciary.

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

* * *

The House proceeded to third consideration of **HB 2765, PN 4397**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for policy and for DNA sample required; providing for collection from persons accepted from other jurisdictions; and further providing for procedures for withdrawal, collection and transmission of DNA samples and for expungement.

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?

The Chair recognizes the gentleman, Mr. Vitali. The gentleman waives off.

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Bianucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.

Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **HB 2751, PN 4202**, entitled:

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

On the question,
Will the House agree to the bill on 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 that question, it is the Chair's understanding the amendments have been withdrawn, but the gentleman, Mr. Williams, would like to make a statement. The Chair recognizes the gentleman, Mr. Williams.

Mr. WILLIAMS. That is on the O'Brien amendment?

The SPEAKER. The amendment to HB 2751. It is the understanding of the Chair that they have been withdrawn and the gentleman wishes to make a statement. Is that correct?

Mr. WILLIAMS. No. Who is the maker of that bill?

The SPEAKER. Reichley is the prime sponsor of the bill, sir.

The gentleman waives off?

Mr. WILLIAMS. Yes.

The SPEAKER. The gentleman, Mr. Williams, waives off.

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **HB 2708, PN 4197**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.

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?

Mr. Williams, this is the O'Brien bill. The gentleman waives off.

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.

Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermodity	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnarowski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

* * *

The House proceeded to third consideration of **HB 2706, PN 4115**, entitled:

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

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?

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. The gentleman, Mr. DiGirolamo, indicates he will stand for interrogation.

Mr. VITALI. Could I have just a brief explanation of this bill?

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

HB 2706 amends Title 18 by adding a new subsection for those adults who deliver, or possess with the intent to deliver, illegal anabolic steroids, including human growth hormones, to any person under the age of 18.

Mr. VITALI. I just want to understand it. So if the summary is correct, there is a minimum mandatory 3-year sentence if you are an adult and you give an anabolic steroid to someone below the age of 18. Is that essentially it?

Mr. DiGIROLAMO. That is correct, Mr. Speaker.

Mr. VITALI. Okay. Regardless of the circumstances, if you give that, it is 3 years in jail no matter what. Is that it?

Mr. DiGIROLAMO. Could you repeat your question, Mr. Speaker?

Mr. VITALI. Regardless of the circumstances, if you are an adult and you give an illegal steroid to someone under 18, you have to go to jail for 3 years if convicted?

Mr. DiGIROLAMO. That is correct, Mr. Speaker; no matter who it would be. If you are a coach, an athletic trainer, or even a parent, yes, Mr. Speaker.

Mr. VITALI. Okay. I mean, that is my question. So let us say you have a – tell me if this applies – so let us say you have a 17-year-old male going out for his senior year at football, thinks he may have a shot at a college scholarship. His dad, who has never been in trouble in his life, upstanding citizen of the community, wants the best for his son, and just decides— He is in the pharmaceutical industry so he may have access. So if he in fact gives something to his son that fits into this category that might bulk him up a bit, this would require, if he is convicted, for that father 3 years in jail. Is that correct?

Mr. DiGIROLAMO. Mr. Speaker, that is correct, Mr. Speaker. All the studies that we have seen on steroid use, especially steroid use among our youth, are that it is an extremely dangerous drug, Mr. Speaker, and anybody— You know, I just cannot believe a parent would want to give his child a steroid, an illegal drug that is dangerous, Mr. Speaker.

Mr. VITALI. I just want to be clear. Is this the type drug that athletes sometimes take to enhance their athletic performance?

Mr. DiGIROLAMO. That is correct, Mr. Speaker.

I have a list of some of the consequences of steroid use—

Mr. VITALI. Well, that is not my question. I just want to know if this is what we are talking about.

Mr. DiGIROLAMO. That is correct, Mr. Speaker.

Mr. VITALI. Okay. That concludes my interrogation. I would like to speak on the bill. That concludes my interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

First of all, I would like to commend the maker of the bill for putting this out because it is certainly a very serious issue, and I certainly agree that this is a very dangerous substance and we need to punish people who do this to discourage it, but I am going to vote “no,” because I think in this particular case it points out the problems of the blind imposition of minimum mandatory sentencing. I mean, if you carry this consequence to its logical extreme, what you would probably have, if a father was put in jail, you would probably bankrupt the family, do damage to the family, and I do not think justice would be served. You would probably cost the Commonwealth, oh, maybe \$30,000 a year in incarceration costs, so close to \$100,000, and what end would that serve?

Mr. Speaker, it seems to me in a situation like that the judge should have the authority and the discretion to look into the facts. Maybe dad should go away for a year; maybe dad should go away for 6 months; maybe dad should go away for 3 months and go into some drug education program, but is this really the circumstance where you want to put a father in jail for 3 years?

Now, we have done— Let us say it was in southeastern Pennsylvania where we live, and we just have that prison bill that would put this guy in Graterford Prison. So you have a person with no prior arrests trying to do what is best for his son, although, admittedly, misguided, and a judge would be compelled to send this guy to Graterford. I mean, is that what we really want to be doing here?

Mr. Speaker, I think certainly this crime needs to be there, the penalties need to be there, but to blindly impose the requirement of a 3-year minimum mandatory sentence regardless of the circumstances, regardless of the prior record of the defendant, regardless of the harm done to the victim, regardless of the intent of the accused, to me, it is just wrong. So I would ask for a “no” vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Just in response to Representative Vitali’s questions and the comments, Mr. Speaker, a parent trying to do what is best for his child.

I just want to read you a few of some of the causes what steroids can do to a person physically and mentally, and these are not only short-term effects but they are also long-term effects: cardiovascular system, high blood pressure, heart attack, enlargement of the heart’s left ventricle; liver, cancer, tumors; infection from using needles, HIV (human immunodeficiency virus), AIDS (acquired immune deficiency syndrome), hepatitis; psychiatric effects, rage, aggression, mania, delusions, depression, suicide.

Mr. Speaker, these are very, very dangerous substances, these steroids. A parent, in my opinion, who gives this poison, and that is what it is actually, this drug is poison to their child, should be penalized and previously could go to jail for a year anyway. We are just making it 3 years.

Mr. Speaker, I would ask for an affirmative vote on HB 2706. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Barrar.

Mr. BARRAR. I have an amendment that was filed to this bill. It is amendment A09888.

The SPEAKER. The Chair apologizes, Mr. Barrar. Could you please send a copy of that amendment to the desk.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds the announcement that the bill was on final passage.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **BARRAR** offered the following amendment No. **A09888**:

Amend Title, page 1, line 2, by inserting after “Statutes,” providing for the offense of sexual crimes against mentally disabled youth; and

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

Section 1. Chapter 31 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER C ADDITIONAL OFFENSES

Sec.

3151. Sexual crimes against mentally disabled youth.

§ 3151. Sexual crimes against mentally disabled youth.

(a) Offense defined.—A person commits the offense of sexual crimes against mentally disabled youth if the person commits an offense under Subchapter B (relating to definition of offenses) against a complainant:

(1) who is under 21 years of age; and

(2) who suffers from a mental disability that renders the complainant incapable of consent.

(b) Grading.—Except as provided in subsection (c), a violation of subsection (a) shall be classified one degree higher than the classification of the most serious underlying sexual offense specified in section 106 (relating to classes of offenses).

(c) Mandatory minimum sentence for felony of the first degree.—A person who commits an offense under subsection (a) that is predicated upon commission of another offense under Subchapter B that is classified as a felony of the first degree shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment of five years, or if another provision of Commonwealth law provides a mandatory minimum sentence, not less than that other mandatory minimum sentence plus two years, whichever is greater.

(d) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender, to which provisions of this section relating to sentences for a felony of the first degree under subsection (c) are applicable, any lesser sentence than provided for in subsection (c) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court refuses to apply subsection (c) where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with subsection (c) if it finds that the sentence was imposed in violation of subsection (c).

Section 2. Section 6314(b) of Title 18 is amended to read:

Amend Sec. 2, page 2, line 15, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

This amendment will increase the penalty for sex crimes when the target and victim of these crimes are against disabled children. This legislation aims to increase the penalty by one grade if an individual commits a sex crime against a mentally disabled person under the age of 21.

These children are society’s most vulnerable children, and they deserve to have special protection, especially when a predator will target these children solely because they have a disability.

I would ask for a positive vote on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali
Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

Bill as amended was agreed to.

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

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—192

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Mann	Sainato
Armstrong	Fleagle	Markosek	Samuelson
Baker	Flick	Marsico	Santoni
Baldwin	Forcier	McCall	Sather
Barrar	Frankel	McGeehan	Saylor
Bastian	Freeman	McGill	Scavello
Bebko-Jones	Gabig	McIlhattan	Schroder
Belardi	Geist	McIlhinney	Semmel
Belfanti	George	McNaughton	Shaner
Benninghoff	Gerber	Melio	Shapiro
Beyer	Gergely	Metcalfe	Siptroth
Biancucci	Gillespie	Micozzie	Smith, B.
Blackwell	Gingrich	Millard	Smith, S.
Blaum	Godshall	Miller, R.	Solobay
Boyd	Good	Miller, S.	Sonney
Bunt	Goodman	Mundy	Staback
Buxton	Grell	Mustio	Stairs
Caltagirone	Grucela	Myers	Steil
Cappelli	Haluska	Nailor	Stern
Casorio	Hanna	Nickol	Stevenson, R.
Causar	Harhai	O'Brien	Stevenson, T.
Cawley	Harhart	O'Neill	Sturla
Civera	Harper	Oliver	Surra
Clymer	Harris	Pallone	Tangretti
Cohen	Hasay	Parker	Taylor, J.
Cornell	Hennessey	Payne	Thomas
Corrigan	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS—2

Manderino	Vitali
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NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. At this time the Chair recognizes the gentleman, Mr. O'Brien.

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

I would just like to state for the record that I am submitting on HB 2708 my remarks for the record and thank the members of the House for their favorable consideration.

I would also like to acknowledge the collaboration of Representative Thomas. We took the elements of HB 41 and rolled those into the content of HB 2708.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. O'BRIEN submitted the following remarks for the Legislative Journal:

HB 2708 is a measure that offers common ground to both sides of the passionate gun control controversy.

While both sides of this debate may strongly differ about some of the specific solutions to the problem of guns and crime, we all can agree that underlying evil is the abuse and often deadly use of firearms by criminals.

This bill hones in on this social evil with the precision of a laser beam.

First, it doubles the maximum prison term from 10 to 20 years for anyone who possesses, uses, sells, transfers, or makes a firearm after they have been convicted of a felony under our drug control law or under any one of nearly 40 crimes spelled out in our Crimes Code.

Second, it expands the firearms ban to include criminals who avoid a direct conviction for one of the covered crimes, not all felonies, if they are convicted of an attempt, a conspiracy, or a solicitation to commit one of those offenses.

Is this bill the full answer to the gun problem? Of course not.

Is it an important piece of a complicated mosaic that we need to develop in order to remediate this difficult and deeply rooted problem? You bet it is.

By taking these gun-carrying felons, who did not get the message, off the streets for a much longer period of time, this bill will eliminate opportunities to commit deadly crimes.

It will also add a much stronger deterrence against carrying the weapons that lead to the death and destruction of so many people in our State.

In short, HB 2708 will translate into fewer crimes of violence and, most importantly, fewer deaths by bullet.

I ask for your support of this important gun control legislation.

FAREWELL ADDRESS BY MR. HERMAN

The SPEAKER. At this time the Chair would like to request Representative Herman's presence on the rostrum. Representative Lynn Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

Friends – and this afternoon I do indeed call you my friends; you are much more than just colleagues here in the House of Representatives – I want to acknowledge how much I deeply appreciate each and every one of you and having served with

you to help make the laws of the Commonwealth of Pennsylvania much better for the people we serve.

I first came down here in Harrisburg in January of 1980 as an intern for the Department of Education, and being a student of government, I took time from my lunch break to come over and see the hall of this House of Representatives in operation and sat up there in the balcony, as all the visitors do, and watched.

This morning I observed the same, what I saw then – some lawmakers standing up, some sitting down, the staff scurrying hereto and therefore making sure that this hall would operate smoothly and efficiently. Many of you were here at that time and you are going to be here in another General Assembly, but I can distinctly remember looking down there when I was only like 24 years old and saying, someday I am going to be down there. Never in my entire life did I ever think that calling would come just a few years later in my life as I ran for the House of Representatives at a very, very young age of 25.

It has been a wonderful experience having these 24 years. We ran a very, very aggressive and yet, with God's providence, won a competitive primary in 1982. With the first acknowledgment I have, I was very, very grateful and had the opportunity that the then majority leader, Sam Hayes, took me under his wing and we got to the general election, and we won victory in 1982 in two elections that everyone said I had no chance to win because I was too young. They never said I was too short.

But I have to digress, Mr. Speaker, and being 5 foot 2 inches, I have talked to so many of you arching my neck backwards to look up into your faces, but as I look down on you today, I realize that this is actually the first time I have seen the tops of many of your heads. Except for some of the men who have some thinning up on their crowns, I have to say one thing: You all look pretty good.

Anyway, back to the early stages. So we won two elections, and Representative Hayes certainly helped me win that election and many more elections that we were able to get reelected and also took me under his wing as my mentor to really talk to me and teach me how to campaign and be a good legislator, and I greatly appreciate his expertise, his acumen that he shared with me then, and his friendship today.

It has been said by others who came before me about the great staff we have here in the House of Representatives – the Chief Clerk's Office, Bipartisan Management Committee, so many others that I have come to be associated with who make this hall of the House of Representatives work efficiently and effectively.

During that first campaign in 1982, I said and I pledged that I would have two district offices to serve my district equally – one in Philipsburg and one in State College. Can you imagine how delighted I was when I found out when I was elected we actually get expense accounts to pay for those? I did not know that. What a bonus.

I would like to thank the girls who really helped me in my district offices – Emily Doyle, Doreen Lugin, Bonnie Rodgers, Marie Barrickman, Loraine Taylor – who provide great constituent service to the people in the 77th Legislative District.

And we have a great professional staff here in the State Capitol – Lisa Seilhammer, my administrative assistant; Anna Sgrignoli, Felicia Ernst, my secretaries; and of course my writer, Len Bennett.

I have had this great privilege of serving you in the House and the people of Pennsylvania as the chair of the House

Local Government Committee, and I think that Don Grell and Christine Goldbeck and the Democratic staff have done a great job, as they always do, and they will in the future to make sure that local governments have the voice they need here in this chamber.

I have had the great opportunity to serve with some great Representatives as my cochairs or as Democrat chairs of the Local Government Committee – former State Representative Terry Van Horne, then Representative Gaynor Cawley, Representative Vic Lescovitz – who helped make the Local Government Committee a truly bipartisan committee where we can work together and make good laws for the people of Pennsylvania, and our record shows that since I have been chairman – good laws for intergovernmental cooperation, regionalization, land use planning, and growth management.

We also have the Local Government Commission, the research arm of the Local Government Committee, which is the top staff of its kind in the entire nation.

I have other responsibilities since I have been with you. I was very fortunate to get appointed to the Legislative Data Processing Committee as a freshman and have served as chairman of that committee for the past number of years, and what has changed most since I first got here and observed all of you from up there in that gallery is that the leather binders and bills and the monstrous paperwork that once besieged our desk have been replaced by computers. Kathy Sullivan, our executive director of the Legislative Data Processing Center, makes sure that all the computer operations in the State Capitol run smoothly and efficiently for you.

And last I would like to acknowledge the cochair of the Penn State Forum, Representative John Yudichak, who keeps the interest of higher education at Penn State University near and dear to both our hearts.

And of course you know my love for history. I have often said that politics is my profession but history is my passion. And chairing the House History Caucus with Representative Frank Pistella, and also under the guidance of the Democrat leader, Bill DeWeese, we have shared some great moments talking about history in Pennsylvania, both in the Civil War and also my newest interest, the Lewis and Clark Expedition.

Finally, I thank the people of the 77th District, who have allowed me to serve them for these past 24 years. I think the 77th Legislative District, because of the presence of the Pennsylvania State University, is the most diverse district in the entire 203 districts in this chamber. Literally I do have some of the most intelligent people in the world as my constituents, and their intellect is the testimony that they have elected me as their State Representative 12 consecutive terms. It has been my honor and my privilege to serve them in this esteemed chamber for that time.

I leave all of you, though, with three thoughts, and the first thought is this, and I address that to the members of this House who, like me, are leaving for their last session and will not return for the 2007-2008 legislative session, and that first challenge is that we have to acknowledge that each and every one of us have gained great experience, great friendships, and expertise. We have been leaders in our communities as well as leaders here in this House of Representatives. Go back to your communities but do not go and be scarce. Use what you have gained for the people who have given you this privilege to serve here, to serve your communities, to enhance the quality of life

of the people in your neighborhoods and the people whom you have come to love and respect as they have loved and respected you.

My second is to the members of the General Assembly who will be here next year, and that is this: I have had the great privilege of passing a lot of good bills under both the House control of the Democrats and also the Republican control in this chamber, such as repealing the sales tax on computer services but also some things in local tax reform such as allowing school districts to repeal the indiscriminately unfair occupational assessment tax.

Most recently I had the great honor of serving with Representative Dave Steil and Representative Mike Veon as I chaired the Conference Committee on HB 39, which is now Act 1, our local tax reform property tax reduction. Local tax reform has been the forefront of the issues of the day since I have been elected for these last 24 years I have served and even before then. Take a good part and look at that legislation. Some of you were skeptical, but I truly believe that it provides the basic building blocks. The concepts are there for another step to reducing the burden of the property tax to finance our local schools, and if you can make that work, and there may be and probably will be amendments to that law, you can take those same concepts, those same parameters, and apply them for local tax reduction or local tax reform and reducing the burden of the property tax to finance our counties, our boroughs and townships.

The third challenge I leave with you is personal as well as one that affects all of us. Every day this week we have had a condolence resolution of one of our constituents, people who are Pennsylvania citizens, who have died serving our country across the globe in Iraq and Afghanistan. At this time the world is very scary; it is a scary place out there, and many are in harm's way. It really hit home to me about a month ago when my sister's husband, Kevin Eggers, who serves in the Air Force, was shipped to Iraq and is now in Baghdad. What would happen to him if he should perish? My sister, Marti, who now lives in Dayton with her three boys, she would be a widow, and if something happens to her after that – God bless it does not happen – their children would be orphans. I challenge you to make sure that this General Assembly takes care of the widows and the widowers and the orphans of Pennsylvania, of those service men and service women who are serving us today and in future years. They deserve such.

These thoughts laid heavy on the mind of President Abraham Lincoln as he went through 4 terrible years of war between the States of our country and made it part of his speech, his inaugural address, that he gave to the nation in March of 1864, and if I may paraphrase, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

God bless each and every one of you. I wish you a fond farewell.

The SPEAKER. I do not know why you are leaving, Lynn. That was a great campaign speech for why you should be here.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2666, PN 4050**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children.

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

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

The question is, shall the bill pass finally?

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

(A roll-call vote was taken, but due to a malfunction, the vote was not recorded.)

VOTE RETAKEN

The SPEAKER. The board did not record.
The members will proceed to vote on HB 2666.

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—194

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato
Armstrong	Fleagle	Mann	Samuelson
Baker	Flick	Markosek	Santoni
Baldwin	Forcier	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shaner
Benninghoff	Gerber	McNaughton	Shapiro
Beyer	Gergely	Melio	Siptroth
Biancucci	Gillespie	Metcalfe	Smith, B.
Blackwell	Gingrich	Micozzie	Smith, S.
Blaum	Godshall	Millard	Solobay
Boyd	Good	Miller, R.	Sonney
Bunt	Goodman	Miller, S.	Staback
Buxton	Grell	Mundy	Stairs
Caltagirone	Grucela	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causar	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	True
Crahalla	Hess	Petri	Turzai
Creighton	Hickernell	Petrone	Veon
Cruz	Hutchinson	Phillips	Vitali

Curry	James	Pickett	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Kauffman	Preston	Waters
DeLuca	Keller, M.	Pyle	Watson
Denlinger	Keller, W.	Quigley	Wheatley
Dermody	Kenney	Ramaley	Williams
DeWeese	Killion	Rapp	Wilt
DiGirolamo	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Donatucci	Leach	Reed	Yewcic
Eachus	Lederer	Reichley	Youngblood
Ellis	Leh	Roberts	Yudichak
Evans, D.	Lescovitz	Roebuck	Zug
Evans, J.	Levdansky	Rohrer	
Fabrizio	Mackereth	Rooney	Perzel,
Fairchild	Maher	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	Taylor, E.Z.

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

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

ANNOUNCEMENT BY MR. STURLA

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to put the House on notice that after today I intend to call up Discharge Resolution No. 12 dealing with the legislation to implement Cover All Kids. I believe that would be possible on Monday when we return. I am hoping that is the case. The reason for that is that we have not been able to get this legislation to move despite the fact that there have been agreements that this would move in early October. Normally I would not resort to this type of procedure, but I think this is critical to children's health throughout the State of Pennsylvania, and so unfortunately I am forced to ask to move this discharge resolution as soon as possible.

Thank you, Mr. Speaker.

The SPEAKER. That would be Tuesday.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2251, PN 4836 (Amended)

By Rep. HASAY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for removal of directors in business corporations; repealing annual registration requirements for registered limited liability partnerships and limited liability companies; and making an editorial change.

COMMERCE.

HB 2905, PN 4565

By Rep. HASAY

An Act prohibiting noncompete provisions in certain broadcast employment contracts; and prescribing a penalty.

COMMERCE.

HB 2991, PN 4837 (Amended)

By Rep. HASAY

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions and for burden of proof.

COMMERCE.

SB 770, PN 2192 (Amended)

By Rep. HASAY

An Act amending the act of December 16, 1999 (P.L.971, No.69), known as the Electronic Transactions Act, providing for the definition of "United States Postal Service Electronic Postmark"; and further providing for acceptance and distribution of electronic records.

COMMERCE.

The SPEAKER. The House will be at ease.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentlelady from Chester, Mrs. Taylor. Her name will be added to the master roll.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move for an immediate suspension of the rules to vote SB 972, PN 2098.

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Major	Sabatina
Allen	Flaherty	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Armstrong	Flick	Markosek	Santoni
Baker	Forcier	Marsico	Sather
Baldwin	Frankel	McCall	Saylor
Barrar	Freeman	McGeehan	Scavello
Bastian	Gabig	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Bianucci	Gingrich	Micozzie	Smith, S.
Blackwell	Godshall	Millard	Solobay
Blaum	Good	Miller, R.	Sonney
Boyd	Goodman	Miller, S.	Staback
Bunt	Grell	Mundy	Stairs
Buxton	Grucela	Mustio	Steil
Caltagirone	Haluska	Myers	Stern
Cappelli	Hanna	Nailor	Stevenson, R.
Casorio	Harhai	Nickol	Stevenson, T.

Causer	Harhart	O'Brien	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Oliver	Tangretti
Clymer	Hasay	Pallone	Taylor, E.Z.
Cohen	Hennessey	Parker	Taylor, J.
Cornell	Herman	Payne	Thomas
Corrigan	Hershey	Petrarca	Tigue
Costa	Hess	Petri	True
Crahalla	Hickernell	Petrone	Turzai
Creighton	Hutchinson	Phillips	Veon
Cruz	James	Pickett	Vitali
Curry	Josephs	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	Leach	Reed	Wright
Donatucci	Lederer	Reichley	Yewcic
Eachus	Leh	Roberts	Youngblood
Ellis	Lescovitz	Roebuck	Yudichak
Evans, D.	Levdansky	Rohrer	Zug
Evans, J.	Mackereth	Rooney	
Fabrizio	Maher	Ross	Perzel,
Fairchild	Maitland	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	

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 972, PN 2098**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing, in Health Care Provider Retention Program, for the definition of "emergency physician," for abatement program and for expiration.

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

Mr. **SCHRODER** offered the following amendment No. **A09796**:

Amend Title, page 1, line 15, by inserting after "repeals," " further providing, in administrative provisions, for continuing medical education; and

Amend Bill, page 2, lines 1 through 5, by striking out all of said lines and inserting

Section 1. Section 910 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, is amended by adding a subsection to read: Section 910. Continuing medical education.

* * *

(e.1) Volunteers.—A volunteer licensee under the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, who is a physician is exempt from any continuing education requirements imposed by this section or by board rulemaking as a condition of biennial renewal of a volunteer license.

Section 2. The definition of “emergency physician” in section 1101 of the act, added December 22, 2005 (P.L.458, No.88), is amended to read:

Amend Sec. 2, page 2, line 20, by striking out “2” and inserting 3

Amend Sec. 3, page 3, line 14, by striking out “3” and inserting 4

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

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was offered to this bill to address a situation that has arisen with physicians who are retired yet have a purely voluntary license, and in Chester County at least, many of them serve in our volunteer medical clinics, Community Volunteers in Medicine and some of the other clinics. These clinics, at no cost to the taxpayers, provide much-needed health-care services for the working poor and the underinsured. In other words, those individuals who might not qualify for Medicaid and who work yet might not have insurance through their work can get their health care and medical needs taken care of. The problem is that we have some continuing education requirements that are going to kick in I believe at the beginning of January for these physicians, and what we are faced with is these physicians who are just doing this work as a public service will not be able to continue or willing to continue doing this work on a volunteer basis because of the increased amount of continuing medical education requirements that are being imposed.

AMENDMENT WITHDRAWN

Mr. SCHRODER. Mr. Speaker, because Representative Gannon has been so gracious as to look at this issue and we are in negotiations and discussions with some of the interest groups as well as the Department of State and the BPOA (Bureau of Professional and Occupational Affairs), I am going to withdraw these amendments right now, but I did want to make the body aware of what I believe is a very serious issue affecting our health-care system and our communities out there and would certainly ask for your future support in correcting this problem hopefully in the near future.

So, Mr. Speaker, I withdraw both of the amendments. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

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

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—195

Adolph	Fichter	Major	Sabatina
Allen	Flaherty	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Armstrong	Flick	Markosek	Santoni
Baker	Forcier	Marsico	Sather
Baldwin	Frankel	McCall	Saylor
Barrar	Freeman	McGeehan	Scavello
Bastian	Gabig	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Blackwell	Godshall	Millard	Solobay
Blaum	Good	Miller, R.	Sonney
Boyd	Goodman	Miller, S.	Staback
Bunt	Grell	Mundy	Stairs
Buxton	Grucela	Mustio	Steil
Caltagirone	Haluska	Myers	Stern
Cappelli	Hanna	Nailor	Stevenson, R.
Casorio	Harhai	Nickol	Stevenson, T.
Causer	Harhart	O'Brien	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Oliver	Tangretti
Clymer	Hasay	Pallone	Taylor, E.Z.
Cohen	Hennessey	Parker	Taylor, J.
Cornell	Herman	Payne	Thomas
Corrigan	Hershey	Petrarca	Tigue
Costa	Hess	Petri	True
Crahalla	Hickernell	Petrone	Turzai
Creighton	Hutchinson	Phillips	Veon
Cruz	James	Pickett	Vitali
Curry	Josephs	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	Leach	Reed	Wright
Donatucci	Lederer	Reichley	Yewcic
Eachus	Leh	Roberts	Youngblood
Ellis	Lescovitz	Roebuck	Yudichak
Evans, D.	Levdansky	Rohrer	Zug
Evans, J.	Mackereth	Rooney	
Fabrizio	Maher	Ross	Perzel,
Fairchild	Maitland	Rubley	Speaker
Feeze			

NAYS—0

NOT VOTING—0

EXCUSED—7

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	

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

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

* * *

The House proceeded to third consideration of **HB 814, PN 976**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for definitions, for unfair acts and for exclusions.

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

Mr. **VEON** offered the following amendment No. **A09969**:

Amend Sec. 1, page 1, line 11, by inserting after "No.24"
and July 7, 2006 (P.L.363, No.78)

Amend Sec. 1 (Sec. 3), page 2, line 1, by inserting after "6102(a)."

The term also means attempting to cause or intentionally, knowingly or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another person covered under 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

Amend Sec. 2, page 3, lines 28 and 29, by striking out "a paragraph" and inserting
paragraphs

Amend Sec. 2 (Sec. 5), page 4, by inserting between lines 13 and 14

(16) Violating the requirements of Title XI Part C of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1320d et seq.) relating to unauthorized disclosure of identifying information.

Amend Sec. 4, page 4, line 24, by inserting after "5(a)(15)"
and (16)

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

The SPEAKER. On that question, Mr. Vitali.

Mr. VITALI. Would the gentleman stand for brief interrogation?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. The Chair will go over the Veon amendment temporarily.

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

Mr. **YUDICHAK** offered the following amendment No. **A09971**:

Amend Sec. 1, page 1, line 11, by inserting after "No.24"
and July 7, 2006 (P.L.363, No.78)

Amend Sec. 1 (Sec. 3), page 2, line 1, by inserting after "6102(a)."

The term also means attempting to cause or intentionally, knowingly or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another person covered under 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

Amend Sec. 2 (Sec. 5), page 4, lines 9 through 11, by striking out all of said lines and inserting

(ii) Not allowing a retail pharmacy to dispense a ninety-day supply of a prescription drug if the retail pharmacy is able to provide the same terms, conditions, services and price as provided at the mail-order pharmacy.

Amend Sec. 2 (Sec. 5), page 4, line 12, by striking out "or impairing"

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

The SPEAKER. On that question, the Chair recognizes the gentleman.

Mr. Vitali waives off.

The gentleman, Mr. McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

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

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

Mr. McILHATTAN. Thank you, Mr. Speaker.

As I look at this amendment and read through it, I am under the understanding that part of this would call for differential copayments. In other words, this amendment would penalize a consumer under a higher copayment if they were in a plan that more or less recommended that they order through the mail but they went to their pharmacy and picked up the prescription and got it there. They would be penalized under this plan. Is that correct, Mr. Speaker?

Mr. YUDICHAK. Thank you, Mr. Speaker.

That is not my understanding, nor is it my intent. The intent of the amendment is to create the level playing field that we are after so that both our independent pharmacies, our retail pharmacies, and the direct-mail pharmacies can thrive and that the consumers can get the best price.

Mr. McILHATTAN. Let me follow up on that. You are telling me then that there is no differential copayment in your amendment; a consumer would not be penalized. If they did not go through the mail order and went to the independent pharmacy and purchased, they would not have to pay a higher copayment. Is that correct or not correct?

Mr. YUDICHAK. Thank you, Mr. Speaker.

I am going to confer with staff to make sure that we give you the most accurate information on that question.

Mr. McILHATTAN. Okay. I appreciate that. Thank you.

Mr. YUDICHAK. Mr. Speaker, it is my understanding that there would not be any advantage between the systems; you would not be able to have the incentives in the system. So your question, that it would not be the case.

Mr. McILHATTAN. Okay. All right.

I guess as I look at it, I see it differently. I really think that this amendment could lead us astray, really, of the intent of this legislation to level the playing field, and just to be on the safe side, Mr. Speaker, I ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen.

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

Will the sponsor of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order.

Mr. ALLEN. Just one more question, Mr. Speaker. What you are saying is that the intent of your amendment is to make it the same terms and conditions. Is that correct?

Mr. YUDICHAK. Yes, Mr. Speaker; leveling the playing field.

Mr. ALLEN. And there would be no variance whatsoever. I just want to get this on the record.

Mr. YUDICHAK. Level playing field.

Mr. ALLEN. Copayments and coinsurance?

Mr. YUDICHAK. Correct.

Mr. ALLEN. Thank you.

I wanted clarification on that.

Even though there are some very, very good parts in this amendment, I do rise to oppose the amendment because I do not think we have the clarity. If you would not have struck the two lines above in the amendment, I would be 100 percent in favor of it, but that is why I oppose it.

Thank you.

The SPEAKER. The gentleman, Mr. McIlhattan.

Mr. McILHATTAN. Mr. Speaker, interrogating again.

Is there a fiscal note attached to this amendment?

Mr. YUDICHAK. Yes, Mr. Speaker. The fiscal note has been requested.

Mr. McILHATTAN. Has been requested. Is it filed? If it is not, I would raise a point of order.

Mr. YUDICHAK. It is filed, Mr. Speaker.

Mr. McILHATTAN. Okay.

The SPEAKER. The gentleman, Mr. Feese, the chairman of the Appropriations Committee.

Mr. FEESE. Thank you, Mr. Speaker.

Just as a point of clarification, the request was not filed timely. It was filed at 10:03 this morning.

The SPEAKER. Therefore, the amendment would be out of order.

Mr. Preski, please come to the rostrum.

(Conference held at Speaker's podium.)

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Yudichak. The gentleman is recognized.

Mr. YUDICHAK. Thank you, Mr. Speaker.

At the conference with the Appropriations Committee, indeed the amendment was not— We felt that the amendment was filed timely. They are going to stick to their guns on that issue. As a result, I have to withdraw my amendment to HB 814.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Miss MANN offered the following amendment No. **A09965**:

Amend Sec. 1, page 1, line 11, by inserting after “No.24)” and July 7, 2006 (P.L.363, No.78)

Amend Sec. 1 (Sec. 3), page 2, line 1, by inserting after “6102(a).”

The term also means attempting to cause or intentionally, knowingly or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another person covered under 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

Amend Sec. 2, page 3, line 28, by striking out “5(a) of the act is amended” and inserting

5(a)(7) of the act is amended and subsection (a) is amended

Amend Sec. 2 (Sec. 5), page 4, by inserting between lines 4 and 5 (7) Unfairly discriminating by means of:

(i) making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; or

(ii) making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy, fees or rates charged for any policy or contract of insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever; [or]

(iii) making or permitting any unfair discrimination between individuals of the same class and essentially the same hazard with regard to underwriting standards and practices or eligibility requirements by reason of race, religion, nationality or ethnic group, age, sex, family size, occupation, place of residence or marital status. The terms “underwriting standards and practices” or “eligibility rules” do not include the promulgation of rates if made or promulgated in accordance with the appropriate Rate Regulatory Act of this Commonwealth and regulations promulgated by the commissioner pursuant to such act[.]; or

(iv) making or permitting any unfair discrimination by reclassifying or otherwise effecting a change in classification of an insured based on a factor related to the gender of the insured.

Amend Sec. 4, page 4, line 24, by striking out “5(a)(15)” and inserting

5(a)(7) and (15)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

This is really a very simple amendment but yet I think an important amendment, and it would prohibit an insurance carrier from unfair discrimination by reclassifying or changing the classification of an insured individual based upon gender, and I would certainly ask for the members' support.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Fichter	Major	Sainato
Allen	Flaherty	Manderino	Samuelson
Argall	Fleagle	Mann	Santoni
Armstrong	Flick	Markosek	Sather
Baker	Forcier	Marsico	Saylor
Baldwin	Frankel	McCall	Scavello
Barrar	Freeman	McGeehan	Schroder
Bastian	Gabig	McGill	Semmel

Bebko-Jones	Geist	McIlhattan	Shaner
Belardi	George	McIlhinney	Shapiro
Belfanti	Gerber	McNaughton	Siptroth
Benninghoff	Gergely	Melio	Smith, B.
Beyer	Gillespie	Metcalfe	Smith, S.
Biancucci	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	Leach	Reichley	Yewcic
Donatucci	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Levdansky	Rooney	
Fabrizio	Mackereth	Ross	
Fairchild	Maher	Rubley	Perzel,
Feese	Maitland	Sabatina	Speaker

NAYS—1

Eachus

NOT VOTING—1

Oliver

EXCUSED—7

Birmelin	Gannon	LaGrotta	Ruffing
Bishop	Gruitza	Rieger	

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?

CONSIDERATION OF
AMENDMENT A09969 CONTINUED

The SPEAKER. The Chair returns to consideration of the amendment 9969 offered by the gentleman, Mr. Veon.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

This amendment again is really a consumer protection measure in protecting one's identity by prohibiting insurance companies from revealing personal information such as one's Social Security number without the insured's permission. I would remind the members that this amendment has previously passed the House unanimously, and once again I ask for the members' support.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

This again is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Fichter	Major	Sabatina
Allen	Flaherty	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Armstrong	Flick	Markosek	Santoni
Baker	Forcier	Marsico	Sather
Baldwin	Frankel	McCall	Saylor
Barrar	Freeman	McGeehan	Scavello
Bastian	Gabig	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Blackwell	Godshall	Millard	Solobay
Blaum	Good	Miller, R.	Sonney
Boyd	Goodman	Miller, S.	Staback
Bunt	Grell	Mundy	Stairs
Buxton	Grucela	Mustio	Steil
Caltagirone	Haluska	Myers	Stern
Cappelli	Hanna	Nailor	Stevenson, R.
Casorio	Harhai	Nickol	Stevenson, T.
Causer	Harhart	O'Brien	Sturla
Cawley	Harper	O'Neill	Surra
Civera	Harris	Oliver	Tangretti
Clymer	Hasay	Pallone	Taylor, E.Z.
Cohen	Hennessey	Parker	Taylor, J.
Cornell	Herman	Payne	Thomas
Corrigan	Hershey	Petrarca	Tigue
Costa	Hess	Petri	True
Crahalla	Hickernell	Petrone	Turzai
Creighton	Hutchinson	Phillips	Veon
Cruz	James	Pickett	Vitali
Curry	Josephs	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	Leach	Reed	Wright
Donatucci	Lederer	Reichley	Yewcic
Ellis	Leh	Roberts	Youngblood
Evans, D.	Lescovitz	Roebuck	Yudichak
Evans, J.	Levdansky	Rohrer	Zug
Fabrizio	Mackereth	Rooney	

Fairchild Feese	Maher Maitland	Ross Rubley	Perzel, Speaker
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NAYS—1

Eachus

NOT VOTING—0

EXCUSED—7

Birmelin Bishop	Gannon Gruitza	LaGrotta Rieger	Ruffing
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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 recurring,
Will the House agree to the bill on third consideration as amended?
Bill as amended was agreed to.

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

The gentleman, Mr. Nickol.
Mr. NICKOL. Thank you, Mr. Speaker.
I rise to express some concerns with regard to HB 814.

I know, probably like most of my colleagues here, I have been besieged with letters, faxes, and e-mails statewide from retail pharmacists with regard to the bill all talking about creating a level playing field between retail pharmacies and mail-order pharmacies. Most of these communications talked about this bill having no cost at all. They also talked about having no impact at all on our constituents, just giving them freedom of choice.

I would like to draw members' attention for one moment to the fiscal note that was issued by our House Appropriations Committee with regard to the bill. Oddly enough for something that has no cost, the cost to the Commonwealth in the next fiscal year is estimated at \$9,300,000 to \$21 million, hardly a small chunk of change, I might add. The cost comes in the Medical Assistance Program where the cost estimate is \$11,800,000, but because part of that money comes from the Federal taxpayer, 45.6 percent of it, the State's hit is only \$5,400,000 for the Medical Assistance Program.

With regard to PEBTF (Pennsylvania Employees Benefit Trust Fund), the trust fund through which State employees are insured, it is difficult to quantify just what the impact will be, so that a range was used by the Appropriations Committee. If 25 percent of the State employees now using mail order would switch, it is the low end of the range. If 100 percent would switch to use their retail pharmacy, it would be the high end of the range. A cost impact to PEBTF and essentially us and the State Commonwealth of Pennsylvania and taxpayers between \$3,900,000 and \$15,600,000.

You might ask, where do those costs come from? Well, they come from two sources as it impacts PEBTF. Number one is that PEBTF gets a discount when they buy through the mail-order pharmacies, and that discount on the average

wholesale price of drugs will decrease overall from 32.1 percent to 26.9 percent when going from mail-order pharmacy to retail.

The second area where the taxpayer gets hit is on dispensing fees. The dispensing fee for a mail-order pharmacy is \$2.13 as opposed to \$1 for a retail pharmacy, but since you are filling a 3-month prescription versus a 1-month prescription, there is a cost impact from dispensing fees as well.

Now, in addition to that, when you are talking about medical assistance and PEBTF, perhaps you are talking about State funds and taxpayer dollars, but we are not just talking about that with this bill. I am on the Public School Employees' Retirement Board on their health-care trust. We have a plan that is not paid for by the employer; it is paid for by the school retirees. They will take a hit, an estimated \$937,500. Now, guess what? The taxpayer is not going to pay for that money. That is going to be an additional charge to the retired school employees. So, yes, they may now get a choice, so to speak, and maybe a 90-day supply at their local pharmacy or some change in the way that they experience things when they go to the pharmacy. It is not going to have a great impact on them at that point. Where it will have them, it will bite them in another way, and that is that the cost for the whole program will go up just short of \$1 million, which they will directly pay through their own increase in the premiums they have to pay each month for the health insurance coverage.

Now, you look at these numbers, and these are just the State-affiliated or State-sponsored plans. We are not even talking about the school district plans, the local government plans, the CHIP program (Children's Health Insurance Program), which has pharmaceutical costs involved as well, and those are just the government plans. Imagine the impact for all the private employers in the Commonwealth of Pennsylvania. Multiply these numbers through all private employers. Anybody who thinks this bill has no cost is ignoring reality, and it is going to have an impact, a very serious impact, especially when you talk about employers who can barely afford to pay for the cost of insurance coverage if you are essentially mandating on them higher costs by passing this legislation.

I think, actually, I was hoping we would have gotten a chance to vote on Representative Yudichak's amendment, because I think his amendment got to the heart of the problem here with the current language in the bill. His amendment would have leveled the playing field, truly leveled it. Right now this bill is proposing a crooked playing field. Representative Yudichak wanted to give the pharmacist the same terms, conditions, services, and price as mail order. If the pharmacists are willing to give the same discount on the cost of the prescription drug, if the pharmacist was willing to give the same dispensing fee as the mail-order pharmacist, then indeed it would have been a level playing field. As the bill is currently drafted, it is not a level playing field and could do probably more harm than good for many individuals.

I think we have to ask ourselves, are we serious about controlling health insurance costs or not?

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

HB 814, I understand, will reduce mail pharmacy services by prohibiting pharmacy benefit managers from offering copayment differentials and other incentives. The concern is that that ultimately is going to result in an increase of costs, in

particular for purchases of health insurance and ultimately to consumers. The immediate impact would be on senior citizens who have chosen a Medicare plan B program with a discount for mail service and on employers, private sector and government sector, which use these PBMs (pharmacy benefit managers) to help reduce their cost of prescription drug benefits for employees and members.

In this time of rising health-care costs, I think it is problematic that we are taking a step that seems to pick sides in a competitive market that ultimately benefits the purchasers of health care and consumers, and I, too, would have liked to have seen Representative Yudichak's amendment run, because I think it could have made it a fairer bill. I raise these concerns and am unfortunately going to oppose the bill. I understand the concern for our local mom-and-pop businesses, but I also have to balance that with respect to the purchasers of health care and the people that are receiving health-care coverage.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Would the maker of the bill stand for brief interrogation?

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

Mr. VITALI. I just wanted to get out what groups might be opposed to this. Am I correct, is the administration opposed to this?

Mr. ALLEN. I am sorry, Mr. Vitali. I did not hear your question.

Mr. VITALI. My question is, has the administration taken a position on HB 814?

Mr. ALLEN. I have not talked to the administration. And I am being honest with you.

Mr. VITALI. Have they taken any positions on nearly identical bills in the past?

Mr. ALLEN. They have. They have opposed it.

Mr. VITALI. Okay. Thank you for being honest with me.

Mr. ALLEN. 1470.

Mr. VITALI. Thank you.

What about other groups that you might naturally think, like the Pennsylvania Chamber of Business and Industry or maybe some of the unions. Have any of those groups—

Mr. ALLEN. Can I read you the list? That will make it easier to answer. Okay.

Mr. VITALI. This is the list of people who have opposed this?

Mr. ALLEN. Oppose it.

Mr. VITALI. Gotcha.

Mr. ALLEN. The Insurance Federation of Pennsylvania; Blue Cross/Blue Shield; Medco Health services; the Chamber, I believe; the NFIB (National Federation of Independent Business), and I do not know if I covered the rest.

Mr. VITALI. Okay. Thank you. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

Could I question the maker of the legislation?

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

Mr. SCAVELLO. Mr. Speaker, I have heard conflicting comments here. This legislation, does it allow the local pharmacists to match the retail of any mail-order drug?

Mr. ALLEN. Yes, it does.

Mr. SCAVELLO. Then if that is the case, then why are we hearing all these other positions being taken by these organizations?

Mr. ALLEN. Well, I cannot speak for the other organizations, sir.

Mr. SCAVELLO. I would like to share a letter that I have from one of my constituents: "As per our conversation last Sunday I am sending you this letter along with the information I have received from Blue Cross.

"I have been purchasing my medications at Blakeslee Pharmacy. Starting in June I needed to go on the drug Copaxone. Dave Murphy and his staff have always gone the extra step in helping my family with any information and assistance we have ever needed.

"As of September Blue Cross informed me that I can no longer obtain my Copaxone at the Blakeslee Pharmacy. I have not changed any insurance benefits. I have been told by Blue Cross that the reason is that due to the high cost of this medication, I will be able to receive it at a lower price either thru the mail or by using their participating specialty pharmacy. Since this medication must be refrigerated and with mail order someone must be home to sign for it, this option is not feasible for me. The cost of this medication at Blakeslee Pharmacy is the same." The cost of the medication is the same, and I want each and every member here to think about that. If you had to take this medicine that was going to be going through the mail, that has to be refrigerated, that you have to have someone home to make sure that you get it, especially on a hot summer day, what happens? "...but not one of their Specialty Pharmacy Providers—"

You know, "In my opinion after many hours of frustration with trying to speak with people..." you know, they feel, this individual feels that they are trying to drive the small pharmacies out of business. My concern is, if the pharmacy is matching the price of the mail-order pharmacy, why are we not going to pass this legislation, if what I am hearing is correct?

I have another letter, and the letter has to do with an expensive injectable. Same story – same story – and the unfortunate thing with this one here, a multidose click-pen injectable, and he has to have the correct dosage, and the only way, this particular individual, when he gets his mail-order order, has to go to the doctor to make sure that that order is accurate, because he is really concerned and the doctor insists on seeing that injectable before he is able to take it.

My question to everyone here is that if this legislation does not answer these issues, then we need to answer these issues, because remember, it can happen to many of our constituents across the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I am a cosponsor of HB 814, and I rise to support 814. This bill guarantees that people will have the right to buy drugs from their local pharmacy. Mr. Scavello gave us a very good indication as to why that is important. Some people are not home when the mail comes, and they have drugs that need to be refrigerated and they are stopped from promptly refrigerating their drugs. There are other reasons why this is important.

When you get a 90-day prescription filled, you are making the assumption you are going to need the prescription for each

of the 90 days. I have found personally and many, many people have found that if you have a doctor's appointment scheduled, you might well find that you do not need the prescription for the whole 90 days. The doctor might say you are cured and you can stop taking any prescriptions. Or the doctor might say you have made progress and you need a lesser dosage. Or the doctor might say you have not made progress, you need a greater dosage, or you need a different drug. There is a tremendous amount of inherent waste in the 90-day drug orders. You wind up buying a lot of drugs that turn out to be unnecessary and that wind up being thrown out.

Now, there are statistics here, and I have seen these statistics, which are projections, and I have learned over the years that sometimes projections are accurate and sometimes projections are not, and we need projections in order to operate. We ought to bear in mind that projections are not infallible. What I found is more accurate than projections is actual results of what has actually happened.

The Philadelphia Police Department a few years ago enacted the mandatory requirement for its members they had to buy through mail order, and it was the experience of the Fraternal Order of Police and the members of the Philadelphia Police Department and the retirees of the Philadelphia department, altogether over 10,000 people, that they were spending more money in the extra drugs that turned out to be unnecessary than they were saving in whatever the benefits were of having slightly cheaper drugs. So after a trial period – and originally they had not meant this to be a trial period; they were sure that mail order was going to be saving them a lot of money – but after losing their shirt for a significant period of time, the Philadelphia Fraternal Order of Police insisted on going back to the original idea of allowing members to choose whether they wanted mail-order drugs or prescription drugs. They found out that the community pharmacies were actually saving them money, not costing them money, and this was based on actual experience and not projections.

I think we ought to be suspicious of projections generally. I think we showed our suspicion of projections when we passed the minimum-wage bill with very healthy majorities in the Republican Party and unanimous support in the Democratic Party. The projections of massive job losses simply do not turn out to be true, and I think, Mr. Speaker, the projections of massive extra expenses do not turn out to be true here either. They certainly did not turn out to be true with the Philadelphia Police Department members.

HB 814 guarantees that we will still be able to have local pharmacies in many, many areas of this State. You know, I have learned personally and many people in my district have learned that if you want to ask a question about how a drug is working and what the side effects may be and whether you are getting symptoms that are dangerous as a result of your taking the drug and whether or not one drug ought to be merged with another drug, the easiest source to find is the local pharmacist. The doctor may or may not be available; the local pharmacist almost always is available, and the local pharmacists are being squeezed by many, many competitive pressures. These are not Fortune 500 companies; these are small operations, sometimes mom and pop, sometimes one or two or three pharmacists working together. These are small operations that really need the extra business in order to survive and prosper and stick around to benefit our constituents for the long run.

I think 814 is a constructive step in the direction of maintaining affordable, accessible health care for our constituents, and I strongly urge members of both parties vote for it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in strong support of HB 814. People have characterized this as a battle between the mail-order prescription companies and your local pharmacy, but for me, this bill is about the patient. Why is it that when we talk about cost containment, it is always at the expense of the patient? It is never at the expense of the insurance company. It is never at the expense of the pharmaceutical manufacturer. It is always at the expense of the patient.

No one on this House floor cares more or has worked harder on health-care cost containment than I have. It is an issue that I care deeply about. But let me just share with you some of the experiences that we have had in my district office with constituents who have now been forced into mail order. We have had constituents tell us that they cannot get through on the phone to have a discussion with a live person about their problem, prescriptions delivered late, prescriptions not delivered at all, wrong prescription delivered, and in one case we had a situation where the prescription was delivered, left on the front porch, stolen, and the patient had to pay for it twice.

Now, I would have liked to see the Yudichak amendment added to the bill, and hopefully in the Senate that can happen, but we need to make sure that patients, especially people who are sick and in need of these prescriptions, are not left with the hassle of having to fight to get what they need in prescriptions. So, Mr. Speaker, let us pass HB 814 and do what is right for patients.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I rise in opposition to HB 814. In working with the good gentleman from Schuylkill County, I think we could have made the bill a little better if my amendment were offered and we could level the playing field so that consumers, so that consumers can get the best price on their prescription drugs. I am concerned that the unintended consequences of HB 814 will be to increase the cost of health care, increase the cost of prescription drugs, and I cannot support it.

I also want to put into the record and make note, I know there was some debate on where the administration stands, where the Governor stands on this bill, and I wanted to make it clear that the administration is opposed to HB 814, not only because it impacts the cost of health care but also because it is going to impact the bottom line of our budget and likely increase the cost to the Commonwealth and to the taxpayers of the Commonwealth of Pennsylvania.

So I urge my colleagues to vote “no” on HB 814. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McIlhatten.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I rise in support of HB 814, because, one, it levels the playing field, it is fair, it provides choice, and it provides safety. This bill mainly says that you can determine how you want to get your drugs. If you want to take it through the mail order, you can, but if you feel it is more safe to go to your local

pharmacy, you can do that, and if you do that, your insurance company cannot penalize you by making you pay a higher copay. But it also says when you do that and purchase that drug, the pharmacist cannot charge you any more dispensing fee and cannot charge you any more for that drug than you would have paid for it if you got it through the mail-order house.

So level playing field, fairness, choice, safety – that is what this bill is all about. I recommend passage. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to rise because I just got finished, I just finished speaking to my local independent pharmacist, and he told me that he wanted me to support this bill because I can talk straight to him directly. So therefore, I am going to support this bill and I recommend passage.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Could I interrogate the prime sponsor?

The SPEAKER. The gentleman, Mr. Allen, indicates he will stand for interrogation. The gentleman is in order.

Mr. MELIO. If I had a constituent who ran out of a prescription and he did not have the mail order deliver his prescription, would he be able to go to a local pharmacist to get some medication that would keep him healthy until his mail order arrived?

Mr. ALLEN. Only if a doctor gave him the second prescription. I believe he would have to go to his doctor to get a second script.

Mr. MELIO. Thank you, Mr. Speaker.

I just think that if I have a constituent that is out of pills, at least under the present system he will be able to go to his pharmacist to get some pills to carry him over.

I support HB 814. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

If I am the last speaker, I think this basic principle—I would like to yield to Mr. Evans.

The SPEAKER. The gentleman, Mr. Evans.

Mr. J. EVANS. Thank you, Mr. Speaker. I appreciate the opportunity to be recognized.

I stand in opposition to HB 814 for a number of reasons. It does absolutely increase the costs to consumers for the lifesaving drugs that they need. For example, right now on a mail order for a name-brand prescription, you can order a 3-month supply for \$50. If you go to the pharmacy, you can get a 30-day supply of a name-brand prescription for \$25 per month. That total is \$75. That individual will lose the opportunity to receive that discount of \$25. That is essentially what we are doing here. This is an anticonsumer bill. It is not fair to our people in our districts.

And as one of the previous speakers noted, this will cost the taxpayers money. There is a fiscal note attached to this for \$21 million. That is going to have to come from taxpayer money here in Pennsylvania, Mr. Speaker. The Budget Office is even less optimistic about the cost. They say the fiscal impact to the Commonwealth will be \$34 million if this legislation is signed into law. I spoke with folks at Highmark, just one of the companies that provides insurance coverage in Pennsylvania.

They tell me that if this bill is passed, it will cost their company an additional \$33 million, which will be passed on to employers. I repeat: That cost will be passed to employers.

In my district in northwestern Pennsylvania, our number one issue is jobs and the economy. I meet with the Manufacturers' Association on a regular basis. Every time I go there, the number one issue among employers, both large and small, is the skyrocketing costs of providing health care to their employees. We want them to be able to continue to do that. A lot of companies now are pulling back that coverage on their employees. They say they cannot afford to do it anymore. Why is State government providing a mandate that is going to cost our businesses potential jobs in our State?

It was mentioned that the NFIB opposes this, the Pennsylvania Chamber also opposes this legislation, and I also think it is interesting to note that AARP is neutral because they do realize the benefit of pharmacists in our State, and I recognize their benefit as well. However, we need to be critically aware of the need to maintain the delicate balance between the relationship and the cost of drugs today.

One final point, Mr. Speaker, if I may. In Florida you may have seen on the news recently that they have an experimental program where Wal-Mart and Target are offering generic drugs, over 200 generic drugs, for a copay price of \$4 across the board, no matter what your copay is. You could have a \$15 copay on your plan; you would pay \$4 at Wal-Mart to get that prescription filled. I am under the understanding now, I am under the impression, I have been told, that starting next year those companies are going to roll this out nationwide. We will see that everywhere. So does this mean next year at this time we will come back to this chamber and come up with more legislation to protect one segment of the business community? In this case it happens to be the local pharmacies and the drug chains. I understand that times can be difficult, but this is a free market system. Why are we getting involved with this? Why are we running this bill?

Mr. Speaker, I think that the free market should dictate the prices on these and that we are going to see a lot of competition in the marketplace without this legislation even coming to pass. So I urge a "no" vote from my colleagues. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen, for the second time. Mr. Cohen.

Mr. COHEN. Mr. Speaker, if we vote for 814, we are guaranteeing that there will be local pharmacies, locally owned, people in our communities for the foreseeable future. If we do not vote for 814, we can be sure that there will be fewer local pharmacies in the future.

Now, we are trying to keep competition alive. When the day comes, and it might come in our lifetime, when the day comes that there are no more local pharmacies, when the only people who have prescription drugs available are either large chains or large mail-order houses, do you think the rates are really going to be cheaper then? The only way to guarantee for the long run that there are going to be local pharmacists offering prescription drugs at reasonable prices is to protect their economic interests and not to just make decisions on the basis of worst-case scenarios. The projections of \$9 million to \$21 million are worst-case scenarios that may well not come true. As I said earlier, in the case of the Philadelphia police, it turned out that the mail-order drugs were far more expensive than the local

drug sales of prescription drugs that they were getting from the local pharmacists.

A vote for 814 is a vote to preserve the local pharmacists. It is a vote to guarantee that there will be locally delivered health care for the foreseeable future, and I strongly urge your support of this meritorious legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen. It appears that you are the last one.

Mr. ALLEN. Thank you, Mr. Speaker.

This is freedom to choose. Let the consumer have the ability to have the choice. Vote “yes.”

Thank you very much.

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	Fairchild	Major	Sabatina
Allen	Feese	Manderino	Sainato
Argall	Fichter	Markosek	Samuelson
Armstrong	Flaherty	McCall	Santoni
Baker	Fleagle	McGeehan	Sather
Baldwin	Flick	McGill	Scavello
Barrar	Forcier	McIlhattan	Schroder
Bastian	Freeman	McIlhinney	Semmel
Bebko-Jones	Gabig	McNaughton	Shaner
Belardi	Geist	Melio	Siptroth
Belfanti	George	Metcalfe	Smith, B.
Benninghoff	Gerber	Micozzie	Smith, S.
Beyer	Gergely	Millard	Solobay
Biancucci	Gingrich	Miller, S.	Sonney
Blackwell	Good	Mundy	Staback
Blaum	Goodman	Mustio	Stairs
Boyd	Grucela	Myers	Steil
Bunt	Haluska	O'Brien	Stern
Caltagirone	Hanna	O'Neill	Stevenson, R.
Cappelli	Harhai	Pallone	Stevenson, T.
Casorio	Harhart	Parker	Sturla
Causar	Harper	Payne	Surra
Cawley	Harris	Petrarca	Tangretti
Civera	Hasay	Petri	Taylor, E.Z.
Clymer	Hennessey	Petrone	Taylor, J.
Cohen	Herman	Phillips	Thomas
Cornell	Hershey	Pickett	Tigue
Corrigan	Hess	Pistella	True
Costa	Hickernell	Preston	Veon
Crahalla	Hutchinson	Pyle	Wansacz
Cruz	James	Quigley	Waters
Curry	Josephs	Ramaley	Watson
Daley	Kauffman	Rapp	Wheatley
Dally	Keller, W.	Raymond	Williams
DeLuca	Kenney	Readshaw	Wilt
Denlinger	Killion	Reed	Wojnaroski
Dermody	Kirkland	Reichley	Wright
DeWeese	Kotik	Roberts	Yewcic
Diven	Lederer	Roebuck	Youngblood
Donatucci	Leh	Rohrer	Zug
Eachus	Lescovitz	Rooney	
Ellis	Maher	Ross	Perzel,
Evans, D.	Maitland	Rubley	Speaker
Fabrizio			

NAYS—23

Buxton	Grell	Marsico	Shapiro
Creighton	Keller, M.	Miller, R.	Turzai
DiGirolamo	Leach	Nailor	Vitali
Evans, J.	Levdansky	Nickol	Walko
Gillespie	Mackereth	Oliver	Yudichak
Godshall	Mann	Saylor	

NOT VOTING—0

EXCUSED—8

Birmelin	Frankel	Gruitza	Rieger
Bishop	Gannon	LaGrotta	Ruffing

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

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

FORMER MEMBER WELCOMED

The SPEAKER. We have with us a very distinguished former member of this great body, Joseph Hoefel, also a former Congressman of the United States of America. Welcome, Joseph.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to introduce, as a guest of Representative Dennis O'Brien, chairman of the Judiciary Committee, James Dougherty. He is the grandson of Mr. Joseph Dougherty, business manager of the Ironworkers Local Union 401 in Philadelphia. James is a 19-year-old senior at Franklin Towne Charter School and president of the student council. After high school, James plans on attending community college in Philadelphia. He is behind the rail. Would the guest please rise.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the gentleman, Mr. LEACH, from Montgomery requests a leave of absence for the remainder of the day. Without objection, that leave will be granted.

VOTE CORRECTION

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

Mr. GODSHALL. Mr. Speaker, on HB 814 I was incorrectly recorded in the negative and want to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread across the record.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2619, PN 3934**, entitled:

An Act establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or waiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

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

Mr. **GEORGE** offered the following amendment No. **A09866**:

Amend Sec. 4, page 3, line 29, by inserting after “of” and if necessary, transportation to

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, in recent years we have seen mine tragedies play out on national TV, and when this occurs, getting information to the families of those involved is vitally important. My amendment would make transportation available for the families of miners who need it to a common gathering place where they can receive this important information. This is the least that we can do to make sure all accurate information is provided to these families.

I am asking that we all support this amendment.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Bastian.

Mr. **BASTIAN**. Mr. Speaker, this is an agreed-to amendment.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siptroth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern

Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

Mr. **YEWIC** offered the following amendment No. **A09982**:

Amend Title, page 1, line 4, by striking out “and” and inserting a comma

Amend Title, page 1, line 5, by removing the period after “Protection” and inserting
and for surface use agreements for coal bed methane wells.

Amend Sec. 3, page 3, lines 5 and 6, by striking out all of said lines and inserting

“Coal bed methane.” Gas which can be produced from a coal seam, a mined-out area or a gob well.

“Coal bed methane well.” A hole or well, which is sunk, drilled, bored or dug into the earth for the production of coal bed methane from a coal seam, a mined-out area or a gob well for consumption or sale. The term includes a horizontal borehole. The term does not include any of the following:

- (1) A shaft, hole or well, which is sunk, drilled, bored or dug into the earth for core drilling or production of coal or water.

(2) A bore hole drilled or being drilled for the purpose of or to be used for degasifying coal seams if a condition in one of the following subparagraphs is met:

(i) The bore hole is:

(A) used to vent methane to the outside atmosphere from an operating coal mine;

(B) regulated as part of the mining permit under the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act; and

(C) drilled by the operator of the operating coal mine for the purpose of increased safety.

(ii) The bore hole is used to vent methane to the outside atmosphere under a federally funded or Commonwealth-funded abandoned mine reclamation project.

(3) A well or borehole drilled in a coal seam from within an underground coal mine for the production of coal bed methane. This paragraph includes a well or borehole connected to a well or borehole which is sunk, drilled or dug from the surface.

Amend Sec. 3, page 3, by inserting between lines 12 and 13

“Surface owner.” The owner of real property where a coal bed methane well is located or proposed to be located that is not entitled to royalties for the removal or recovery of the coal bed methane from the well.

“Surface-use agreement.” A written and signed agreement between a surface owner and operator upon the location of proposed wells, access roads and other uses of the surface.

Amend Bill, page 7, by inserting between lines 15 and 16 Section 7. Surface-use agreements for coalbed methane wells.

(a) Procedures.—If a surface owner is not entitled to royalties under the act of July 20, 1979 (P.L.183, No.60), entitled “An act regulating the terms and conditions of certain leases regarding natural gas and oil,” for the removal or recovery of methane gas or any other gas found in any coal formation, the following procedures shall apply:

(1) Prior to submitting a permit application for a coal bed methane gas well under section 201 of the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, the operator shall provide the surface owner with a statement citing deeds, leases, rights-of-way and other rights relating to the operator’s access to the coal bed methane gas. The operator and the affected surface owner shall attempt to enter into a surface-use agreement. If no surface-use agreement is reached, the operator may, without hindrance by the surface owner, use the surface in a manner which is reasonably necessary to extract the underlying coal bed methane; and such use shall be without liability for damages unless it results in an unnecessary impairment to any existing use of the surface. In an action by the surface owner to seek damages or other relief, the surface owner has the burden of establishing unreasonable surface use or unnecessary impairment of the surface by the operator for the purpose of extracting the underlying coal bed methane.

(2) If the surface owner and the operator have entered into a surface-use agreement, the operator’s well drilling permit application under the Oil and Gas Act shall show the location of the well at the agreed upon location; and, at the time of filing the well permit application with the department, the operator shall provide the surface owner with a complete copy of the well permit application.

(3) If the surface owner and the operator have not entered into a surface-use agreement, at the time of filing the well permit application with the department, the operator shall provide the surface owner with a complete copy of the well permit application and shall provide the surface owner with

a plat of the surface owners property showing the proposed locations of the well, access roads and other surface uses reasonably necessary to extract the coal bed methane beneath the property.

(4) Nothing in this section shall relieve the operator of responsibilities under the Oil and Gas Act, including protection, contamination, loss or diminution of water supplies; well site restoration; and the casing, cementing or plugging of wells.

(5) In an action for damages or other relief for unnecessary impairment of the surface by an operator, the prevailing party shall be entitled to recover reasonable litigation costs, including attorney and expert witness fees.

(6) Nothing in this section shall:

(i) preclude a person from seeking other remedies allowed by statute, common law, deed or contract;

(ii) diminish rights granted before the effective date of this section by statute, common law, deed or contract; or

(iii) vest the surface owner with title to oil, gas or coal bed methane interests which have been severed from the estate.

(7) This section shall not apply to a surface-use agreement in effect prior to the effective date of this section.

(8) In accordance with section 602 of the Oil and Gas Act, this section shall supersede an ordinance or resolution of a political subdivision which deals with the material regulated by this paragraph.

(b) Surveys.—At the request of the surface owner, the department shall provide deviation surveys and other information available under the Oil and Gas Act, if available.

(c) Enforcement actions.—This section shall not affect an enforcement action initiated by the department prior to the effective date of this section under the Oil and Gas Act.

Amend Sec. 7, page 7, line 16, by striking out “7” and inserting 20

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman.

Mr. YEWCIC. Thank you, Mr. Speaker.

This amendment deals with the issue of coal bed methane gas, which has become an issue in recent years, mostly in western Pennsylvania.

Previously and currently, methane is usually a vented gas when deep mining occurs; it is a toxic, poisonous gas. In 1983 the Pennsylvania Supreme Court ruled that if you owned a coal seam, you owned the methane. In today’s world where methane gas is essentially the same value as natural gas, there is now a market for methane, which has created a problem.

There is nothing in Pennsylvania law that deals with the issue of methane gas except for health and safety reasons, but because methane is now marketable, some independent drillers are coming on people’s farms, on their properties, with the 1983 Supreme Court case, the *Hoge v. U.S. Steel* case, saying they have a right to that methane gas, and they do, because Pennsylvania is a severed State. We have two estates, the surface owner and the mineral estate owner.

Currently there is nothing that regulates, or methane gas is not in the Oil and Gas Act, and what this amendment will do, it will create a framework for a surface agreement within the Oil and Gas Act to regulate what is currently happening today. This is good for our farmers. It is an agreed-to amendment.

We worked with industry and others to come up with this language, but we need to do something for people that have this problem.

So again, I thank you for the support and ask for your support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this issue became very difficult in a certain portion, a certain township, in my district where various methane gas drillers had filed to drill various wells on farmland, and because of the court ruling that the gentleman from Cambria mentioned, these drillers had no obligation to work out any kind of land access or agreement with the surface-right owner. So a farmer would wake up one day and perhaps find a drill next to his well or 2 or 3 drills or 30 wells right in the middle of his crop field without any benefit of conversation, let alone agreement. And as the gentleman also suggested, that what he has worked out with the industry and with the help of Representative DeWeese's staff, an agreement that I think gets us to about 80 percent of where we need to be. This is not an end-all to the problem, but it is a large and helpful step. I think we are going to be able to allow our surface landowners to be notified, to be able to work out agreements, and at the very least to be covered by the Oil and Gas Act, which I think is very important.

So I would commend the gentleman from Cambria County for all of his efforts, I commend the industry for being willing to work out a compromise on this, and I would ask for an affirmative vote on the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Bastian.

Mr. BASTIAN. Mr. Speaker, this is an agreed-to amendment.

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

The following roll call was recorded:

YEAS-190

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siptroth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	Pallone	Taylor, E.Z.

Cohen	Hasay	Parker	Taylor, J.
Cornell	Hennessey	Payne	Thomas
Corrigan	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	James	Pickett	Vitali
Curry	Josephs	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	Lederer	Reichley	Wright
Donatucci	Leh	Roberts	Yewcic
Eachus	Lescovitz	Roebuck	Youngblood
Ellis	Levdansky	Rohrer	Yudichak
Evans, D.	Mackereth	Rooney	Zug
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS-3

Causer	Hutchinson	Rapp
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NOT VOTING-0

EXCUSED-9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. For what purpose does the gentleman, Mr. Grucela, rise?

Mr. GRUCELA. Thank you, Mr. Speaker.

Request Capitol leave for the gentleman from Bucks, Mr. CORRIGAN.

The SPEAKER. Without objection, that Capitol leave will be granted.

Mr. GRUCELA. Thank you, Mr. Speaker.

CONSIDERATION OF HB 2619 CONTINUED

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Bastian.

Mr. BASTIAN. Thank you, Mr. Speaker.

Mr. Speaker, on July 24 of 2002 we all know what happened in Quecreek when they broke into another mine full of water, and it created 77 hours of a very tense situation. I was there a good bit of that time, and I observed how Mark Schweiker, then Governor, and how Dave Hess, then DEP (Department of Environmental Protection) Secretary, conducted themselves in the communication efforts that went between the mine families and between the rescuers and between the media, and I think they handled themselves extremely well. We did have a great outcome on that, but I felt maybe it was important to put those communication lessons into law, and that is what Mine Families First legislation does.

I would appreciate an affirmative vote. Thank you.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Sipthoth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causar	Harhart	O'Neill	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenny	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGiolamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	

Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Dr. Bill Thorne, a dentist from Greencastle, PA. He is the guest today of Representative Pat Fleagle. He is in the back of the hall of the House. Would he please rise and be recognized.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2774, PN 4708**, 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, in bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

On the question,

Will the House agree to the bill on third consideration?

Mr. YUDICHAK offered the following amendment No. **A09953**:

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

; and providing for a small business health care tax credit.

Amend Bill, page 4, by inserting between lines 27 and 28

Section 2. The act is amended by adding an article to read:

ARTICLE XVII-D

SMALL BUSINESS HEALTH CARE TAX CREDIT

Section 1701-D. Scope.

This article relates to health care tax credits.

Section 1702-D. Definitions.

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

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

"Health care benefits." An entitlement provided to an employee in accordance with a wage agreement that provides prevention, treatment and management of illness and the preservation of mental health and physical well-being through the services offered by the medical and allied health professions.

“Pass-through entity.” Any of the following:

(1) A partnership, limited partnership, limited liability company, business trust or other unincorporated entity that for Federal income tax purposes is taxable as a partnership.

(2) A Pennsylvania S corporation.

“Qualified tax liability.” The liability for taxes imposed under Article III, IV or VI. The term shall include the liability for taxes imposed under Article III on an owner of a pass-through entity.

“Secretary.” The Secretary of Revenue of the Commonwealth.

“Small business.” An employer who, on at least 50% of its working days during the taxable year, employed no more than 100 employees.

“Tax credit.” The small business health care tax credit authorized under this article.

“Taxpayer.” An entity subject to tax under Article III, IV or VI. The term shall include the shareholder, owner or member of a pass-through entity that receives a tax credit.

Section 1703-D. Credit for small business health care.

(a) Application.—A taxpayer who is a small business and provides health care benefits in a taxable year may apply for a tax credit as provided in this article. By September 15, a taxpayer must submit an application to the department for health care benefits incurred in the taxable year that ended in the prior calendar year.

(b) Amount.—A taxpayer that is qualified under subsection (a) shall receive a tax credit for the taxable year in the amount equal to 50% of the amount of expenses incurred by a small business for providing health care benefits to its employees, but no more than \$1,000 per employee receiving health care benefits.

(c) Notification.—By December 15 of the calendar year following the close of the taxable year during which the health care expense was incurred by the small business, the department shall notify the taxpayer of the amount of the taxpayer’s tax credit approved by the department.
Section 1704-D. Carryover, carryback, refund and assignment of credit.

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

(b) Application.—A tax credit approved by the department for small business health care tax credit in a taxable year first shall be applied against the taxpayer’s qualified tax liability for the current taxable year as of the date on which the credit was approved before the tax credit is applied against any tax liability under subsection (a).

(c) Unused credit.—A taxpayer is not entitled to assign, carry back or obtain a refund of an unused tax credit.
Section 1705-D. Shareholder, owner or member pass-through.

(a) Shareholder credit.—If a Pennsylvania S corporation does not have an eligible tax liability against which the tax credit may be applied, a shareholder of the Pennsylvania S corporation is entitled to a tax credit equal to the tax credit determined for the Pennsylvania S corporation for the taxable year multiplied by the percentage of the Pennsylvania S corporation’s distributive income to which the shareholder is entitled.

(b) Pass-through entity credit.—If a pass-through entity other than a Pennsylvania S corporation does not have an eligible tax liability against which the tax credit may be applied, an owner or member of the pass-through entity is entitled to a tax credit equal to the tax credit determined for the pass-through entity for the taxable year multiplied by the percentage of the pass-through entities’ distributive income to which the owner or member is entitled.

(c) Additional credit.—The credit provided under subsection (a) or (b) is in addition to any tax credit to which a shareholder, owner or

member of a pass-through entity is otherwise entitled under this article. However, a pass-through entity and a shareholder, owner or member of a pass-through entity may not claim a credit under this article for the same small business health care tax credit.

Section 1706-D. Report to General Assembly.

The secretary shall submit an annual report to the General Assembly indicating the effectiveness of the credit provided by this article no later than March 15 following the year in which the credits were approved. The report shall include the names of all taxpayers utilizing the credit as of the date of the report and the amount of credits approved and utilized by each taxpayer. Notwithstanding any law providing for the confidentiality of tax records, the information contained in the report shall be public information. The report may also include any recommendations for changes in the calculation or administration of the credit.

Section 1707-D. Regulations.

The secretary shall promulgate regulations necessary for the implementation and administration of this article.

Section 3. The addition of Article XVII-D of the act shall apply to taxable years beginning after December 31, 2006.

Amend Sec. 2, page 4, line 28, by striking out “2” and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman.

Mr. Vitali.

Mr. VITALI. Mr. Speaker, will the maker of the amendment stand for brief interrogation?

The SPEAKER. The Chair already asked the gentleman to do that.

Mr. VITALI. I am sorry.

The SPEAKER. That is all right.

Mr. VITALI. It is late and I am tired.

Could we have an explanation of that amendment? Is he—

Mr. YUDICHAK. Thank you, Mr. Speaker.

The amendment creates a tax credit for small businesses, businesses of less than 100 employees, to incentivize so that they can provide health care to their employees.

Mr. VITALI. May I continue with interrogation, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. VITALI. Now, could you describe the nature of the tax credit and what is the cost to the Commonwealth of forgoing that tax revenue?

Mr. YUDICHAK. The cost would be up to 50 percent of the health-care premium per employee. The overall costs would be reflected in the fiscal note, which I can provide to you.

Mr. VITALI. I am sorry. Could you tell us what that fiscal note says as far as what— Okay. Do you know if the administration has taken— I am sorry.

Mr. YUDICHAK. I wanted to clarify a point. It is up to \$1,000; 50 percent, up to \$1,000 per employee.

Mr. VITALI. Okay. And is there any estimate of what the revenue— I just, if I can continue, I just wanted to get on the record, I just wanted to make sure I understand you correctly, this amendment, if passed, could cost the Commonwealth up to a billion dollars a year? Is that correct?

Mr. YUDICHAK. Well, it is ambiguous, Mr. Speaker. The fiscal note reflects that the adoption of this amendment will result in an unknown cost to the Commonwealth.

Mr. VITALI. Now, you had mentioned up to a billion— Now, this is a billion with a “b,” billion with a “b.”

Mr. YUDICHAK. Well, it depends, because you cannot define the maximum employer contribution – that is going to fluctuate – and it depends on how many uninsured and how many participate in the program. So it is very difficult to nail down that number. That is why the fiscal note reflects in the unknown costs.

Mr. VITALI. But it is up to a billion dollars, because, you know, if you spend a billion here and a billion there, pretty soon it is real money.

Mr. YUDICHAK. And providing health-care insurance to every Pennsylvanian is equally important to the dollars.

Mr. VITALI. Okay.

Mr. YUDICHAK. And we are trying to make sure, because another figure that I think is very important in this debate is that 70 percent of the uninsured in Pennsylvania are working adults, people that are going to work every day, 40 hours a week, and we are not providing them with health-care coverage simply because the small business owner cannot cover the costs. This is a way to help provide the costs. I think we find the dollars. Is it going to be an expense to the Commonwealth in a tax credit? Of course it is, but I think this is an important investment for the Commonwealth of Pennsylvania not only in providing health insurance, also because it is important to our economy. Our small businesses are not growing, they are not adding employees, they are not increasing productivity, because they simply cannot afford the health-care costs. This, which mirrors Federal legislation that was introduced by Congresswoman Hart, I believe, would do this at a State level so that we can make sure that Pennsylvanians are provided health-care coverage.

Mr. VITALI. I am not on your committee so I do not know the answer to this, but, I mean, has this been vetted through the committee process? In other words, have there been public hearings? Have there been groups that weighed in on that? Has, like, for example, the administration spoken on this? Has this issue been vetted a bit among the experts?

Mr. YUDICHAK. The answer as to whether there has been a committee hearing, to my knowledge there has not been.

Mr. VITALI. Or a public hearing.

Mr. YUDICHAK. To a public hearing? To my knowledge, there has not been. This is a public process. The bill is introduced. It has been debated informally.

And back to the costs, you have to understand that, you know, we also have programs like medical assistance, adultBasic, where these working adults who are going to work every day, 40 hours a week, they may be on one of those two programs, so that the cost of this program, that is why it is unknown. That is why I think it is unfair to characterize it in definitive terms as a billion dollars or any amount, because you may be actually saving the Commonwealth of Pennsylvania, saving the budget dollars, so that we can provide this health care through the market system rather than through an entitlement program.

Mr. VITALI. Okay. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Reed. The gentleman waives off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Adolph	Feese	Manderino	Sabatina
Allen	Fichter	Mann	Sainato
Argall	Flaherty	Markosek	Samuelson
Armstrong	Fleagle	Marsico	Santoni
Baker	Flick	McCall	Sather
Baldwin	Forcier	McGeehan	Saylor
Barrar	Freeman	McGill	Scavello
Bastian	Gabig	McIlhattan	Schroder
Bebko-Jones	Geist	McIlhinney	Semmel
Belardi	George	McNaughton	Shaner
Belfanti	Gerber	Melio	Shapiro
Benninghoff	Gergely	Metcalfe	Siptroth
Beyer	Gillespie	Micozzie	Smith, B.
Biancucci	Gingrich	Millard	Smith, S.
Blackwell	Godshall	Miller, R.	Solobay
Blaum	Good	Miller, S.	Sonney
Boyd	Goodman	Mundy	Staback
Bunt	Grell	Mustio	Stairs
Buxton	Grucela	Myers	Steil
Caltagirone	Haluska	Nailor	Stern
Cappelli	Hanna	Nickol	Stevenson, R.
Casorio	Harhai	O'Brien	Stevenson, T.
Causar	Harhart	O'Neill	Sturla
Cawley	Harper	Oliver	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Parker	Taylor, E.Z.
Cohen	Hennessey	Payne	Taylor, J.
Cornell	Herman	Petrarca	Thomas
Corrigan	Hershey	Petri	Tigue
Costa	Hess	Petrone	True
Crahalla	Hickernell	Phillips	Turzai
Creighton	Hutchinson	Pickett	Veon
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rublely	Perzel,
Fairchild	Major		Speaker

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

Mr. SOLOBAY offered the following amendment No. A09962:

Amend Title, page 1, line 10, by inserting after "penalties," " providing for contributions to certain lupus foundations of refunds by checkoff;

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a section to read:

Section 315.10. Contributions for Lupus Foundations.—(a) The department shall provide a space on the Pennsylvania individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to the Lupus Foundation of Pennsylvania or the Lupus Foundation of America, Southeastern PA Chapter, Inc.

(b) The amount so designated by an individual on the income tax return form shall be deducted from the tax refund to which such individual is entitled and shall not constitute a charge against the income tax revenues due the Commonwealth.

(c) The department shall determine annually the total amount designated pursuant to this section, less reasonable administrative costs, and shall report such amount to the State Treasurer, who shall transfer such amount from the General Fund to the Lupus Foundation of Pennsylvania or the Lupus Foundation of America, Southeastern PA Chapter, Inc.

Section 2. Section 701.1 of the act, amended June 16, 1994 (P.L.279, No.48), is amended to read:

Amend Sec. 2, page 4, line 28, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

What this amendment was going to do, and we have offered it several other times, is offer a checkoff on your State income tax form that part of your rebate from your return on your taxes would be able to be used for the Lupus Foundation of Pennsylvania. Although with the agreement that we have come up with with some of the other groups, at this time, because of some calendar issues, we are going to pull this amendment and reoffer it at another time.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Regrettably, this is not in our pre-session report. Would the maker of this bill stand for brief interrogation?

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

Mr. VITALI. Could we just have a brief explanation of this bill?

Mr. REED. Sure. Mr. Speaker, HB 2774 deals with an issue of importance to ensuring that our Pennsylvania-based banks remain headquartered in the State of Pennsylvania.

In June of 2001 the Financial Accounting Standards Board changed the accounting standards for business combinations. Since 2001 banks must use the purchase method of accounting for their mergers and acquisitions. The purchase method generates an intangible asset known as goodwill, when one bank acquires another for more than book value of the acquired bank's stock.

HB 2774 clarifies that goodwill is excluded from the Pennsylvania bank shares tax calculation. Although the bank shares tax still refers to the pooling-of-interests method of accounting for business combinations, banks' use of the purchase method has the unintended consequence of inflating the amount of tax paid due to the inclusion of goodwill. This places banks operating in the State of Pennsylvania in an uncompetitive position when compared to out-of-State institutions. Ohio and Virginia have recently instituted and enacted similar legislation to exclude goodwill from the calculations of their taxable assets for the bank.

Mr. VITALI. Thank you. I would be lying if I said I understood that or had any chance of understanding that by the end of the day. But let me maybe try to simplify this: Are there groups you are aware of who oppose this?

Mr. REED. There are no groups that I am aware of that oppose it.

Mr. VITALI. Are you aware of any controversy here or any groups whose ox would be gored by this, given what you know?

Mr. REED. Could you repeat the question?

Mr. VITALI. I guess the essence of the question, are you aware of any groups whose ox would be gored or who would suffer damage if this were passed? Who would be logically hurt by this?

Mr. REED. I apologize. I guess the first time you asked the question, I got a little confused with the ox reference.

Again, to my knowledge, there are no groups—

Mr. VITALI. It is probably a reference of my generation, not young people like you.

Mr. REED. That could very well be.

Mr. VITALI. Okay.

Mr. REED. To my knowledge, once again, there are no groups opposing this legislation.

Mr. VITALI. Okay. Thank you.

Mr. REED. You are welcome.

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—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siptroth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causer	Harhart	O'Neill	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenny	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGiroloamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

STATEMENT BY MR. CLYMER

The SPEAKER. The Chair recognizes the gentleman, Mr. Clymer, under unanimous consent.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to take this opportunity to thank Speaker Perzel and the members of the Capitol Centennial Committee for the fine events that were conducted honoring the 100th anniversary of our beautiful Capitol.

The celebration was a wonderful opportunity for our citizens who attended to view this majestic building, and we have received many favorable comments on how beautiful the building looked for the festivities and that they enjoyed the many special events.

The family of architect Joe Huston attended the events as well as many of the relatives of the Capitol artists. They were all pleased to be honored at a reception given by Lieutenant Governor Knoll, and we thank her for this kindness.

We would also thank the two staffs who developed and implemented the events – Jeanne Schmedlen and Melissa Hershey. Their tedious work behind the scenes was most exhaustive and challenging, and we appreciate all their time and attention to these details that made this event such a great success.

We want to thank Secretary Jim Creedon for the Department of General Services assistance and their cooperation and their assistance in all the events. They also provided the necessary security. Regarding security, we also extend our appreciation to the members of the House Security for helping at the many activities that were scheduled throughout those 5 days.

I would be remiss if we did not extend special appreciation to all those who volunteered their services for the many scheduled activities that were planned during this special time. Without their cooperation, your cooperation, we could never have had the great celebration that we did. So I wanted to share those insights, and I know that the 100th anniversary has now passed but it is important to acknowledge the cooperation of the Speaker of the House and the many individuals who participated that made this such a showcase for those 5 special days.

For those who are still interested, and I have received numerous communications, the special book, the centennial book, "Literature in Stone," is still available as is this year's holiday ornament and a commemorative pin, the pin that highlights the Capitol's 100th anniversary. They are available at the Capitol Preservation committee room in the Main Capitol Building.

Mr. Speaker, thank you for giving me this opportunity to share these insights and these thoughts about our 100th anniversary to the members of the General Assembly. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2824**, **PN 4328**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the fees, powers and duties, rules and regulations and records of issuing agents; and making an editorial change.

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

Mr. **HICKERNELL** offered the following amendment No. **A09875**:

Amend Title, page 1, line 2, by inserting after “for”
exemptions from license requirements and for
Amend Bill, page 1, lines 7 and 8, by striking out all of said lines
and inserting

Section 1. Sections 2709(b) and 2711 of Title 30 of the
Pennsylvania Consolidated Statutes are amended to read:
§ 2709. Exemptions from license requirements.

* * *

(b) Persons who are blind or have certain physical or mental
impairments.—The provisions of this chapter do not apply to those
persons who are totally blind, are paraplegic or similarly disabled in the
lower extremities or have such severe physical or mental impairments
that they are unable to cast or retrieve a line or bait hooks and remove
fish if only one legal device is used and the person who is blind or has
physical or mental impairments as described in this section is within
ten feet of the device being used. The provisions of this chapter also do
not apply to the attendant of the person who is blind or has physical or
mental impairments described in this section while assisting in using
the device.

* * *

Amend Sec. 2, page 4, line 7, by striking out all of said line and
inserting

Section 2. This act shall take effect as follows:

- (1) The amendment of 30 Pa.C.S. § 2709(b) shall take
effect in 60 days.
- (2) The amendment of 30 Pa.C.S. § 2711 shall take
effect January 1, 2007.
- (3) This section shall take effect immediately.

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

The **SPEAKER**. On that question, the Chair recognizes the
gentleman.

Mr. **HICKERNELL**. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple amendment. As most of
you probably know, the current fish and boat code exempts
certain disabled people from the purchase of a fishing license,
and that includes people who are blind and individuals who
have severe physical or mental impairments. My amendment,
which was originally put in bill form about 2 years ago, my
amendment simply extends that exemption to those individuals
who are paraplegic or have similar disabilities in their lower
extremities, and I would ask for your support.

I am proud to say, Mr. Speaker, this is something I have
worked on for a couple of years. I had a young individual come
to visit me in my district office a few years ago in a wheelchair.
He enjoys fishing, rarely feels up to doing that, however, and
really did not have the means every year to go out and purchase
a fishing license, and I felt this was something we could do at
minimal cost to the Fish Commission. The fiscal note we
received today from the Appropriations Committee indicates
that although there will be a cost to the Fish Commission,
obviously, in some lost revenue, it will be minimal and will
provide no adverse impact to the Fish Fund.

I would ask for your support of this amendment, and
thank you very much.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siproth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causler	Harhart	O'Neill	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rublely	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Flagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siptroth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Bianucci	Gingrich	Millard	Solobay
Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
Bunt	Grell	Mustio	Steil
Buxton	Grucela	Myers	Stern
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causar	Harhart	O'Neill	Surra
Cawley	Harper	Oliver	Tangretti
Civera	Harris	Pallone	Taylor, E.Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenny	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	Lederer	Reichley	Yewcic
Donatucci	Leh	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

Ordered, That the clerk present the same to the Senate for 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 **SB 1242, PN 2105**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 795, PN 4644**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

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

HB 632, PN 4757

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

SB 63, PN 1988

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or national emergency; and further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

SB 1242, PN 2105

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further providing for the definition of "port district."

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

The SPEAKER. The House will be at ease.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Keller, rise?

Mr. M. KELLER. To correct the record.

The SPEAKER. The gentleman will state.

Mr. M. KELLER. On HB 814 I was recorded in the negative. I would like to be recorded in the positive, please.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Mr. M. KELLER. Thank you.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. KOTIK called up **HR 900, PN 4827**, entitled:

A Resolution commemorating the 50th anniversary of the 1956 Hungarian Revolution.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman, Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

October 1956 was a historic month in the history of Central and Eastern Europe. It represented a significant shift in the geopolitical forces that led to the eventual overthrow of Communism.

As one who takes great pride in his ethnic heritage, I wish to take this opportunity to salute the Hungarian community throughout Pennsylvania and the great sacrifices their families made in the quest for freedom. On the 50th anniversary of this extraordinary event, I ask for the support of the House recognizing the contributions of the Hungarian people in the cause of freedom and democracy.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Manderino	Sainato
Allen	Fichter	Mann	Samuelson
Argall	Flaherty	Markosek	Santoni
Armstrong	Fleagle	Marsico	Sather
Baker	Flick	McCall	Saylor
Baldwin	Forcier	McGeehan	Scavello
Barrar	Freeman	McGill	Schroder
Bastian	Gabig	McIlhattan	Semmel
Bebko-Jones	Geist	McIlhinney	Shaner
Belardi	George	McNaughton	Shapiro
Belfanti	Gerber	Melio	Siptroth
Benninghoff	Gergely	Metcalfe	Smith, B.
Beyer	Gillespie	Micozzie	Smith, S.
Biancucci	Gingrich	Millard	Solobay

Blackwell	Godshall	Miller, R.	Sonney
Blaum	Good	Miller, S.	Staback
Boyd	Goodman	Mundy	Stairs
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Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
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Cawley	Harper	Oliver	Tangretti
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DeWeese	Kirkland	Readshaw	Wojnaroski
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Diven	Lederer	Reichley	Yewcic
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Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Levdansky	Rohrer	Zug
Evans, D.	Mackereth	Rooney	
Evans, J.	Maher	Ross	
Fabrizio	Maitland	Rubley	Perzel,
Fairchild	Major	Sabatina	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Gannon	LaGrotta	Rieger
Bishop	Gruitza	Leach	Ruffing
Frankel			

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien, for a committee announcement and to put remarks on the record?

Mr. O'BRIEN. Yes, Mr. Speaker. I would like to submit my remarks on HB 2765 for the record.

Mr. O'BRIEN submitted the following remarks for the Legislative Journal:

HB 2765 will increase the effectiveness of our DNA Detection Act by extending DNA testing to people who are arrested or charged with felony offenses or two sex crime misdemeanor offenses.

Under current Pennsylvania law, convicted felons and persons convicted of the misdemeanor crimes of luring children into vehicles or indecent assault must have their DNA tested. This enables law enforcement to do two things: First, the DNA database can be used to match each criminal's DNA to the DNA found at crime scenes where

unsolved murders, rapes, and other violent crimes and sex crimes have occurred. Second, the DNA library deters future rapes and other potential crime because these offenders know that their DNA has been placed into a database where it can be matched against any semen, dandruff, hair, or saliva that they may leave at some future crime scene.

While the DNA detection law can be used to solve and prove a wide range of crimes, its primary benefit is to identify and put away rapists and other serial sex offenders who victimize and traumatize thousands of women and children. These types of criminals are notorious for repeating their horrible crime over and over again. Each victim of an ugly sex crime is traumatized and violated in a deeply personal way that affects them for the rest of their lives. Many sex crime victims experience post-traumatic stress syndrome, depression, and other psychological impairments that scar them for many years and, in some cases, for the rest of their lives. Each violent sex offender that we incarcerate represents 5 or 10 or even 20 women and other victims who are spared this horror. And we can spare these potential victims with an easy, painless test – with a simple swab of the mouth.

When I sponsored Pennsylvania's first DNA detection law in 1995, we had to limit its scope to felony sex offenses, murder, stalking, harassment, and indecent assault since the resources and funding were not in place to undertake a more ambitious program at that time. By 2002 times had changed and, with better funding and less expensive testing techniques, the law was expanded to cover a broader range of crimes. In 2004 Steve Maitland sponsored legislation to cover all felons.

This is where we are today. This bill will take the next step by mandating that DNA samples be taken from all suspects who are arrested or charged with the commission of a felony or of child luring or of indecent assault.

Why arrest? Why not wait until conviction? My response is, too many criminals and too many crimes will slip through the cracks. First, many months can elapse between the time of arrest and bail and the time of trial. This affords ample opportunity to commit many more sex crimes before a conviction finally takes them off the streets. Second, in many cases, especially in places like Philadelphia, these serial offenders often will only be convicted of a lesser offense that does not qualify for DNA testing. Under current law, this class of vicious predator remains free to exploit their anonymous DNA in order to commit more rapes and other sex offenses. An article in the *Journal of Law, Medicine & Ethics* states that about 50 percent of Virginia's felony arrests are ultimately disposed of as misdemeanors.

Arrest is an entirely appropriate time for the taking of a DNA sample. DNA history is an appropriate part of law enforcement's identification and processing function whenever an individual is apprehended and charged with a serious crime. The Supreme Court has stated that searches incident to lawful arrests are entirely appropriate and that the probable cause necessary for the arrest is sufficient, without more jurisdiction, to search the detainee. Police take fingerprints based upon arrest, they take mug shots based upon arrests, and they conduct frisks and strip searches based upon arrests. The courts have consistently ruled that arrest leads to certain legitimate restrictions on the right to privacy, and a DNA search is certainly less intrusive than a strip search. There is no reason why police should not be permitted to enhance this identification and detainee supervision process with the taking of DNA samples.

This bill does recognize that there is an important distinction between convictions and arrests. At the time of arrest, there is probable cause to believe that the target has committed a felony or other covered crime. As previously noted, that probable cause is enough to fingerprint, enough to mug shot, enough to strip search, and even enough to incarcerate and, in some cases, deny bail. I believe that this probable cause is more than enough to take a DNA sample.

Under the bill, however, the DNA sample is to be removed from the DNA database at the time the probable cause disappears because the charges are dismissed, if the arrested person files a written request with the State Police and establishes that the charges have been dismissed. Unlike the convict whose DNA file remains permanent, the arrestee is

restored to the same status as every other law-abiding citizen as far as his DNA record is concerned. I believe that this strikes a fair and appropriate balance between the needs of law enforcement, on the one hand, and the right to privacy on the other.

Adding arrests for felony violations will add to the DNA data pool which, in turn, will increase the number of cold hits on unsolved rapes, murders, and other vicious crimes. This means fewer victims of some of the worst crimes imaginable. Any time we nail a serial rapist after his first or second rape, rather than his fourth or fifth rape, that means three or four women will be spared a terrible cruelty and, in many cases, long-term psychological harm. The difference between DNA at arrest and DNA at conviction can make that kind of difference. That is why we need this bill.

Virginia was the first State to adopt a DNA detection law back in 1990, and it has 15 years of statistics on the impact of its law. Because of the longstanding and comprehensive nature of its DNA detection program, Virginia has, by far, the largest DNA data library of any State in the country. Virginia was also one of the first States to extend its DNA detection law to arrests which took effect in January of 2003.

A reading of the tea leaves suggests that the impact of extending Virginia's law to arrests has been significant. The impact can be gauged by Virginia's "cold hit" statistics. By "cold hits," I mean circumstances where unidentified DNA taken from a crime scene matches a DNA sample in the database that ties a particular person to a crime scene.

The Virginia Division of Forensic Science processed 7,836 arrestee samples during the first year of the Virginia law and scored 63 hits, including 16 for rape cases. The Division also reported that nearly 3,000 of these samples were eliminated from the system because they never led to felony convictions. These are people who would have been free to rape and kill again without the protection offered by Virginia's new law. Virginia has already solved 222 crimes through links to arrestees.

Great Britain's experience also supports the merits of this legislation. The United Kingdom takes DNA samples from all persons arrested for crimes that involve potential imprisonment. A Brooklyn Law Review article notes that British authorities report, and I quote, "a 40% hit rate – four out of ten new crime scenes samples checked against the database match a previously recorded profile of an offender or suspect." In addition to Virginia, several other States, including California, Louisiana, and Texas, have extended their DNA laws to cover arrestees.

In conclusion, adding arrests to the DNA database means many more "cold hits." Many more "cold hits" means many more serial killers, serial rapists, and other career criminals will be locked up in cages where they belong, and more serial criminals behind bars means fewer rape victims, fewer murder victims, fewer burglaries, and fewer robberies. That is the bottom line, Mr. Speaker.

I ask for an affirmative vote on HB 2765.

* * *

I am confident that HB 2765 will pass constitutional muster.

This claim of unconstitutionality was considered and rejected by the Virginia Court of Appeals, which ruled on this issue last month. In *Anderson v. Commonwealth*, the Virginia Appeals Court upheld the constitutionality of Virginia's law, which extended DNA testing to arrested felons.

In upholding the constitutionality of the Virginia law, and, by implication, HB 2765, the Virginia Appeals Court, quoting from a series of U.S. Supreme Court and appeals court decisions, declared, and I quote:

"On appeal, Anderson argues that the statute violates the Fourth Amendment because it authorizes what amounts to a 'suspicionless search' unrelated to any effort by law enforcement to

obtain evidence for the specific charge justifying the arrest. We disagree.

“A search of an arrestee requires no independent legal justification apart from the arrest itself. ‘A custodial arrest of a suspect based on probable cause is a reasonable intrusion under the Fourth Amendment; that intrusion being lawful, a search incident to the arrest requires no additional justification.’... ‘It is the fact of the lawful arrest which establishes the authority to search.’ Upon a ‘lawful custodial arrest, a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a ‘reasonable’ search under that Amendment. With the person’s loss of liberty upon arrest comes the loss of at least some, if not all, rights to personal privacy otherwise protected by the Fourth Amendment.’...”

“That is particularly true when the search merely seeks to identify the arrestee. When a person is ‘arrested upon probable cause, his identification becomes a matter of legitimate state interest and he can hardly claim privacy in it.’...(recognizing as ‘elementary’ the proposition that arrestees may be fingerprinted and photographed ‘as part of routine identification processes’). The state’s interest in the arrestee’s identity, moreover, ‘is relevant not only to solving the crime for which the suspect is arrested, but also for maintaining a permanent record to solve other past and future crimes.’...”

* * *

“For these reasons, we hold that the collection of a DNA sample from Anderson under Code Section 19.2-310.2:1 did not violate the Fourth Amendment’s prohibition of unreasonable searches and seizures. The procedure involved a permissible application of law enforcement’s authority to search an arrestee incident to an arrest.” End of quote.

Law enforcement takes fingerprints and mug shots based upon arrests, and they conduct frisks and pat-downs as a result of arrests.

If law enforcement can conduct these types of searches and seizures on the basis of an arrest, they can just as easily take a swab of saliva from inside the cheek and add that to the profile of a person under arrest.

Police routinely take fingerprints of arrestees and match those fingerprints against the fingerprint data pool in an effort to resolve open cases. If we follow the logic of this motion to its ultimate conclusion, the taking of fingerprints and attempts to match those prints to other crimes would be just as unconstitutional as the taking of DNA for this purpose. If you think the fingerprinting of arrestees is constitutionally permissible, I would ask you to reject the constitutional attack on the taking of DNA samples from arrestees.

HB 2765 is constitutional. It catches and punishes serial killers and serial rapists, and it protects crime victims.

I ask the House to uphold the constitutionality of this bill.

JUDICIARY COMMITTEE MEETING

Mr. O’BRIEN. And I would like to announce, there will be an immediate meeting of the House Judiciary Committee in the rear of the House.

The SPEAKER. The House Judiciary Committee will meet in the rear of the House immediately.

There will be no further votes on the floor.

Are there any announcements?

There will be informal discussions in both caucus rooms.

HOUSE SCHEDULE

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, just in the form of an announcement, I guess. We originally, where we have long held next week, the first of next week, a couple days of session, and there were a lot of questions and concerns over whether or not we were going to be in. Well, we will be in next week.

The important thing that I wanted to announce is that we have recently just heard from the Senate that they do intend to be in session next week. That is why we are able to wrap up a little earlier this afternoon than what was earlier anticipated, because we will expect to have them in the building so that we can continue to work towards finalizing some of the major issues that are on our table.

So I just wanted the members to understand that next week will be more of the same as this week, I guess.

The SPEAKER. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

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

Mr. STAIRS. Thank you, Mr. Speaker.

As we are about to leave today, I would ask the Education Committee members, we will have a meeting off of the floor to move a bill, and we will be meeting in room 39 in the East Wing; Education Committee members, at this moment we will all go down to our meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the Education Committee in room 39 of the East Wing.

ANNOUNCEMENT BY MR. COHEN

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as you indicated, there will be informal discussions in the Democratic caucus room. The informal discussions will begin at 4:45, 4:45 p.m.

The SPEAKER. The House will be at ease.

Would Mr. Flick please come to the rostrum.

THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

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

BILL REREPORTED FROM COMMITTEE**SB 798, PN 2196** (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for selection of prospective jurors and for right to bail.

JUDICIARY.

RECESS

The SPEAKER pro tempore. This House stands in recess to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1332, PN 2115** By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school health services definitions, for health services, for dental examinations and dental hygiene services, for facilities, for examinations and for recommendations of health professionals; deleting provisions relating to examination by family physician or dentist; and further providing for care and treatment of school-age children, for precautions against spread of certain diseases and for medical examination of school personnel.

EDUCATION.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. The Chair recognizes the gentleman from Montgomery.

Mr. QUIGLEY. Mr. Speaker, I move that this House do now recess until Monday, October 23, 2006, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 12:59 p.m., e.d.t., Monday, October 23, 2006, the House recessed.