

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 23, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 61

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

Good afternoon, ladies and gentlemen.

I want to take the opportunity to just say that we just finished celebrating the Jewish holidays, and on the holiday of Yom Kippur, which is considered in the Jewish calendar to be the holiest day of the year, the Almighty decides what is going to happen to us for this coming year.

I hope and pray that the decisions will all be in your favor and that the final decision that God had inscribed into the Book of Life for all of you will be much full of happiness, joy, success, health, and all the good things in life for you and your families.

Thank you.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the Armed Forces – the Army, the Navy, the Marines, the Air Force, and the Coast Guard – who stand guard over our land and everywhere where they may be. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed be He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness; may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is God, your God, who goes with you to battle your enemies for you to save you, and let us say amen.

(Prayer in Hebrew.)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, Governor, the

Speaker of the House, and all the members of the House of Representatives and all the officials of our great Commonwealth.

The King who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good for all of us in the great Commonwealth of Pennsylvania.

In their days and in ours, may we all dwell securely, so may it be His will. Let us say amen.

Thank you very much, ladies and gentlemen, and God bless all of you. Take good care.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Wednesday, October 18, 2006, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the Journals for Monday, June 12, and Tuesday, June 13, 2006, are in print and, without objection, stand approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 3000 By Representatives ROSS, FRANKEL, BUXTON, BEBKO-JONES, BEYER, BISHOP, BLACKWELL, COHEN, CORNELL, COSTA, CRUZ, CURRY, DALEY, DIVEN, DONATUCCI, EACHUS, D. EVANS, FABRIZIO, FREEMAN, GANNON, GERBER, GERGELY, GOOD, JAMES, JOSEPHS, LEACH, LEDERER, LEVDANSKY, MANDERINO, MANN, McCALL, McGEEHAN, McILHINNEY, MUNDY, MYERS, NICKOL, OLIVER, PARKER, PETRONE, PISTELLA, PRESTON, ROEBUCK, ROONEY, SAMUELSON, SANTONI, SHAPIRO, SIPTROTH, STEIL, STURLA, THOMAS, TIGUE, VEON,

WALKO, WATERS, WHEATLEY, WILLIAMS and YOUNGBLOOD

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination, housing and public accommodation; defining "sexual orientation" and "gender identity or expression"; and further providing for unlawful discriminatory practices, for powers and duties of commission, for education program and for construction and exclusiveness of remedy.

Referred to Committee on STATE GOVERNMENT, October 20, 2006.

No. 3049 By Representatives CIVERA, DALEY, BAKER, BALDWIN, BASTIAN, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, CREIGHTON, DeLUCA, FABRIZIO, FAIRCHILD, GEORGE, GODSHALL, GOOD, GRUCELA, JAMES, KILLION, KOTIK, LEACH, MANN, O'NEILL, PAYNE, PHILLIPS, PYLE, READSHAW, RUBLEY, SANTONI, B. SMITH, SONNEY, SURRA, E. Z. TAYLOR, WATSON, YOUNGBLOOD, YUDICHAK, HARHART, SEMMEL and REICHLEY

An Act authorizing certain tax credits for qualified alternative fuel distributors; and imposing powers and duties on the Department of Revenue.

Referred to Committee on FINANCE, October 20, 2006.

No. 3050 By Representatives BIRMELIN and MARKOSEK

An Act establishing the Elevator Act and the Elevator Safety Review Board; conferring powers and imposing duties; providing for licensing; and imposing civil penalties.

Referred to Committee on LOCAL GOVERNMENT, October 20, 2006.

No. 3051 By Representatives HICKERNELL, BALDWIN, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DeWEESE, FABRIZIO, FAIRCHILD, GEIST, GINGRICH, HERSHEY, JAMES, KILLION, KOTIK, O'NEILL, B. SMITH, SONNEY, STERN, E. Z. TAYLOR, TIGUE, TRUE, YUDICHAK, SEMMEL and REICHLEY

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in municipal authorities, for investment of authority funds.

Referred to Committee on STATE GOVERNMENT, October 20, 2006.

No. 3052 By Representatives WRIGHT, E. Z. TAYLOR, CLYMER, WATSON, BARRAR, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, FABRIZIO, FAIRCHILD, FLAHERTY, FREEMAN, GINGRICH, GODSHALL, GOOD, GOODMAN, GRUCELA, HARPER, HENNESSEY, HERSHEY, HESS, McILHATTAN, NAILOR, PALLONE, RAPP, REICHLEY, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, B. SMITH, SONNEY, STEIL, STURLA, SURRA, THOMAS,

TIGUE, VITALI, WALKO, WANSACZ, WHEATLEY and WOJNAROSKI

An Act providing for the reduction of energy use in State buildings; for energy efficiency and the State motor vehicle fleet, for other energy efficiency and procurement; establishing the Interagency Task Force on Energy and providing for its powers and duties; and providing for recognition of efforts to improve State energy efficiency and for reporting.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 20, 2006.

No. 3053 By Representatives MICOZZIE, BALDWIN, BELFANTI, BEYER, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, COHEN, CRAHALLA, DENLINGER, FABRIZIO, GANNON, GODSHALL, HARPER, HENNESSEY, JAMES, KENNEY, KOTIK, R. MILLER, S. MILLER, MUSTIO, RUBLEY, SATHER, SCHRODER, SEMMEL, SIPTROTH, E. Z. TAYLOR and TIGUE

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for the Underground Storage Tank Indemnification Board.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 20, 2006.

No. 3054 By Representative R. MILLER

An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act, further providing for the exemption from taxes. An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act, further providing for the exemption from taxes.

Referred to Committee on FINANCE, October 20, 2006.

No. 3055 By Representatives HERMAN, HENNESSEY, FREEMAN, HARPER, HARHAI, PYLE, SIPTROTH, YUDICHAK, FLAHERTY, GINGRICH, ARGALL, BAKER, BALDWIN, BARRAR, BELFANTI, BENNINGHOFF, BOYD, CALTAGIRONE, CLYMER, CRAHALLA, DENLINGER, DeWEESE, FABRIZIO, GEORGE, GOODMAN, HARHART, HARRIS, HUTCHINSON, KOTIK, MARSICO, McILHATTAN, PETRONE, PHILLIPS, PICKETT, READSHAW, SANTONI, SATHER, SAYLOR, E. Z. TAYLOR, THOMAS, TIGUE, WATSON, WILT and WOJNAROSKI

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

Referred to Committee on FINANCE, October 20, 2006.

No. 3056 By Representatives O'BRIEN, BOYD, CAPPELLI, CRAHALLA, DALLY, GINGRICH, GODSHALL, GOODMAN, HARPER, HERSHEY, HICKERNELL, W. KELLER, McCALL, PYLE, SAYLOR, SIPTROTH, E. Z. TAYLOR and TRUE

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

Referred to Committee on JUDICIARY, October 20, 2006.

No. 3057 By Representatives O'BRIEN, BOYD, CAPPELLI, CRAHALLA, DALLY, GINGRICH, GODSHALL, GOODMAN, HARPER, HERSHEY, HICKERNELL, W. KELLER, McCALL, PYLE, SAYLOR, SIPTROTH, E. Z. TAYLOR and TRUE

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

Referred to Committee on JUDICIARY, October 20, 2006.

No. 3058 By Representatives O'BRIEN, BOYD, CAPPELLI, CRAHALLA, DALLY, GINGRICH, GODSHALL, GOODMAN, HARPER, HERSHEY, HICKERNELL, W. KELLER, McCALL, PYLE, SAYLOR, SIPTROTH, E. Z. TAYLOR and TRUE

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for supervision of parole and probation and for parole violations.

Referred to Committee on JUDICIARY, October 20, 2006.

No. 3059 By Representatives O'BRIEN, BOYD, CAPPELLI, CRAHALLA, DALLY, GINGRICH, GODSHALL, GOODMAN, HARPER, HERSHEY, HICKERNELL, W. KELLER, McCALL, PYLE, SAYLOR, SIPTROTH, E. Z. TAYLOR and TRUE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing proceeding and place of confinement.

Referred to Committee on JUDICIARY, October 20, 2006.

No. 3060 By Representatives WATERS, BLACKWELL, PARKER, YOUNGBLOOD, BELFANTI, BENNINGHOFF, BOYD, FAIRCHILD, FRANKEL, FREEMAN, HARPER, HENNESSEY, LEDERER, McILHATTAN, PISTELLA, SIPTROTH, STERN, TIGUE and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for jury instructions.

Referred to Committee on JUDICIARY, October 20, 2006.

No. 3061 By Representatives HALUSKA, BEBKO-JONES, CALTAGIRONE, CRAHALLA, KOTIK, READSHAW, SONNEY and WOJNAROSKI

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, repealing provisions relating to powers of waterways patrolmen.

Referred to Committee on GAME AND FISHERIES, October 23, 2006.

No. 3062 By Representatives YUDICHAK, TIGUE, DeWEESE, SIPTROTH, WOJNAROSKI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, COHEN, CRAHALLA, DALEY, DALLY, DENLINGER, FABRIZIO, FAIRCHILD, FLAHERTY, FREEMAN, GEORGE, GRUCELA, HARPER, HASAY, HENNESSEY, HESS, JAMES, W. KELLER, KENNEY, KOTIK, LEVDANSKY, MANN, MARKOSEK, MILLARD, MUNDY, NAILOR, O'NEILL, PETRARCA, PETRONE, B. SMITH, SOLOBAY, R. STEVENSON, TANGRETTI, TURZAI, WALKO, WILT and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for, in realty transfer tax, excluded transactions.

Referred to Committee on FINANCE, October 23, 2006.

No. 3063 By Representative W. KELLER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in registration of sexual offenders, for registration procedures and applicability, for verification of residence and e-mail address, for victim notification and for other notification.

Referred to Committee on JUDICIARY, October 23, 2006.

No. 3064 By Representative GODSHALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Referred to Committee on JUDICIARY, October 23, 2006.

No. 3065 By Representatives PERZEL, ARGALL, BALDWIN, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, DALLY, FEESSE, FICHTER, GODSHALL, HENNESSEY, HERSHEY, KENNEY, MUSTIO, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCAVELLO, SIPTROTH, SONNEY and E. Z. TAYLOR

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for appointing power, for election and tenure of justices, judges and magisterial district judges, for vacancies and for Judicial Qualifications Commission.

Referred to Committee on STATE GOVERNMENT, October 23, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 901 By Representatives ROHRER, BARRAR, BIRMELIN, CLYMER, DENLINGER, GODSHALL, HARHART, HERSHEY, HUTCHINSON, KAUFFMAN, LEH, METCALFE, MUSTIO, PHILLIPS, RAPP, SAYLOR, SEMMEL, STEIL, STERN and WILT

A Resolution directing the Legislative Budget and Finance Committee to study the impact of entitlement expansion in the Children's Health Insurance Program on the private sector insurance market in Pennsylvania.

Referred to Committee on RULES, October 20, 2006.

No. 902 By Representatives PETRONE and J. TAYLOR

A Resolution urging the Congress of the United States to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 20, 2006.

SENATE BILLS FOR CONCURRENCE

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

SB 642, PN 2184

Referred to Committee on EDUCATION, October 23, 2006.

SB 647, PN 2185

Referred to Committee on EDUCATION, October 23, 2006.

SB 1263, PN 1932

Referred to Committee on FINANCE, October 23, 2006.

SB 1285, PN 2202

Referred to Committee on STATE GOVERNMENT, October 23, 2006.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 236, PN 1949**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 469, PN 4847; HB 854, PN 4845; HB 1112, PN 4821; HB 1902, PN 4662; HB 2001, PN 4759; HB 2134, PN 4816; HB 2185, PN 4817; HB 2282, PN 4823; HB 2670, PN 4849; and HB 2738, PN 4760**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move the following bills be taken from the table:

HB 134;
HB 2954;
HB 2251;
SB 592; and
SB 770.

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 134, PN 135; HB 2954, PN 4753; HB 2251, PN 4836; SB 592, PN 2044; and SB 770, PN 2192.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move the following bills be recommitted to the Committee on Appropriations:

HB 134;
HB 2954;
HB 2251;
SB 592; and
SB 770.

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

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of the following actuarial note: amendment No. 10096 to House bill No. 2897, PN 4664.

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

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 126, PN 4579

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.

HB 236, PN 1949

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedure for review.

SB 972, PN 2098

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.

SB 1158, PN 1661

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Lancaster, Mr. ARMSTRONG, and the gentleman from Lehigh, Mr. REICHLEY. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. RIEGER, for the week; the gentleman, Mr. GRUITZA, from Mercer for the week; the gentleman from Philadelphia, Mr. CRUZ, for the day; the gentleman from Northampton, Mr. SAMUELSON, for the day; the gentleman from Westmoreland, Mr. PALLONE, for the day; and the gentleman from Philadelphia, Mr. OLIVER, for the day. Without objection, those leaves will also be granted.

MASTER ROLL CALL

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

PRESENT—194

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

ADDITIONS—1

Ruffing

NOT VOTING—0**EXCUSED—8**

Armstrong	Gruitza	Pallone	Rieger
Cruz	Oliver	Reichley	Samuelson

LEAVES ADDED—11

Bastian	James	McGill	Waters
Bishop	LaGrotta	Micozzie	Williams
Cawley	Maitland	Myers	

LEAVES CANCELED—4

Armstrong	Pallone	Reichley	Samuelson
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GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Matthew Buffington. Matthew is a senior at Garden Spot High School. He is shadowing Representative Denlinger for the day. He is obviously the guest of Representative Gordon Denlinger. He is to the left of the Speaker. Would he please rise and be recognized.

The Chair would also like to welcome to the hall of the House, as a guest of Representative John Evans, Melissa Anderson, who is serving an internship in Representative John Evans' Edinboro office and who is here today. Melissa is graduating from Edinboro University in December with a major in political science. She is seated to the left of the Speaker. Would she please rise and be recognized.

The Chair would like to welcome Andrea Metz, along with her sons, Erik and Benjamin. The Metzses won a Day at the Capitol. They are the guests today of Representative

Chuck McIlhinney. They are seated to the left of the Speaker.
Please rise; welcome.

RULES COMMITTEE MEETING

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1209 be taken from the table to third consideration.

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

BILL ON SECOND CONSIDERATION

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

SB 1209, PN 2047.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 1209 be recommitted to the Committee on Appropriations.

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

RESOLUTION ON CONCURRENCE REPORTED FROM COMMITTEE

HR 795, PN 4644 By Rep. S. SMITH

A Concurrent Resolution designating December 19, 2006, as Coal Miner's Day in Pennsylvania in appreciation, honor and remembrance of the accomplishments and sacrifices of coal miners in this Commonwealth.

RULES.

RESOLUTION REPORTED FROM COMMITTEE

SR 360, PN 2119 By Rep. S. SMITH

A Concurrent Resolution honoring Grace Methodist Episcopal Church for providing a temporary State Capitol.

RULES.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 469, PN 4847 By Rep. S. SMITH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for date of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots; and limiting contributions by partnerships, limited partnerships and limited liability companies.

RULES.

HB 854, PN 4867 (Amended) By Rep. S. SMITH

An Act relating to confidential security information of public utilities; and imposing penalties.

RULES.

HB 1112, PN 4821 By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of corrupt organizations; providing for the offense of trafficking in persons; further providing for order authorizing interception of wire, electronic or oral communications; and providing for sentencing for trafficking of persons and for criminal forfeiture.

RULES.

HB 1902, PN 4662 By Rep. S. SMITH

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for sunset for recycling fee and for performance grants for municipal recycling programs.

RULES.

HB 2001, PN 4759 By Rep. S. SMITH

An Act prohibiting price gouging; and imposing penalties.

RULES.

HB 2185, PN 4817 By Rep. S. SMITH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for excluded provisions and for required financial reporting; providing for assessment of signs and sign structures; and making related repeals.

RULES.

HB 2134, PN 4868 (Amended) By Rep. S. SMITH

An Act limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and further providing for duties of the Department of Transportation.

RULES.

HB 2282, PN 4869 (Amended) By Rep. S. SMITH

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 hotel occupancy tax, for definitions and for imposition of tax, and in personal income tax, for classes of income; and making repeals relating to the hotel occupancy tax.

RULES.

HB 2670, PN 4849 By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; and, in child protective services, further providing for definitions, further providing for release of information in confidential reports, providing for citizen review panels, further providing for reports; and providing for mandatory reporting of substance abuse births.

RULES.

HB 2738, PN 4760 By Rep. S. SMITH

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for schedule of compensation, for definitions relating to procedure and for enforcement of standards and processing of claims; providing for the Workers' Compensation Appeal Board; further providing for assignment of claims to referees, and for counsel fees; providing for an Uninsured Employers Guaranty Fund; and making a related repeal.

RULES.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Lawrence, Mr. LaGROTTA. Without objection, that leave will be granted.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. READSHAW called up **HR 899, PN 4826**, entitled:

A Resolution recognizing the week of November 12 through 18, 2006, as "Hunger and Homelessness Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—9

Armstrong	LaGrotta	Pallone	Rieger
Cruz	Oliver	Reichley	Samuelson
Gruitza			

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

The Chair at this time would like to ask Representative Bebko-Jones to please come to the rostrum.

Please keep the noise levels down. The gentlelady has a few words to say.

**FAREWELL ADDRESS
BY MS. BEBKO-JONES**

The SPEAKER. Representative Bebko-Jones.
Ms. BEBKO-JONES. Thank you, Mr. Speaker.
Mr. Speaker, how much time do I have? Oh, 2 hours, cool; cool.

You know, when I stand up here today – and I even wore my big-girl shoes so that I could see everyone – it is the most awesome, awesome sight. I look at all of you, my colleagues on both sides of the aisle, and I think how each and every one of us affects the people in Pennsylvania just by our button. When we push our button, regardless of what color it is, we are affecting people's lives.

I can see, Mr. Speaker, why you want to maintain this position. I can also see, Mr. DeWeese, how you want this position back, because it is, it is awesome up here; totally awesome.

Before I begin my remarks as such, I think all of us know that none of us, none of us could do our jobs without the staff that we have, and I am so grateful that my entire district office staff was able to be here today. And first, I would like to recognize my chief of staff in Erie, Mary Fiolek. You can clap, you know. Lynda Schlenski, Sandy Minnis, Chris Rush, my legislative aides. And then my secretary here in Harrisburg, Terra Heilman; Terra.

And I have been very fortunate that I have had an adopted staff person in my Harrisburg office. She works for Representative Gary Haluska, my neighbor, and the four of us worked so well together, because Gary listens to what I tell him. And the reason that Marilyn is so good is because when one of the secretaries is out or whatever, she is right there to help. And besides, Representative Haluska never has any work for her to do, so she is always coming over to my side. Marilyn; Marilyn Juran, please stand.

And of course, all of our Democratic Caucus employees, the Sergeants at Arms, Chief Clerk, Clancy, who all manage to survive. It is amazing. Is it not amazing about Clancy? He has been here forever, and whether it is under Republican control or it is under Democratic control, Clancy is the guy they want, and they should want Clancy, and I have been honored to have you as the Parliamentarian, and thank you very much.

And you know, the Speaker gave me 2 hours to speak. That is what he said. Was it 2 hours or 2 minutes? And, Mr. Speaker, I promise not to talk about the prostate legislation. Okay? I will not talk about it.

Now, my leader, Mr. Bill DeWeese. I have never understood a darn word he has said to me in 14 years, but this I do know about my leader, and maybe a lot of you do not know: He is a very compassionate, kind, understanding, and fair individual. Yes, I have caused him big ones, but he is always there to listen to me, and in order to get what I want, he just throws me out of his office so he does not have to deal with me anymore, but that is Bill DeWeese.

Another part of Bill DeWeese is the friendship part that he and I have had for many years with my husband, Tom. When we lived in Pittsburgh, a day did not go by that Bill DeWeese did not call and ask us how we were doing. A day did not go by – no, a week; a week did not go by that we did not receive flowers from Mr. Bill DeWeese.

Four of us used to go out to dinner a lot. I will not name the third person, but we became close friends. And when Bill DeWeese was Speaker of this wonderful chamber, he allowed my husband to sit here on the left of the Speaker every single day and listen to all of our debates. I think sometimes my husband loved this chamber maybe more than I did. He absolutely loved it. And he was my confidant down here, and I know a lot of you guys thought he was my spy, because I brought him down here and I let him hang out with you guys

just so I could find out where you are coming from, and then he would come back and tell me, and then the next morning I could get you.

And after Bill DeWeese set that precedent, former Speaker Matt Ryan was elected and my husband said, oh, well, honey; I will just watch everything from the office because Bill is not the Speaker anymore. We all, most of us, knew Matt Ryan, the gentleman of gentlemen, and one day Matt Ryan approached my husband and said, Tom, just because the Democrats are not in the majority, you still have a seat at the left of the Speaker. My husband was truly moved, truly moved by that, and so was I. And I know, Mr. Speaker Perzel, if my husband was still alive, you would have extended him the same privilege, because in this chamber, party does not matter; party does not matter. We have seen our members go through the most trying of times or their family members. You do not have to be a Republican or a Democrat to have cancer or any other disease. So for that, just for that compassion and kindness that was shown to me and my husband, I thank all of you for doing that.

Mr. Fred Belardi, who is not here, I see, in his seat, and I just wanted to ask him, after being here for 14 years, I am giving him one last opportunity to give my secretary a parking place so I know that she is safe when I am gone.

And then there is Mark Cohen; Mark Cohen, whom I have always considered the members' member. There has never been a time, and I think all of us can say that on our side of the aisle, that if we had a question about anything, if we were afraid to ask a question about anything, we could go to Mark Cohen, and for that, Mark, I will never forget the members' member.

Now, Dave Levdansky, do you want to pay attention? And you know, we were speaking of, you know, illnesses and so forth here, and Dave was one that went through some hard times, and I am not going to go through the whole thing, but all I want to say about David is that I just got so darn sick of him depending on me more than he did his mother, and he knows what I am talking about.

Lynn Herman. Now, you know— And Lynn is leaving also. And some of you might not know, but we do have a short legislator's caucus. Did you know that? Lynn Herman was the president, L.B.-J. was vice president, and we did have our short members. Lynn Herman was the shortest Republican male in this chamber. Linda Bebko-Jones was the shortest Democratic female in this chamber. So Lynn and I were really getting concerned of what is going to happen to this caucus while we both leave, and so we met and we did name a president of the short legislator's caucus, and it will be his responsibility to pick the other members.

And to replace Lynn Herman is Mr. Elk himself, Danny Surra. And I think that Danny will certainly have the qualifications, once he takes off those ridiculous boots that he wears every day. Now, they are always full of mud. There is a difference between Mike Veon's boots and Dan Surra's boots. So, Danny, when you take over this office, please dress appropriately.

Another thing I want to ask of my leadership, you know, when you are a freshman, it is very, very difficult, and it is overwhelming. We can all remember that, when we came down here – learning everyone's names; the staff; all those things. And I would ask my leadership, please, please do not allow my successor to sit next to Daylin Leach. It is going to be tough enough for him to learn the process as a freshman, but sitting him next to Daylin Leach would be such a horrifying feeling for

him. So, please, leadership, you might be able to put him by Dan Surra.

And, you know, speaking of Daylin, Bob Freeman, sweet Bob Freeman. I do not think there is anyone in this caucus that does not like Bob Freeman. All right. Knock it off.

When Daylin came down here and he was sitting next to me, you know, it took me but 5 minutes to recognize this guy was a wacko. And Bob Freeman, because of his compassion, because of how he wants everyone to get along, he was the negotiator in our row. He tried, he tried, and he tried. You have got about 6 more days, Bob, because it did not work.

Then, you know, it was a real pleasure for me to be elected the deaness of the Erie delegation. We used to have the dean of the Erie delegation, and the guys decided to change it to deaness. I cannot tell you what a pleasure it has been for me in that position, to deal with John Evans, Matthew Good, Curt Sonney, and Flo Fabrizio. You could applaud for them. They are really good guys. Do you want to? And, you know, the thing of it is, they always treated me with respect. The only thing I could never figure out that was not right, I would have a delegation lunch, because I figure, you feed them, they come, and sure enough, they always did. But guess who paid the bill? Me. But I guess that was part of my duties as the deaness of the Erie delegation. But I will truly miss them all. They have been more than colleagues on both sides of the aisle. They have been incredible friends to me.

And then I know a lot of you are probably shocked to know that I and Representative Benninghoff – is he here yet? Benninghoff? No. Is Representative Kenney here, our chair? No. Okay. Then you can relay the message to the two of them – but never in a million years did I think I and Benninghoff would ever be on the same page on any issue, and neither did Chairman Kenney, and believe it or not, we are on the same issue, the same page, and we are driving Representative Kenney over the edge with it, but that is good. That is what makes the system work.

Now, I do not exactly know how many attorneys we have in this House that are Representatives. How many? Too many; yes. And that is exactly what I was about to say. As a nonattorney, when attorneys get up on the House floor and debate an issue, I feel like I am in a courtroom. I do not feel like that I am in a place where I am to legislate things, and I am not saying that that is good or bad. I am just telling you my feelings when I first came down here with all these attorneys.

What saved me was attorney Representative Kathy Manderino. She is the plain-language attorney, and I think members on the other side of the aisle can agree with me who are not attorneys that when Representative Manderino speaks on an issue, she does it clear, plain so all of us can understand. Kathy was in my class. We came in together. And, Kathy, I love you, and thank you; thank you for being the plain-language attorney in the House.

Now, some of you might not know that some of you confuse me with Babette Josephs. Now, give me a break. Do you see anything familiar about me and Babette Josephs? I have been here now 14 years. Some of you members call me Babette; some of the members call Babette L.B.-J., and I have tried to figure this out for years, and I think it is just the Babette Josephs-Bebko-Jones thing, but if you continue to do that, then guess what? I will never leave this chamber, because you will continue to call my friend, Babette, L.B.-J., and,

Babette, I thank you for dealing with all of that. I know it used to get us all upset every once in a while, but we got used to it.

And of course, what made my days easier down here was Representative Tony Melio with his everyday kisses. Without a kiss from Tony, it would not be a happy day. Thank you, Tony.

Roll it; excuse me.

When I talked about, and some of you freshmen and even us senior members, when we were freshmen, you know, after you win and you have to go to these dinners that leadership has for you and you meet the different secretaries and all of those things, it is sometimes overwhelming, but I will never forget the dinner where former Speaker Matt Ryan spoke. He told us all, it does not matter if you are a Republican or a Democrat. When tragedy hits any one of us in this chamber, we are all one, and I have seen that time after time after time, even in my own personal life, because that is what it is all about. It is like a club here, and we all take care of one another, and I will never ever forget that, because it was only several years after he said that, when my husband was sick, that cards and flowers and phone calls came flowing in, and that is what we have to remember about all of us here.

Fourteen years of coming in here and sitting in my seat, I always said one thing right after the prayer. I would look at William Penn and say, I— You better— Wait a minute. What did he— I would say, I bet you never thought you would see a woman serving in this chamber, and I did not say that to be arrogant, but I look out and there are still very few of us. I think my colleague, E.Z. Taylor, last week did a wonderful job about not wanting us to be, you know, gender-based or whatever, but that we were qualified; we were qualified to do this job.

I am ending this shortly. You know, back home everybody asks me, L.B.-J., what are you going to do? What are you going to do? Everyplace I go they say, L.B.-J., what are you going to do? And I do not answer them. I said, I will save what I am going to do to tell my colleagues first, and after I tell my colleagues, then I will tell all of my constituents. Now, what do you think L.B.-J. is going to do in her retirement?

Oh, Chairman Kenney, were you there when I made my remarks about you? Do not lie. Were you? Yes. Because I admire you, and I know, Mr. Chairman, I have been one of your biggest pains on that committee, but that is what it is all about. I know when I leave, the committee is going to do the right thing.

Okay. So what am I going to do? Now, listen; Petrarca. You know, Mr. Speaker, I really like this job. You have so much power up here. Oh, yeah. I forgot this was here. I intend to get married and raise a family.

Thank you for all the memories. I love you all, and, please, please, be nice to one another, even when you do not agree on the issues.

Thank you very much. Thank you, Mr. Speaker, for allowing me to speak.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the hall of the House of the gentleman, Mr. Ruffing. His name will be added to the master roll.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I want to report we will have a quick meeting of the Agriculture and Rural Affairs Committee in room 148, right next to Representative Bunt's office, at the break. It will be a short meeting, but I need every member there to get a bill out that came over from the Senate.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Agriculture and Rural Affairs Committee will meet in room 148 for a short meeting at the break.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the House Appropriations Committee will meet at 2:15 p.m.; 2:15 p.m. in the Appropriations conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at 2:15 p.m. in the Appropriations conference room.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. ALLEN. Thank you, Mr. Speaker.

To the members of the Labor Relations Committee, there will be a meeting immediately at the recess in room 60, East Wing; that is room 60, East Wing, immediately at the break for the Labor Relations Committee.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will meet at the break in room 60, East Wing.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

There will be a meeting of the Intergovernmental Affairs Committee immediately at the beginning of the break. It will be in the rear of the House. It will be a short meeting.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Intergovernmental Affairs Committee will meet in the rear of the House at the break.

JUDICIARY COMMITTEE MEETING

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

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

At the declaration of the recess, there will be a meeting of the House Judiciary Committee in room G-50, Irvis Office Building, immediately upon the declaration of the recess; G-50, Irvis Office Building.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet in the Irvis Office Building, room G-50, at the break.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, there will be a short meeting of the State Government Committee following the call for recess in the rear of the hall. That will be an immediate meeting of the State Government Committee upon the declaration of recess.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The State Government Committee will meet for a short meeting in the rear of the House.

FINANCE COMMITTEE MEETING

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

Mr. LEH. Thank you, Mr. Speaker.

I would like to announce that there will be a House Finance Committee meeting not at this break but at the second break, and the location will be announced at that time.

Thank you, Mr. Speaker.

The SPEAKER. The House Finance Committee will be meeting at the second break, and the location will be announced at that time.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican caucus at 2:20; 2:20 there will be a Republican caucus.

Thank you.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will caucus immediately upon the call of the recess. I would also like to announce that for tomorrow there will be a Democratic caucus at 10 a.m.; 10 a.m. tomorrow, and immediately upon the call of the recess for today.

The SPEAKER. The Chair thanks the gentleman.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Fairchild.
Mr. FAIRCHILD. Thank you, Mr. Speaker.

I understand that that microphone may not have been working very well.

There will be a short meeting of the Intergovernmental Affairs Committee at the rear of the House right before the break.

Thank you.

HOUSE BILL INTRODUCED AND REFERRED

No. 3068 By Representatives PERZEL, SCAVELLO, ADOLPH, ALLEN, BALDWIN, BEYER, BLAUM, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CIVERA, COSTA, DENLINGER, DeWEESE, DiGIROLAMO, DIVEN, FICHTER, GANNON, GEIST, GILLESPIE, GOODMAN, HESS, JAMES, W. KELLER, KENNEY, KILLION, MAJOR, MARSICO, McILHINNEY, S. MILLER, O'BRIEN, O'NEILL, PICKETT, PISTELLA, PYLE, QUIGLEY, RAMALEY, RAYMOND, READSHAW, REED, REICHLEY, SABATINA, SANTONI, SOLOBAY, SONNEY, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, WALKO, WATSON, ZUG, PHILLIPS and McGILL

An Act establishing and providing for the administration of the Commonwealth Officer Program and the Commonwealth Officer Fund; providing for duties of the Office of Attorney General; lapsing certain funds; and making an appropriation.

Referred to Committee on JUDICIARY, October 23, 2006.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Reichley. His name will be added to the master roll.

RECESS

The SPEAKER. Are there any further announcements?
Hearing none or seeing none, this House is in recess until 3:30.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **SB 157, PN 1989**, and has appointed Senators BRIGHTBILL, ARMSTRONG, and COSTA to a Committee of Conference on behalf of the Senate to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. S. SMITH moved that the House insist upon its nonconcurrence in Senate amendments to SB 157, PN 1989, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER pro tempore. The Chair appoints as a committee of conference on the part of the House on SB 157, PN 1989:

Messrs. Leh, Godshall, and Veon.
Ordered, That the clerk inform the Senate accordingly.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 628, PN 2117

By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; making conforming amendments; and repealing provisions of 20 Pa.C.S. Chs. 54 and 54A.

JUDICIARY.

SB 665, PN 1260

By Rep. O'BRIEN

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the grant of letters of administration and for the administration of estates.

JUDICIARY.

SB 1285, PN 2202

By Rep. CLYMER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service.

STATE GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

HR 897, PN 4824

By Rep. CLYMER

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.

STATE GOVERNMENT.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. WATERS, and the gentelady, Ms. BISHOP. Without objection, the leaves are granted.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Mr. Samuelson, and he will be added to the master roll. The Chair notes the presence on the floor of the House of the gentleman, Mr. Armstrong, and the gentleman, Mr. Pallone, and those gentlemen will be added to the master roll.

SUPPLEMENTAL CALENDAR D

RESOLUTION

Mr. DeWEESE called up **HR 795, PN 4644**, entitled:

A Concurrent Resolution designating December 19, 2006, as Coal Miner’s Day in Pennsylvania in appreciation, honor and remembrance of the accomplishments and sacrifices of coal miners in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Adolph	Feese	Mackereth	Rubley
Allen	Fichter	Maher	Sabatina
Argall	Flaherty	Maitland	Sainato
Armstrong	Fleagle	Major	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	Pallone	Taylor, E.Z.
Cohen	Hasay	Payne	Taylor, J.
Cornell	Hennessey	Petrarca	Tigue
Corrigan	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Curry	Hutchinson	Pistella	Walko
Daley	James	Preston	Wansacz
Dally	Josephs	Pyle	Watson
DeLuca	Kauffman	Quigley	Wheatley
Denlinger	Keller, M.	Ramaley	Wilt
Dermody	Keller, W.	Rapp	Wojnarowski
DeWeese	Kenney	Raymond	Wright
DiGirolamo	Killion	Readshaw	Yewcic
Diven	Kirkland	Reed	Youngblood
Eachus	Kotik	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	Perzel,
Fairchild	Levdansky	Ross	Speaker

NAYS—0

NOT VOTING—6

Donatucci	Parker	Thomas	Williams
Manderino	Ruffing		

EXCUSED—7

Bishop	Gruitza	Oliver	Waters
Cruz	LaGrotta	Rieger	

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. MYERS. Without objection, the leave will be so granted.

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

SB 733, PN 2204 (Amended) By Rep. ALLEN

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

LABOR RELATIONS.

ANNOUNCEMENT BY MRS. TAYLOR

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

Point of personal privilege, please.

The SPEAKER pro tempore. The gentlelady is in order and will state her personal order.

Mrs. TAYLOR. I would like all the Republican women to meet in the back of the House now.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. George.

BILLS REREPORTED FROM COMMITTEE

HB 134, PN 135 By Rep. FEESE

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for advance directive for health care.

APPROPRIATIONS.

HB 331, PN 4813 By Rep. FEESE

An Act amending the act of October 30, 1996 (P.L.732, No.131), known as the Pennsylvania Innkeepers' Rights Act, providing for prospective employee background checks; and requiring deadbolt locks in hotels.

APPROPRIATIONS.

HB 534, PN 582 By Rep. FEESE

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

APPROPRIATIONS.

HB 906, PN 4165 By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, phasing out inheritance and estate tax provisions.

APPROPRIATIONS.

HB 1491, PN 1808

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for weight restriction relating to special registration plates.

APPROPRIATIONS.

HB 1773, PN 2268

By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Drug and Alcohol Programs; making repeals; and making editorial changes.

APPROPRIATIONS.

HB 2046, PN 2823

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sale or transfer of firearms.

APPROPRIATIONS.

HB 2047, PN 2824

By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

APPROPRIATIONS.

HB 2269, PN 4731

By Rep. FEESE

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services and for funding; and prescribing penalties.

APPROPRIATIONS.

HB 2312, PN 4386

By Rep. FEESE

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for specific powers of boroughs relating to emergency services.

APPROPRIATIONS.

HB 2313, PN 4387

By Rep. FEESE

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for specific powers relating to emergency services.

APPROPRIATIONS.

HB 2314, PN 4388

By Rep. FEESE

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for the establishment of fire and emergency medical services.

APPROPRIATIONS.

HB 2420, PN 3477

By Rep. FEESE

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power.

APPROPRIATIONS.

HB 2696, PN 4732

By Rep. FEESE

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, providing for the Uniform Construction Code Advisory Council.

APPROPRIATIONS.

HB 2894, PN 4540

By Rep. FEESE

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

APPROPRIATIONS.

HB 2897, PN 4664

By Rep. FEESE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service.

APPROPRIATIONS.

HB 2919, PN 4599

By Rep. FEESE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the issuance of one-day tourist fishing licenses and one-day resident fishing licenses.

APPROPRIATIONS.

HB 2971, PN 4877 (Amended)

By Rep. FEESE

An Act establishing the Emergency Demand Reduction Program in the Bureau of Drug and Alcohol Programs of the Department of Health.

APPROPRIATIONS.

HB 2978, PN 4751

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales and use tax.

APPROPRIATIONS.

SB 180, PN 2090

By Rep. FEESE

An Act providing for protection from identity theft, for security freezes, for procedures for access after imposition and removal of security freezes and for related matters.

APPROPRIATIONS.

SB 198, PN 787

By Rep. FEESE

An Act prohibiting a deceptive business practice in the floral industry; and providing for a private cause of action.

APPROPRIATIONS.

SB 410, PN 933

By Rep. FEESE

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; and making editorial changes.

APPROPRIATIONS.

SB 439, PN 2203 (Amended)

By Rep. FEESE

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

APPROPRIATIONS.

SB 506, PN 2110

By Rep. FEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) and codifying Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, providing for temporary release from county correctional institutions; further providing for sentencing proceeding and place of confinement; providing for parole without board supervision, for judicial power to release inmates and for transfers of inmates needing medical care; further providing for State intermediate punishment; providing for other criminal provisions; amending the heading of Title 61; adding definitions, provisions relating to general administration of correctional institutions, State correctional institutions, county correctional institutions, the Philadelphia County Prison, house of detention for untried inmates and witnesses, inmate labor, medical services, visitation, motivational boot camp, execution procedure and method, miscellaneous matters relating thereto, probation and parole generally, the Pennsylvania Board of Probation and Parole, County Probation and Parole Officers' Firearm Education and Training, and correctional institution interstate compacts; and making repeals relating to codification.

APPROPRIATIONS.

SB 513, PN 1717

By Rep. FEESE

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, removing references to elected assessors.

APPROPRIATIONS.

SB 557, PN 2172

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of violence against a law enforcement officer; further providing for weapons or implements for escape and for contraband; and making a conforming amendment.

APPROPRIATIONS.

SB 592, PN 2044

By Rep. FEESE

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.

APPROPRIATIONS.

SB 655, PN 2171

By Rep. FEESE

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for general powers of the State Registration Board for Professional Engineers, Land Surveyors and Geologists; and providing for continuing education requirements.

APPROPRIATIONS.

SB 669, PN 2173

By Rep. FEESE

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

APPROPRIATIONS.

SB 770, PN 2192

By Rep. FEESE

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.

APPROPRIATIONS.

SB 811, PN 1814

By Rep. FEESE

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for transfers between certain classes and for additional class options.

APPROPRIATIONS.

SB 812, PN 1787

By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by courts and public officers and agencies.

APPROPRIATIONS.

SB 860, PN 2091

By Rep. FEESE

An Act amending the act of June 23, 1993 (P.L.128, No.29), known as the Plain Language Consumer Contract Act, further providing for contractual requirements.

APPROPRIATIONS.

SB 922, PN 2046

By Rep. FEESE

An Act amending the act of December 15, 1988 (P.L.1235, No.151), known as the Children’s Trust Fund Act, further providing for the Children’s Trust Fund Board, for powers and duties of the board and for powers and duties of the Department of Public Welfare.

APPROPRIATIONS.

SB 944, PN 2099

By Rep. FEESE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders and for loss of property rights by certain offenders; further providing for failure to comply with sexual offender registration requirements, for the offense of unlawful contact with a minor and for sentences for offenses against infant persons; providing for sentences for sex offenders and for sentence for failure to comply with registration of sexual offenders; further providing for registration and for registration procedures and applicability; providing for global positioning system technology; and further providing for the duties of the Pennsylvania Board of Probation and Parole.

APPROPRIATIONS.

SB 983, PN 2112

By Rep. FEESE

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for registration districts and local registrars’ duties and for death and fetal death registration.

APPROPRIATIONS.

SB 1025, PN 1523

By Rep. FEESE

An Act limiting the authority of the Environmental Quality Board over the Pennsylvania Clean Vehicles Program; establishing the Pennsylvania Clean Vehicles Program; imposing duties and responsibilities on the Department of Transportation and the Department of Environmental Protection; and abrogating a regulation.

APPROPRIATIONS.

SB 1054, PN 2075

By Rep. FEESE

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, protecting children from abuse; further providing for endangering the welfare of children; further providing, in child protective services, for definitions, for reporting, for immunity, for penalties and for information on prospective child-care personnel; providing, in child protective services, for information on family day-care home residents and for information on persons having child contact; further providing, in child protective services, for investigation of reports; and further providing for limitation of actions, for sentencing, for assessments and for sex offender information made available on the Internet.

APPROPRIATIONS.

SB 1104, PN 2127

By Rep. FEESE

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the act of

June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

APPROPRIATIONS.

SB 1139, PN 2176 By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for new diesel technology.

APPROPRIATIONS.

SB 1148, PN 1894 By Rep. FEESE

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

APPROPRIATIONS.

SB 1206, PN 2128 By Rep. FEESE

An Act amending the act of June 15, 2006 (P.L.200, No.47), entitled "An act designating the bridge carrying State Route 1025 over Interstate 79 in North Strabane Township, Washington County, as the Canon-McMillan Alumni Bridge," further providing for the Canon-McMillan Alumni Bridge designation; and designating State Route 830 extending from Interstate 80 to the DuBois-Jefferson County Airport in Washington Township, Jefferson County, as the Francis H. "Bud" Scherer Memorial Highway.

APPROPRIATIONS.

SB 1218, PN 1945 By Rep. FEESE

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, defining "internet service provider."

APPROPRIATIONS.

SB 1244, PN 1954 By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain individuals vested with powers of deputy Game Commission officers.

APPROPRIATIONS.

SB 1262, PN 1877 By Rep. FEESE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amounts of alcohol or controlled substances and for operating a watercraft under the influence of alcohol or controlled substances; and providing for aggravated assault by watercraft while operating under influence.

APPROPRIATIONS.

SB 1266, PN 2085

By Rep. FEESE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain leaves of absence.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1148, PN 1894**, entitled:

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

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

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

The question is, shall the bill pass finally?

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

Thank you, Mr. Vitali.

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—194

Adolph	Feese	Maher	Ruffing
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	Siproth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Micalfe	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	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causer	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Pallone	Tangretti
Clymer	Harris	Parker	Taylor, E.Z.

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Bishop	Gruitza	Myers	Rieger
Cruz	LaGrotta	Oliver	Waters

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 534, PN 582**, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

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-194

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Bishop	Gruitza	Myers	Rieger
Cruz	LaGrotta	Oliver	Waters

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.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair notes that the gentleman, Mr. Staback's switch malfunctioned, and he would like to be recorded in the affirmative.

And the Chair also thanks the gentleman, Mr. Bud George, again for withdrawing his amendment.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 983, PN 2112**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for registration districts and local registrars' duties and for death and fetal death registration.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Benninghoff.
Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

At this point I am going to withdraw the amendments to that bill. I did have some concerns on a later portion, which requires the local registrar to submit a copy of the death certificate to the local elections board, but we are going to clean that up in January through a regulatory change. So my amendment will be pulled.

Thank you.

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

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—194

Adolph	Feese	Maher	Ruffing
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
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	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causar	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Pallone	Tangretti
Clymer	Harris	Parker	Taylor, E.Z.
Cohen	Hasay	Payne	Taylor, J.

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Bishop	Gruitza	Myers	Rieger
Cruz	LaGrotta	Oliver	Waters

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.

LEAVE OF ABSENCE**HARRISBURG LEGISLATIVE LEAVE**

The **SPEAKER pro tempore**. Returning to the leaves of absence, the Chair recognizes the gentleman, Mr. Argall.

Mr. **ARGALL**. Thank you, Mr. Speaker.

Mr. Speaker, please add the gentleman, Representative **BASTIAN**, to the on-leave list and the gentleman, Representative **MILLER**, on Capitol leave.

The **SPEAKER pro tempore**. Without objection, the leaves of absence will be granted.

Will the gentelady, Mrs. Miller, please come to the podium.

Members, please take your seats. Members, please take your seats. Afford the gentelady, Mrs. Miller, your attention. Please take your seats.

**FAREWELL ADDRESS
BY MRS. MILLER**

The **SPEAKER pro tempore**. The Chair welcomes the gentelady, Mrs. Miller, to the podium.

Mrs. **MILLER**. Ladies and gentlemen of the House of Representatives, it has been my honor to serve with you for the past 14 years. The only other time that I stood on this dais, it was at the request of the late Matt Ryan when we were

adjourning a session night that lasted all through the night as we were completing a budget marathon. I believe I may have been the only one, the only member of the House, left in the Capitol that morning, and I was asked to take care of the legislative housekeeping chores. I had to stay awake because I was having members of the State Grange youth program come to my legislative office that morning, and I knew that if I dozed off, I would probably sleep right through that meeting. I have to apologize today to Clancy Myer, our Parliamentarian, because I think everything he asked me to say, he had to repeat at least twice, because I just could not seem to remember all of the protocol and what we needed to do to close that legislative session.

Today as I begin my reflections on seven terms in the House of Representatives, I appreciate how much this institution has changed in the past century since our new Capitol was built and yet how much of it has stayed the same. In 1906 manual typewriters were the latest innovation in communication technologies. When I was elected in 1992, electric typewriters with memory were the cutting edge. Today we communicate with the world via Internet computers and cellular technology.

Serving in the legislature is like being in school every day. As I tell the fourth grade classes that come to visit the Capitol each spring, I learn something each time that phone rings or an e-mail arrives on my computer with a question or a concern from a constituent that I need to research. I am truly thankful for this great privilege to be part of the legislative process, and I want to thank those women who came before me in the House of Representatives for opening the doors of this chamber, one I will mention in just a few minutes.

Of course, my greatest thanks goes out to my family: my husband, Mike, for taking care of those farms while my legislative duties kept me away; my daughter, Emilie – I am getting a little choked up here – who had to share me with 60,000 people. She started that at the age of 6, and she will be 21 and graduating from Kansas State University in December; and to my parents, who worked polls for me every year up until my last election. I could not have done it without their support.

And finally I want to thank Senator Ed Helfrick. He took a chance on this Berks County farm girl, and he hired me to be the executive director of the Senate Agriculture Committee way back in 1983. That decade of on-the-job training was a huge asset for me when I was elected to the House of Representatives in the fall of 1992. While he and I did not often agree on some of the issues, I always appreciated his guidance and advice.

And an enormous thank-you goes out to my staff in the district offices and the Main Capitol throughout my 14 years. Tara Ebling and Linda Bicksler have been with me all 14 years. I also have to thank Michele Musgrave, Charlene Keeney, Shirley Behney, Deb Brehm, Nancy Thompson, and Patti Hippler. And if you are wondering why they are not here today, it is because they have a mean boss who keeps their nose to the grindstone and does not give them a day off to come to the Capitol. I could not have done it without them.

And I also have to thank all the many volunteers who helped out with my campaigns over the years.

Now, for those of you who are political junkies, here is something that you will want to pay attention to. I am the second elected woman to serve from Berks County in the House of Representatives. The very first woman's name was Lillith Wilson. She took office when our Capitol, which is celebrating its 100th birthday this year, was just a

quarter-century old. Her seat on the House floor was just a few chairs from mine. It was seat 197, and I see Representative Donatucci sitting in that seat at the present time. Wait a second; I just mixed it up. I am seat 197; she is seat 201. You would think I would know after 14 years.

I decided to take some time to get to know this woman in the final weeks of my legislative career since I have shared her name with many people over the years but never really knew too much about her. Lillith – her first name, like mine, is not easy to say and is not easy to spell. Lillith Wilson served in the House of Representatives from 1931 to 1936 for three consecutive terms, but she was not like too many other members of the House at that time because she was a Socialist. Lillith came to Reading, Berks County, from Indiana in the 1920s to assist her political party's campaigns. She was the very first woman to run for Governor in the State of Pennsylvania, which she did in 1928. She also ran for the State Treasurer's Office, and when she was elected to the House of Representatives, she was the very first Socialist elected to any legislative body in the United States.

Now, lady members, we just had our photo taken in the back with Representative Taylor, but this was another first that I learned when researching the information about Lillith Wilson. In 1931 a woman member of the House of Representatives actually gave birth to a baby boy, and the House of Representatives at that time, actually through resolution, dedicated and made him the 209th member of the House of Representatives, and I want to thank Heidi Mays of the Bipartisan Management Committee, who helped me in dredging through all of these old records.

Lillith Wilson was not the only Socialist serving in the House of Representatives in 1931, and if you are like me, you wonder where in the world did these people sit who were part of the Socialist Party? Well, as you heard, they sat in the back row, seats No. 200 and 201, and her colleague was a fellow Berks Countian, Darlington Hoopes.

In her second term of office, Lillith Wilson saw the Republican majority shrink to 140. In her first term, it was 184 Republicans, 22 Democrats, and of course the 2 Socialists. In her second term, the Democrats went to 65, and the 2 Socialists were also joined by an Independent member of the House, and during her final term in office, the House Democrats, unfortunately, had taken the majority with 117 members; the Republicans, 89 seats; and the Socialists were at 2. There were no longer any Independent House members.

Lillith listed her occupation as lecturer. I am a farmer. It was 70 years in between Lillith and me serving in the House of Representatives, but the one thing I admired about her was the fact that she served on many diverse committees here in the House of Representatives. She served on committees called the Cities, Constitutional Amendments, Corporations, Education, Federal Relations, Geological Surveys, Insurance, Municipal Corporations, Printing, Public Health and Sanitation, and State Government, and the interesting thing was that they changed committees each legislative session, which changed every year. It obviously gave them a varied interest and allowed them to apply their expertise.

During her three terms in office, Lillith Wilson introduced numerous bills and was quite outspoken during the Depression. She spoke out about issues like child labor laws to limit employment of children under 18 years of age. She also worked on legislation to provide workers' compensation; allowing for

city charters and self-governance; providing compulsory social insurances for employees in cases of sickness, accident, and death and in maternity cases also. She authored legislation on the Female Labor Law, and she also wrote legislation to establish the State Liquor Control Board, limiting workweek hours to 30 hours, and, for my fellow colleague, Representative John Taylor, she introduced legislation taxing taxicabs and buses. So seven decades later I find that there are many similar pieces of legislation that we have acted on in the House of Representatives that they did in 1931.

Unfortunately, even though my predecessor from Berks County in the House of Representatives, Lillith Wilson, was impassioned and wrote many eloquent speeches and gave them on the House floor, none of her bills ever became law. By her final year in office, she seemed to have given up and did not introduce a single piece of legislation.

My record here in the House of Representatives has been a bit better than Lillith's. I am proud that three Governors signed bills that I introduced into law during my tenure. Several of these have bolstered our State's Farmland Preservation Program, which received widespread recognition. I have served on the Berks County board for farmland preservation for the past 18 years as a volunteer and have to boast that we now rank third place in the nation in protecting farmland. I was also proud to work with my colleague, Representative Katie True, from Lancaster County on legislation to strengthen our State's child abuse laws in the aftermath of the toddler, Maxwell Fisher's tragic death.

And my legislative career reflections would not be complete without acknowledging the completion of Route 222 in Berks County from our old "Road to Nowhere" to Adamstown, Lancaster County. The final section of this four-lane highway was opened up this summer in June, and I am very thankful that PENNDOT and the contractors were able to keep this highway construction on schedule so that I could see its completion before I left the legislature.

Beginning in December I am going to look forward to traveling a road less followed by my colleagues here in the House, because I am going to be devoting my time to family and farms. I am leaving my seat here in the House for a tractor seat. Not too many of you are going to be saying that when you leave the House of Representatives, I am sure, but you are certainly welcome, especially Mike McGeehan from Philadelphia, to visit the farm, but when you come, make sure you are dressed in your working clothes. I do not want to see any suits and good shoes out on that farm.

And as I conclude my remarks, I want to share with you a quote from Abraham Lincoln. John Maher and I were talking about whom I might reference in my speech, and this quote from Abraham Lincoln was given to me by my father on the day that I was sworn into office, and I thank him for giving me Lincoln's observations, which I have referred to many times in my seven terms. The quote goes like this: "If I tried to read, much less answer, all the criticisms made of me and all the attacks leveled against me, this office would have to be closed for all other business. I do the best I know how, the very best I can. I mean to keep on doing this down to the very end. If the end brings me out all wrong, no one swearing I'd been right would make any difference. If the end brings me out all right, then what is said against me now will not amount to anything."

I do apologize for the fact that I am a bit emotional. It has been a blessing to be here.

God bless all of you.

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. I would like to ask the gentlelady, Sheila – I think at this stage we can go first name – I would like a copy of Lincoln's quote. I have had so many nasty letters to the editor against me. I would like to respond with that. So I would like a copy of that quote.

Thank you.

The SPEAKER pro tempore. The gentlelady will be glad to provide it to you, Mr. DeWeese.

The Chair congratulates the lady and wishes her the very best for the future.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Mr. Ron Miller.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the remainder of the day for the gentleman, Mr. CAWLEY. Without objection, the leave is granted.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 957, PN 1720**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of robbery on the premises of a financial institution.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. Does the gentleman, Mr. Wansacz, intend to offer his amendment?

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. WILLIAMS. Without objection, the leave of absence will be granted.

CONSIDERATION OF SB 957 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Wansacz, pulls his amendment. The Chair thanks the gentleman.

Does the gentleman, Mr. Barrar, intend to offer his amendment?

Does the gentleman, Mr. O'Brien, intend to offer his amendment?

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

Mr. O'BRIEN offered the following amendment No. A09909:

Amend Title, page 1, line 3, by removing the period after "institution" and inserting

; and further providing for grading of theft offenses and for persons not to possess, use, manufacture, control, sell or transfer firearms.

Amend Bill, page 3, by inserting between lines 2 and 3

Section 2. Section 3903(a), (a.1) and (b) of Title 18 are amended and the section is amended by adding a subsection to read:
§ 3903. Grading of theft offenses.

(a) Felony of the second degree.—Theft constitutes a felony of the second degree if:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles) or 3929 (relating to retail theft).

(2) The property stolen is a firearm.

(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm [and the receiver is in the business of buying or selling stolen property].

(4) The property stolen is any amount of anhydrous ammonia.

(a.1) Felony of the third degree.—Except as provided in subsection (a) or (a.2), theft constitutes a felony of the third degree if the amount involved exceeds \$2,000, or if the property stolen is an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in the case of theft by receiving stolen property, if the receiver is in the business of buying or selling stolen property.

(a.2) Felony of the first degree.—Theft constitutes a felony of the first degree if in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

(b) Other grades.—Theft not within subsection (a) [or], (a.1) [of this section] or (a.2), constitutes a misdemeanor of the first degree, except that if the property was not taken from the person or by threat, or in breach of fiduciary obligation, and:

(1) the amount involved was \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree; or

(2) the amount involved was less than \$50 the offense constitutes a misdemeanor of the third degree.

Section 3. Section 6105(a.1)(1) and (b) of Title 18 are amended to read:

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

(a.1) Penalty.—

(1) A person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the [second] first degree.

(b) Enumerated offenses.—The following offenses and the attempt, conspiracy or solicitation to commit any of the following offenses shall apply to subsection (a):

Section 908 (relating to prohibited offensive weapons).
Section 911 (relating to corrupt organizations).
Section 912 (relating to possession of weapon on school property).

Section 2502 (relating to murder).

Section 2503 (relating to voluntary manslaughter).

Section 2504 (relating to involuntary manslaughter) if the offense is based on the reckless use of a firearm.

Section 2702 (relating to aggravated assault).

Section 2703 (relating to assault by prisoner).

Section 2704 (relating to assault by life prisoner).

Section 2709.1 (relating to stalking).

Section 2716 (relating to weapons of mass destruction).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 2910 (relating to luring a child into a motor vehicle or structure).

Section 3121 (relating to rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3302 (relating to causing or risking catastrophe).

Section 3502 (relating to burglary).

Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.

Section 3701 (relating to robbery).

Section 3702 (relating to robbery of motor vehicle).

Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.

Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.

Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.

Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5121 (relating to escape).

Section 5122 (relating to weapons or implements for escape).

Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

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

4

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien.

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

This is the exact language that passed unanimously in this House just the other day in the form of HBs 2708 and 2751. I ask for the unanimous support of the House again.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 957 CONTINUED

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

The following roll call was recorded:

YEAS—190

Adolph	Fichter	Maitland	Ruffing
Allen	Flaherty	Major	Sabatina
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	George	McIlhinney	Shaner
Beyer	Gerber	McNaughton	Shapiro
Biancucci	Gergely	Melio	Siptroth
Birmelin	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	Nailor	Stern
Casorio	Hanna	Nickol	Stevenson, R.
Causar	Harhai	O'Brien	Stevenson, T.
Civera	Harhart	O'Neill	Sturla
Clymer	Harper	Pallone	Surra
Cohen	Harris	Parker	Tangretti
Cornell	Hasay	Payne	Taylor, E.Z.
Corrigan	Hennessey	Petrarca	Taylor, J.
Costa	Herman	Petri	Thomas
Crahalla	Hershey	Petrone	Tigue
Creighton	Hess	Phillips	True
Curry	Hickernell	Pickett	Turzai
Daley	Hutchinson	Pistella	Veon
Dally	Josephs	Preston	Vitali
DeLuca	Kauffman	Pyle	Walko
Denlinger	Keller, M.	Quigley	Wansacz
Dermody	Keller, W.	Ramaley	Watson
DeWeese	Kenney	Rapp	Wheatley
DiGiroloam	Killion	Raymond	Wilt
Diven	Kirkland	Readshaw	Wojnaroski
Donatucci	Kotik	Reed	Wright
Eachus	Leach	Reichley	Yewcic
Ellis	Lederer	Roberts	Youngblood
Evans, D.	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feece	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—12

Bastian	Cruz	LaGrotta	Rieger
Bishop	Gruitza	Myers	Waters
Cawley	James	Oliver	Williams

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Please add the gentleman, Representative MAITLAND, to the leave list.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the leave will be granted to the gentleman, Mr. Maitland.

Mr. Argall, is that regular leave? Thank you.

CONSIDERATION OF SB 957 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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
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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.

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

NAYS-0

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2046**, **PN 2823**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sale or transfer of firearms.

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

Miss **MANN** offered the following amendment No. **A10050**:

Amend Title, page 1, line 2, by inserting after "for"
failure to comply with registration of sexual
offenders requirements and for

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 4915(b) and (c) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 4915. Failure to comply with registration of sexual offenders requirements.

* * *

[(b) Grading for offenders who must register for ten years.—

(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(1) or (2) commits a misdemeanor of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the second degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a felony of the third degree.

(c) Grading for sexually violent predators and others with lifetime registration.—

(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(1) or (2) commits a misdemeanor of the second degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the first degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(3) commits a felony of the third degree.]

(b.1) Grading.—An individual subject to registration under 42 Pa.C.S. § 9795.1(a) or (b)(1), (2) or (3) who commits a violation of subsection (a) or a similar offense commits a felony of the third degree.

* * *

Section 2. Section 6111(g)(2) and (h)(1) of Title 18 are amended and the section is amended by adding a paragraph to read:

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

3

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

AMENDMENT WITHDRAWN

The **SPEAKER** pro tempore. The Chair recognizes the gentlelady, Miss Mann, who withdraws her amendment? The Chair thanks the lady.

Does the gentleman, Mr. Wansacz, intend to offer his amendment?

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

Mr. WANSACZ offered the following amendment No. A10098:

Amend Title, page 1, line 3, by removing the period after “firearms” and inserting
and for sale of tobacco.

Amend Bill, page 2, by inserting between lines 22 and 23

Section 2. Section 6305(a.1), (b) and (f)(3) of Title 18 are amended to read:

§ 6305. Sale of tobacco.

* * *

(a.1) Purchase.—A minor is guilty of a summary offense if the minor:

(1) purchases or attempts to purchase a tobacco product;

[or]

(1.1) possesses a tobacco product; or

(2) knowingly falsely represents himself to be at least 18 years of age to a person for the purpose of purchasing or receiving a tobacco product.

(b) Penalty.—

(1) Except as set forth in paragraph (2), a person that violates subsection (a) shall be sentenced as follows:

(i) for a first offense, to pay a fine of not less than \$100 nor more than \$250;

(ii) for a second offense, to pay a fine of not less than \$250 nor more than \$500; or

(iii) for a third or subsequent offense, to pay a fine of not less than \$500 nor more than \$1,000.

(2) A retailer that violates subsection (a) shall be sentenced as follows:

(i) for a first offense, to pay a fine of not less than \$100 nor more than \$500;

(ii) for a second offense, to pay a fine of not less than \$500 nor more than \$1,000;

(iii) for a third offense, to pay a fine of not less than \$1,000 nor more than \$3,000; or

(iv) for a fourth or subsequent offense, to pay a fine of not less than \$3,000 nor more than \$5,000.

(3) A minor who violates subsection (a.1)(1) or (2) shall be sentenced to any or all of the following:

(i) not more than 75 hours of community service;

(ii) complete a tobacco use prevention and cessation program approved by the Department of Health;

(iii) a fine not to exceed \$200; or

(iv) a 30-day suspension of motor vehicle operating privileges.

(4) A minor who violates subsection (a.1)(1.1) shall:

(i) for a first offense, be issued a written warning by a police officer who shall file a copy of the warning with the appropriate issuing authority;

(ii) for a second offense, be sentenced to not more than 75 hours of community service;

(iii) for a third offense, be sentenced to complete a tobacco use prevention and cessation program approved by the Department of Health; or

(iv) for a fourth or subsequent offense, be sentenced to a 30-day suspension of motor vehicle operating privileges. A copy of the order of suspension shall be transmitted to the Department of Transportation. A minor under this subparagraph who does not have a driver's license shall be sentenced to pay a fine of not more than \$100.

* * *

(f) Exceptions.—

* * *

(3) It is not a violation of subsection (a.1)(1) or (1.1) for a minor to purchase [or], attempt to purchase or possess a tobacco product if all of the following apply:

(i) The minor is at least 14 years of age.

(ii) The minor is an employee, volunteer or an intern with:

(A) a State or local law enforcement agency;

(B) the Department of Health or a primary contractor pursuant to Chapter 7 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act;

(C) a single county authority created pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act;

(D) a county or municipal health department; or

(E) a retailer.

(iii) The minor is acting within the scope of assigned duties as part of an authorized investigation, compliance check under subsection (g) or retailer-organized self-compliance check.

(iv) A minor shall not use or consume a tobacco product.

* * *

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Wansacz, you are recognized to explain your amendment.

Mr. WANSACZ. Thank you, Mr. Speaker.

This is the same amendment that I filed last week, Mr. Speaker, that has to do with making the possession of tobacco illegal for those under 18 years old.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is recognized. It is assumed he wants to interrogate the gentleman, Mr. Wansacz?

Mr. VITALI. No. To speak on the amendment.

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

Members, please take your seats. It is difficult to hear. Members, please take your seats.

Mr. VITALI. Thank you, Mr. Speaker.

The gentleman is right. He did offer this amendment. I believe it was last week, and that amendment was defeated by this House then, if my memory serves me.

I would, first of all, like to commend the maker of the amendment. It is an excellent, noble goal to want to prevent the use of tobacco in minors, and I agree with 80 percent of what he is doing.

The problem here and the reason for my objection is that for the fourth offense it involves a suspension of a driver's license, and I feel that it is bad public policy to suspend driving privileges for non-Vehicle Code offenses. So I will be a “no” vote on this.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the record, the Chair is advised that the amendment was tabled, not defeated. Otherwise it would be out of order.

AMENDMENT TABLED

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

The gentleman, Mr. Smith, is recognized.

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

Mr. Speaker, I would agree with the maker of this amendment and perhaps the previous speaker, as ironic as that might be. I would agree that there needs to be some corrective action with our current law relative to how we have a double standard on tobacco use and tobacco possession with minors.

I think, partly in response to the previous speaker's objections to the bill and partly in my own concerns that this is not where it needs to be, frankly, Mr. Speaker, I would urge the members— I am going to make a motion to table this amendment again. I think that there is somewhere we can go with this. I do not think this is the best bill and the proper time to do it.

As I mentioned, I agree there are some obvious inconsistencies in the way our current law works between use and possession and the disconnect there, and I do think it is something we need to address. I would simply argue, Mr. Speaker, that it would be better if we would address it in a different form in conjunction with different legislation than this bill that has to do with pretty much the gun laws of Pennsylvania, in particularly the selling of firearms.

So I am going to move, Mr. Speaker, that we table this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Moved by the gentleman, Mr. Smith, that amendment 10098 be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that question, the Chair assumes that the gentleman, Mr. DeWeese, yields to the gentleman, Mr. Wansacz. You are recognized, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I stand here again today to address this and ask this House to let us vote on this bill. We all know that we have a flaw in the law. There is no reason why— It is illegal to get caught purchasing tobacco, but it is not illegal to possess it. This is a commonsense proposal.

I hear the concerns, well, let us do a different avenue. Well, I have introduced this legislation now I believe for 4 years. Four years we have had an opportunity to have this bill in committee, to vote on it, to talk about it, to have it on the House floor. Well, it has not gotten done.

We have an obligation right now to let us not table this, to vote on it. Let us put our words where our action is. Let us say that we want to make possession of tobacco illegal, and I did it in a very commonsense proposal, a four-step process.

The first offense, again, for those of you that are paying attention, is a written warning. I am not out here trying to punish the kids. We are trying to do what is right. We are trying to fix this flaw in the law. The second offense is community service, all done by the district magistrate. The third offense is for them to complete a tobacco use prevention and cessation program, and the fourth offense, if you get caught, again, if you

get caught four times under the age of 18 for possession of tobacco, we take away your driver's license.

That is not an unreasonable approach. That is something that I believe is common sense, that is going to help stop those that are under 18 years old from getting addicted to tobacco. If it is illegal to purchase it, it should be illegal to possess it.

Let us stop hiding behind the motion to table, and let us put up the vote to move this forward.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—130

Adolph	Fabrizio	Mackereth	Ross
Allen	Fairchild	Maher	Rubley
Argall	Feese	Major	Sainato
Armstrong	Fichter	Marsico	Sather
Baker	Fleagle	McCall	Saylor
Baldwin	Flick	McGill	Schroder
Barrar	Forcier	McIlhinney	Semmel
Bebko-Jones	Gabig	McNaughton	Smith, B.
Benninghoff	Gannon	Metcalfe	Smith, S.
Beyer	Geist	Micozzie	Sonney
Birmelin	George	Millard	Stairs
Blackwell	Gillespie	Miller, R.	Steil
Blaum	Gingrich	Miller, S.	Stern
Boyd	Godshall	Mustio	Stevenson, R.
Bunt	Good	Nailor	Stevenson, T.
Buxton	Grell	Nickol	Tangretti
Caltagirone	Haluska	O'Brien	Taylor, E.Z.
Cappelli	Harhart	O'Neill	Taylor, J.
Casorio	Harper	Pallone	Tigue
Causer	Harris	Parker	True
Civera	Hasay	Payne	Turzai
Clymer	Hennessey	Petrarca	Vitali
Cornell	Herman	Petri	Watson
Crahalla	Hershey	Petrone	Wilt
Creighton	Hess	Phillips	Wojnarowski
Dally	Hickernell	Pickett	Wright
DeLuca	Kauffman	Pyle	Yewcic
Denlinger	Keller, M.	Quigley	Youngblood
DiGirolamo	Keller, W.	Rapp	Yudichak
Diven	Kenney	Raymond	Zug
Donatucci	Killion	Readshaw	
Ellis	Kirkland	Reichley	Perzel,
Evans, J.	Leh	Rohrer	Speaker

NAYS—59

Belardi	Gerber	Markosek	Santoni
Belfanti	Gergely	McGeehan	Scavello
Biancucci	Goodman	McIlhattan	Shaner
Cohen	Grucela	Melio	Shapiro
Corrigan	Hanna	Mundy	Siproth
Costa	Harhai	Pistella	Solobay
Curry	Hutchinson	Preston	Staback
Daley	Josephs	Ramaley	Sturla
Dermody	Kotik	Reed	Surra
DeWeese	Leach	Roberts	Thomas
Eachus	Lederer	Roebuck	Veon
Evans, D.	Lescovitz	Rooney	Walko
Flaherty	Levdansky	Ruffing	Wansacz
Frankel	Manderino	Sabatina	Wheatley
Freeman	Mann	Samuelson	

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 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—187

Adolph	Fichter	Maher	Ruffing
Allen	Flaherty	Major	Sabatina
Argall	Fleagle	Mann	Sainato
Armstrong	Flick	Markosek	Samuelson
Baker	Forcier	Marsico	Santoni
Baldwin	Frankel	McCall	Sather
Barrar	Freeman	McGeehan	Saylor
Bebko-Jones	Gabig	McGill	Scavello
Belardi	Gannon	McIlhattan	Schroder
Belfanti	Geist	McIlhinney	Semmel
Benninghoff	George	McNaughton	Shaner
Beyer	Gerber	Melio	Shapiro
Biancucci	Gergely	Metcalfe	Siptroth
Birmelin	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	Nailor	Steil
Cappelli	Haluska	Nickol	Stern
Casorio	Hanna	O'Brien	Stevenson, R.
Causar	Harhai	O'Neill	Stevenson, T.
Civera	Harhart	Pallone	Sturla
Clymer	Harper	Parker	Surra
Cohen	Harris	Payne	Tangretti
Cornell	Hasay	Petrarca	Taylor, E.Z.
Corrigan	Hennessey	Petri	Taylor, J.
Costa	Herman	Petrone	Thomas
Crahalla	Hershey	Phillips	Tigue
Creighton	Hess	Pickett	True
Curry	Hickernell	Pistella	Turzai
Daley	Hutchinson	Preston	Veon
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kennedy	Raymond	Wilt
DiGiroloamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak

Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Feese			

NAYS—2

Manderino	Vitali
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NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2312, PN 4386**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for specific powers of boroughs relating to emergency services.

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

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. Vitali waives off.

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—189

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

NAYS-0

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2313, PN 4387**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for specific powers relating to emergency services.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

Adolph	Fichter	Major	Sabatina
Allen	Flaherty	Manderino	Sainato
Argall	Fleagle	Mann	Samuelson
Armstrong	Flick	Markosek	Santoni
Baker	Forcier	Marsico	Sather
Baldwin	Frankel	McCall	Shaylor
Barrar	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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causer	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2314, PN 4388**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for the establishment of fire and emergency medical services.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Adolph	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
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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causar	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright

Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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.

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2738, PN 4760**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for schedule of compensation, for definitions relating to procedure and for enforcement of standards and processing of claims; providing for the Workers' Compensation Appeal Board; further providing for assignment of claims to referees, and for counsel fees; providing for an Uninsured Employers Guaranty Fund; and making a related repeal.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Allen, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman, Mr. Allen.

Members, please take your seats. Members, please take your seats. The gentleman, Mr. Allen, seeks recognition, and it is getting noisy once again.

Mr. ALLEN. Thank you, Mr. Speaker.

This bill, HB 2738, is the culmination of work not only by the members of the House here and the members of the Senate but also three major working parties or four major working parties – the Trial Lawyers Association, the Pennsylvania Bar Association, the Pennsylvania Chamber of Commerce, and NFIB (National Federation of Independent Business) and other business interests.

This is a step in reform for the workmen's compensation program in Pennsylvania by speeding up the ability of having decisions made by the judges in a quicker fashion and the

employees who are seeking workmen's compensation benefits to get a ruling.

I want to thank all the parties that have participated in this. I want to certainly thank Representative Eachus and Chairman Belfanti and all the members of the Labor Relations Committee, who have worked very hard on this bill over the last year and a half. I would also like to thank the groups, the outside groups, who have worked with us in negotiations and have brought this bill to fruition.

Thank you very much, Mr. Speaker.

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to support HB 2738. As Chairman Allen said, this is the result of good, strong bipartisan work on both sides of the aisle in the Labor Committee. And what I would like to say about this is it really moves the workmen's compensation system forward at a time when we were told, at the beginning of this reform process, that this process and this reform package could not be done.

What we did here is, we are creating the establishment of a resolution court; mandatory trial schedules; mandatory mediation on workmen's compensation; assignment of petitions concerning circuit riding so that the workmen's comp referees have to move around some portion of the time; limitations on attorney's fees, caps on attorney's fees, so that there is no gouging of workmen's comp by injured workers in Pennsylvania; and really most important for us as House Democrats is there is an Uninsured Guaranty Fund that guarantees an injured worker whose unscrupulous employer did not pay their workmen's compensation, that that injured worker is guaranteed health insurance and health care for the first time, so that when someone cheats workmen's compensation, that the injured worker does not have to pay out of their own pocket.

I have to say, Mr. Speaker, that this could not have been done without strong leadership from the chair of this committee. As we all know, Representative Bob Allen, who has been the chairman of the House Labor Committee for some years, and my chairman, Representative Bob Belfanti, have worked very closely together. We lose this session a leader in the legislature on these issues, but not without making his mark.

I have to say it has been an honor to work with Chairman Allen and the other members of the Republican and Democratic Caucuses on this reform. This moves the process forward, lowers workmen's compensation rates, caps attorney's fees, and takes care of the little guy all at the same time. I am proud of this effort, and I am asking for concurrence on HB 2738.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 469, PN 4847**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for date of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots; and limiting contributions by partnerships, limited partnerships and limited liability companies.

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

The SPEAKER pro tempore. Moved by the gentledady, Mrs. Taylor, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Frankel. The Chair thanks the gentleman, Mr. Frankel.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you.

Will the gentledady stand for brief interrogation?

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

Mr. VITALI. There is just a little bullet point in our pre-session report. I am not sure if it was dealt with on concurrence and whether it is an appropriate subject matter, but if it is, please elaborate. It involves the prohibition of partnerships, limited partnerships, and limited liability companies from making political contributions from the funds of any partner, limited partner, or member of a corporation. Are you at liberty to discuss that portion of this bill?

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

Mr. VITALI. Would you like me to repeat that?

The SPEAKER pro tempore. Mr. Vitali, would you repeat your question for the lady, Mrs. Taylor?

Mr. VITALI. The question was, could you elaborate a bit on that part of this bill that deals with the prohibition of partnerships, limited partnerships, and limited liability companies from making political contributions?

Mrs. TAYLOR. Mr. Speaker, I wonder if he could tell me specifically what he wants to know.

Mr. VITALI. You know, I probably do not have the factual basis to really ask a good question here, but I was sort of alerted by the pre-session report that it delves into that area which is potentially controversial. So if you could just thresh out a little bit as to what your bill does in that area, just maybe a primer at a basic level in that area.

Mrs. TAYLOR. We could give you a copy of our analysis.

Mr. VITALI. I am not sure it would help.

Mrs. TAYLOR. The Senate amendment clarifies that any political contribution made by a partnership, a limited partnership, or a limited liability company that is treated as a partnership for Federal tax purposes may not include any corporate funds. The Senate amendment also requires that the LLC (limited liability company) that makes a political contribution, to inform the recipient candidate or committee that the LLC is treated as a partnership for Federal tax purposes.

Mr. VITALI. Okay. Thank you.

Mrs. TAYLOR. You are welcome.

Mr. VITALI. That concludes my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman and thanks the gentledady.

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—189

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
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Shiroth
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	Gruclera	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causer	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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.

HARRISBURG LEGISLATIVE LEAVE

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. I would like to put my colleague, Todd EACHUS, on Capitol leave for an hour or so.

The SPEAKER pro tempore. The Chair thanks the gentleman. Without objection, the gentleman, Mr. Eachus, will be put on Capitol leave for 1 hour.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR C

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

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 854, PN 4867**, as further amended by the House Rules Committee:

An Act relating to confidential security information of public utilities; and imposing penalties.

On the question,

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

The SPEAKER pro tempore. Moved by the gentlady, Mrs. Rubley, that the House concur in the amendments.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—189

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
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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

SUPPLEMENTAL CALENDAR A CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1112, PN 4821**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of corrupt organizations; providing for the offense of trafficking in persons; further providing for order authorizing interception of wire, electronic or oral communications; and providing for sentencing for trafficking of persons and for criminal forfeiture.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentlady, Mrs. True, 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—189

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Please add the gentleman, Representative STAIRS, to Capitol leave.

The SPEAKER pro tempore. The Chair thanks the gentleman. Without objection, the gentleman, Mr. Stairs, is granted Capitol leave.

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1902, PN 4662**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for sunset for recycling fee and for performance grants for municipal recycling programs.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentlelady, Mrs. Rubley, 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—186

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

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

NAYS-3

Casorio	Ellis	Metcalfe
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NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2001, PN 4759**, entitled:

An Act prohibiting price gouging; and imposing penalties.

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

The SPEAKER pro tempore. Moved by the gentlelady, Mrs. Beyer, 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-189

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
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhatten	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	Gruclera	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causer	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kennedy	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnarowski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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.

STATEMENT BY MRS. BEYER

The SPEAKER pro tempore. For what purpose does the gentlelady, Mrs. Beyer, seek recognition?

Mrs. BEYER. Mr. Speaker, I just want to on final passage, please.

Just very quickly, Mr. Speaker, I would like to thank Chairman Bob Flick and Colin Fitzsimmons of the Consumer Affairs Committee, and also I would like to thank Senator Mary Jo White for commandeering this bill through the Senate.

Thank you, Mr. Speaker.
The SPEAKER pro tempore. The Chair thanks the lady.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. LEH presented the report of the committee of conference on **SB 157, PN 2206**.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2185, PN 4817**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for excluded provisions and for required financial reporting; providing for assessment of signs and sign structures; and making related repeals.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Tangretti, that the House concur in the amendments inserted by the Senate.

On that question, the gentleman, Mr. Tangretti, is recognized.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this was a Local Government Commission bill that dealt with moving the reporting dates for the financial officers of counties from July to April, and it was amended in the Senate to deal with an issue related to a Luzerne County reassessment court case that dealt with assessing billboards, and quite frankly, Mr. Speaker, I am not in a position to recommend or not recommend whether we ought to concur or not. I would defer to anybody who has an interest in this issue relative to Luzerne County or any of those aspects related thereto.

Thank you.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to the comments of the previous speaker, I believe the members should concur in this legislation. The amendment which was added in the Senate really seeks to address a situation of sort of a wild-eyed interpretation that one county in particular is trying to offer to the issue of assessment of outdoor advertising and really should be recognized that even in the court of common pleas of that particular county a judge issued an injunction, which is a rather extraordinary step, to hold in place this assessment proposal by the one county, recognizing that it is such an aberrant step. So I would caution the members that in fact this legislation would put in place the status quo and not allow some kind of aberrational interpretation of assessments for outdoor advertising, which as many of the members know is material that then can be deconstructed and set in place in another location. So it truly is defined as personal property and not realty.

The other matter I should bring to the members' attention is that if the members do not concur in this legislation, of course it

may kill the bill, which has very meritorious aspects introduced by the gentleman from Westmoreland.

And lastly, to condone the practice from the one particular county, Luzerne County, sets in place the proposition that you could have a hodgepodge of 67 different methods of assessment, not only for outdoor advertising but for a variety of outdoor structures, and I think the members should really look very, very dubiously upon that kind of a proposition.

I urge the members to concur. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker talked about a number of things going on in Luzerne County, and I will admit, readily admit, that this thing just came upon us from last week, and I do not think that what was said was entirely correct. It is true that Luzerne County is undertaking a reassessment, and they are doing an assessment and they are trying to put a tax on billboards. The way they are doing it I am not sure is the right way or wrong way, but it is now in the court of common pleas, as was mentioned earlier, and I think November 27 it will be heard so that there will be a decision made, and I do not think that is a good thing either. I think that what has to be done is the legislature, in conjunction obviously with the executive branch, must come up with a way to determine the value of these new signs, cell towers, et cetera. My understanding is that there were a couple of court cases, one in Dauphin County, here in Dauphin County, and another one in Cumberland County, regarding whether or not you can tax cell towers.

When I speak to members as well as constituents about this, I think most of us agree that these should be taxed somehow and there has to be a way to calculate the value of these. The land should be taxed as well as the structure. There seems to be a problem allowing each and every county of the 67 counties – and by the way, this bill does not apply to the first- and second-class counties; I believe they are exempt – we have to come up with a formula for doing this.

In light of that, because we are prohibiting counties, second class down, from doing this, I am not going to support the bill. I just do not have enough information, and I have not been able to get the correct response to some of the questions I have to determine whether this should be done. So I would ask that we nonconcur, take this out of the bill, and let us sit down and come up with a way that we can actually do fair, not only to the taxpayers but also to the people who own these billboards and cell towers.

Thank you, Mr. Speaker.

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

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to agree with what Representative Reichley had stated earlier. As a former chief assessor of York County and as a former member of the board of directors of the Pennsylvania Assessors' Association, this is an area that we have always seen as not a taxable area, is billboards. There are a number of taxes that those that own billboards already pay in this Commonwealth, and for a county to start singling out what it will and will not tax in 67 counties gets to be a real problem on keeping a standard that we all live by in all 67 counties.

And as I said, the precedent has been set over the last 50, 60 years that these things were not taxable. Why all of a sudden when we need money do we decide we are going to start finding new items to tax, and that is exactly what we have seen over the years with the Department of Revenue sometimes that this body has had to intercede in. Sometimes we seem to pass tax laws 30 years ago that all of a sudden we find the Department of Revenue finding new ways to tax items that were never in that legislation but yet they think they now have jurisdiction over.

This is another example of a government body who has decided they want more money, so they have decided, well, let us go find something we can tax. That is exactly what has happened here in Luzerne County. We in the General Assembly are the ones who should set what is taxed in the 67 counties, not individual counties on a county-by-county basis. This should be a statewide issue.

Thank you, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

This is a good piece of legislation, as it was before it left for the Senate. The Senate saw fit to insert the amendments that have been the subject of the conversation. And while I do agree there are questions about the ultimate way to get about levying taxes associated with billboards, cell towers, and so forth, what is clear to me is that the answer should not be derived one county at a time. These are State issues. I very much support the bill's intention of keeping the status quo until we can study these issues and make informed decisions.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton County, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I rise also to support the gentleman from Luzerne in asking the members to not concur with HB 2185. One of the distinctions with what the Senate inserted, and a lot of people are comparing it to cell towers, to site a cell tower there is very sophisticated testing that occurs to maximize the location for those facilities. With a billboard, if there is a problem with a location, they can simply unbolt it or move it if it is mobile to another location on the same road. So it is a different issue.

Can the House be at ease for a second, Mr. Speaker?

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

Mr. DALLY. Thank you, Mr. Speaker.

Just as a point of clarification, I said initially in my remarks that I concurred with the gentleman from Luzerne, but actually I do not because I used that analogy with the cell tower example. Billboards and cell towers are very different. So it is important that we concur with the Senate amendments to HB 2185. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to concur with the amendments offered in HB 2185, and I am willing to offer that concurrence from a different perspective, and that is from a PENNDOT perspective. Right now the Department of Transportation condemns a lot of property and billboards, and they condemn that property and

billboards usually for the removal of the billboard or the replacement costs of the billboard. Without this language – PENNDOT has never paid a billboard company based on the income that that billboard generates – without this language, PENNDOT could face, you know, an extremely high cost to PENNDOT with money that we currently do not have in replacing these billboards based on the income that they generate as opposed to just the cost of the replacement of the sign or removal of the sign and could have a significant impact on our Motor License Fund, and I would ask the members to support the legislation.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

And I did want to underscore the remarks of the gentleman from Northampton, Mr. Dally. He is exactly correct. I did hear a couple of members saying, what does this do about cell phone towers? This is completely separate from the assessment formula utilized for cell phone towers, which are fixed to the property. They are assessed under a different method and evaluation system because they are fixed to the realty. The outdoor advertising is different because it can be put apart and taken apart, moved from location to location. So we believe the interpretation should be that that is assessed as personal property and not realty fixed to a particular location.

And I think the gentleman from Luzerne, Mr. Tigue – with all due respect, it is his county; I understand that; I am not trying to intervene in that situation – but I think his call for a uniform system is exactly what is in place opposite what I would offer is an aberration or out-of-step interpretation offered by that county. So again, the uniformity that is sought by many of the members is achieved by maintaining the status quo. Let us not go into 67 different directions on how these things are evaluated. Have a uniform purpose, and then in the following session if there is a need to reevaluate how the outdoor advertising structures are to be assessed on a uniform basis statewide, let us reserve it for another time and another piece of legislation.

I urge the ladies and gentlemen to concur. Thank you.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I am for having everyone treated the same in the 67 counties. What this bill does is it prohibits them from taxing these billboards. Now, all of us know in this new age of technology that billboards are all different sizes, styles, whether they are electronic. They can probably use the latest screen TVs, and I have seen some of those. But let me go back to something that was said earlier about how much money is generated. That is not what is being taxed, and originally that is what I thought, was that the amount of money being generated, being paid to the lessee, is being taxed. What is happening is, to determine the value of the structure itself you look at how much money is generated in leasing or by renting, if you will, and then that determines the value of what someone is willing to pay to receive that. So you are not taxing the income, you are taxing the value of the actual structure, and that is what I think we have to be aware of.

Again, I am not saying this is the completely wrong thing to do, but I think we have to allow counties to tax property,

and some of these are not permanent structures but some of them are, and with cell towers and everything else, they have to be looked at together, I do not think separately. They are not that much different. So I would appreciate nonconcurrency.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Saylor, for the second time.

Mr. SAYLOR. Thank you, Mr. Speaker.

I want to remind people here as well that many of these billboards are located sometimes on the private property of individuals throughout this Commonwealth. Those billboards may have been there 20 years, 10 years. Many times these billboard companies are signing lease agreements for 10, 20 years at a time, and in those agreements there is no way that those individuals can recoup any— Remember, the property tax goes to the owner of the property and these people are paid so much on a monthly rent, and that rent is nowhere comparable to what these billboards may generate in income. So what you are doing by not concurring on this amendment is passing on a tax increase to your constituents in your district who may have billboards located on their property for the last 20 years.

So please be careful with your vote on this, because if you vote to nonconcur, you are definitely raising constituents in your district, their property taxes. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DALLY. Thank you, Mr. Speaker.

I rise once again to ask the House to concur in HB 2185. As Representative Saylor from York County just mentioned, this is indeed a tax increase for the property owners that have property where there are leases for the billboards.

Also, I just want to make it perfectly clear, billboards are not cell towers. Billboards are temporary structures that are erected on the land. They could be mobile, they could be temporarily affixed to the real estate, but they are not structures. They are temporary facilities. The cell tower example is really a red herring, because cell towers, as I mentioned before, require sophisticated testing for location. Billboards can move from one part of a street to another, one part of a thoroughfare to another, so they are very mobile modes of advertising.

So once again, Mr. Speaker, I ask the members to please concur with HB 2185. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—146

Adolph	Eachus	Leh	Sainato
Allen	Ellis	Lescovitz	Samuelson
Argall	Evans, D.	Levdansky	Santoni
Armstrong	Evans, J.	Maher	Saylor
Baker	Fabrizio	Mann	Scavello
Baldwin	Fairchild	Markosek	Semmel

Barrar	Feese	Marsico	Shaner
Bebko-Jones	Fichter	McCall	Shapiro
Belardi	Flaherty	McGill	Siptroth
Belfanti	Fleagle	McIlhattan	Smith, B.
Benninghoff	Flick	McNaughton	Smith, S.
Beyer	Forcier	Melio	Solobay
Biancucci	Frankel	Metcalfe	Sonney
Birmelin	Gannon	Micozzie	Staback
Blackwell	Geist	Millard	Stairs
Boyd	George	Miller, R.	Stern
Bunt	Gerber	Miller, S.	Stevenson, R.
Buxton	Gergely	Mustio	Stevenson, T.
Caltagirone	Gillespie	O'Brien	Sturla
Cappelli	Gingrich	Pallone	Surra
Casorio	Good	Payne	Tangretti
Causer	Goodman	Petrone	Taylor, E.Z.
Civera	Grucela	Phillips	Taylor, J.
Clymer	Hanna	Pickett	True
Corrigan	Harhai	Pistella	Turzai
Costa	Harhart	Preston	Veon
Crahalla	Harper	Pyle	Walko
Curry	Harris	Quigley	Wansacz
Daley	Herman	Ramaley	Wheatley
Dally	Hershey	Rapp	Wilt
DeLuca	Hess	Raymond	Wright
Denlinger	Hickernell	Reed	Yewcic
Dermody	Hutchinson	Reichley	Youngblood
DeWeese	Kauffman	Roberts	Zug
DiGirolamo	Kenney	Rohrer	
Diven	Killion	Rooney	Perzel,
Donatucci	Kotik	Ruffing	Speaker

NAYS—43

Blaum	Josephs	Mundy	Sabatina
Cohen	Keller, M.	Nailor	Sather
Cornell	Keller, W.	Nickol	Schroder
Creighton	Kirkland	O'Neill	Steil
Freeman	Leach	Parker	Thomas
Gabig	Lederer	Petrarca	Tigue
Godshall	Mackereth	Petri	Vitali
Grell	Major	Readshaw	Watson
Haluska	Manderino	Roebuck	Wojnaroski
Hasay	McGeehan	Ross	Yudichak
Hennessey	McIlhinney	Rubley	

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2670, PN 4849**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; and, in child protective services, further providing for definitions, further providing for release of information in confidential reports, providing for citizen review panels, further providing for reports; and providing for mandatory reporting of substance abuse births.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Kauffman, that the House concur in the amendments inserted by the Senate.

On that question, the gentleman, Mr. Kauffman, is recognized.

Mr. KAUFFMAN. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman suspend. Members, please take your seats.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

I am glad to see that HB 2670, which thankfully was passed by this House in a unanimous fashion a few weeks ago, is now being brought back up after having some small but important amendments added by the Senate.

A couple of those amendments. The first would clarify the duties of the child death review panels, and the second would require the reporting of child deaths on a quarterly basis rather than an annual basis. These are both good additions to this CAPTA (Child Abuse Prevention and Treatment Act) legislation, and I would appreciate your affirmative vote as we try to move forward and bring Pennsylvania into CAPTA compliance and do better for all the young people of our Commonwealth, because we owe it to them.

Thank you very much, Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—189

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
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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causer	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C CONTINUED

BILLS ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2134, PN 4868**, as further amended by the House Rules Committee:

An Act limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and further providing for duties of the Department of Transportation.

On the question,

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Fairchild, that the House concur in the amendments.

On that question, the Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The concurrence vote before us now is concurrence on amendments in the House Rules Committee this afternoon. I wonder if anybody could stand and explain the amendments that the House Rules Committee inserted on top of the Senate amendments.

The SPEAKER pro tempore. The gentleman, Mr. Fairchild, has agreed to answer your questions. Mr. Fairchild, you are in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker. I am just looking for that exact language.

The amendment that was added in the Rules Committee was a clarification amendment, and it was requested by the Department of Public Welfare just to make sure that we were in compliance with the Federal regulations of the Social Security Act.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

* * *

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2282, PN 4869**, as further amended by the House Rules Committee:

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 hotel occupancy tax, for definitions and for imposition of tax, and in personal income tax, for classes of income; and making repeals relating to the hotel occupancy tax.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Sather, that the House concur in the amendments.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Similar to the last bill, I ask if someone could describe for the public record what the House Rules Committee added to this bill this afternoon.

The SPEAKER pro tempore. The gentleman, Mr. Sather, has agreed to answer your questions, Mr. Samuelson, and Mr. Sather, you are in order and may proceed.

Mr. SATHER. Thank you, Mr. Speaker.

The amendment that was inserted in the Rules Committee amends the hotel occupancy tax provision of the Tax Reform Code of 1971 to clarify that the State hotel occupancy tax and local hotel room taxes would not apply to the fee, that if you use an intermediary to rent a room, it does not apply to that, only to the hotel rate itself. That is the only change.

Mr. SAMUELSON. Mr. Speaker, to continue my interrogation. The bill itself is about exempting members of the Pennsylvania National Guard from State income tax on their emergency pay. Is that correct?

Mr. SATHER. That is correct.

Mr. SAMUELSON. Does the hotel tax provision that you just cited have anything to do with the National Guard?

Mr. SATHER. No, it does not, but it is a tax code bill. It is a tax code bill.

Mr. SAMUELSON. Is there separate legislation to address the hotel tax in the manner in which you just spoke?

Mr. SATHER. It is not my amendment. I did not offer the amendment. There is no separate legislation that we are aware of.

Mr. SAMUELSON. Would this affect all counties with hotel taxes?

Mr. SATHER. Yes, it would, all counties that have enacted it.

Mr. SAMUELSON. Was there any discussion or debate in the House Rules Committee this afternoon?

Mr. SATHER. I cannot answer that. I was not in the meeting. I am not a member of the Rules Committee. You would have to ask that question of someone else.

Mr. SAMUELSON. Was there anyone in attendance at the meeting of the House Rules Committee this afternoon? Was it a meeting on the House floor, at the majority leader's desk?

The SPEAKER pro tempore. That is not a proper question, Mr. Samuelson, for the gentleman, Mr. Sather. He has already answered that he was not present.

Mr. SAMUELSON. Then let me ask again if someone could describe exactly how this changes the hotel tax in an amendment that is added to a bill about trying to exempt the National Guard from the income tax.

The SPEAKER pro tempore. Mr. Samuelson, the gentleman, Mr. Godshall, has agreed to try and clarify and answer your question.

Mr. SAMUELSON. Thank you.

It looks like the language regarding the hotel tax is 1 or 2 pages long, inserted very quickly by the House Rules Committee this afternoon. I just ask for an explanation of exactly what this does to the hotel tax across Pennsylvania.

Mr. GODSHALL. Mr. Speaker, you know, what this amendment does, it is a tax code bill, it is a tax code amendment, and what it does, it establishes that the taxable price that can be charged by a municipality applies only to the room rate itself. In essence, say you go to Orbitz and you order a hotel room and the hotel is paid, say, a hundred bucks for that room. Then your hotel tax would apply for the \$100, and Orbitz then puts their own fee on top of it for doing that service for you. So what has been happening on a couple of occasions, and it is not in Pennsylvania. This does not affect anybody but in L.A. and Chicago. It does not affect anybody in Pennsylvania at this point, but it is spreading. What some of the cities have tried to do is apply the hotel tax not only to the room but also to the fee that is on top, and this says that the hotel tax is for the room, which is what the intent of the hotel tax was every time that we dealt with the hotel tax. It is based on the actual hotel room and what is paid to the hotel.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I appreciate the gentleman, Mr. Godshall's explanation of the impact of this legislation. I wish we would have a chance to vote on standalone legislation which would do what the gentleman suggested. It seems like we are mixing two different subjects in one bill when this House chooses to insert amendments through the House Rules Committee. Today before us, this is the one choice we have. I would prefer a system where we reform the House Rules Committee to not allow amendments not on the same subject to be added. But I appreciate the explanation; I appreciate your description of what this would do prospectively in Pennsylvania.

Thank you, Mr. Speaker.

Mr. GODSHALL. Thank you, and as I said, I assure you that this does not affect anybody in Pennsylvania at the present time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—189

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
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhattan	Semmel
Belfanti	Geist	McIlhinney	Shaner
Benninghoff	George	McNaughton	Shapiro
Beyer	Gerber	Melio	Siproth
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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causar	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewwic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who has a request for Capitol leave.

Mr. ARGALL. Thank you, Mr. Speaker.

Please add the gentleman, Mr. ALLEN, and the gentleman, Mr. PHILLIPS, to the Capitol leave list.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the gentlemen will be added to the master leave list.

MOTION INSISTING UPON AMENDMENTS

Mr. S. SMITH moved that the House insist upon its amendments nonconcurrent in by the Senate to SB 1222, PN 1963, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER pro tempore. The Chair appoints as a committee of conference on the part of the House on SB 1222, PN 1963:

Messrs. BIRMELIN, BALDWIN, and McCALL.
Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2047, PN 2824**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

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

Mr. **GODSHALL** offered the following amendment No. **A08082**:

Amend Sec. 1 (Sec. 9712), page 1, line 15, by striking out all of said line and inserting

(1) Be sentenced, notwithstanding any other provision of this title or other statute to the contrary, to a minimum sentence of at least five years of total confinement, if the person visibly possessed a firearm or a

Amend Sec. 1 (Sec. 9712), page 2, line 1, by inserting an underscored period after "offense"

Amend Sec. 1 (Sec. 9712), page 2, line 1, by inserting a bracket before the comma after "offense"

Amend Sec. 1 (Sec. 9712), page 2, line 4, by inserting a bracket after "contrary."

Amend Sec. 1 (Sec. 9712), page 2, lines 5 through 8, by striking out all of said lines and inserting

(2) Be sentenced, notwithstanding any other provision of this title or other statute to the contrary, to a minimum sentence of at least seven years of total confinement, if the person:

(i) discharged a firearm during the commission of the offense; or

(ii) during the commission of the offense, visibly possessed a firearm that the person knew or had reason to know was stolen or had been sold, delivered or transferred in violation of 18 Pa.C.S. § 6111 (relating to sale or transfer of firearms).

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

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

Mr. GODSHALL. Thank you, Mr. Speaker.

What this amendment does is adds to the bill; it was at the suggestion of three members of the Judiciary Committee. Representative Vitali, Representative Pallone, and Representative Gabig, I believe, mentioned in committee and it deals with, the amendment itself imposes a mandatory minimum prison sentence of 7 years for someone who during a crime of violence either discharges a firearm or possesses a firearm which he knew was stolen, and we also added on here with this amendment or illegally purchased or transferred. I do this at the suggestion of some of the members, and I would appreciate a favorable vote.

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—188

Adolph	Fichter	Major	Ruffing
Allen	Flaherty	Manderino	Sabatina
Argall	Fleagle	Mann	Sainato
Armstrong	Flick	Markosek	Samuelson
Baker	Forcier	Marsico	Santoni
Baldwin	Frankel	McCall	Sather
Barrar	Freeman	McGeehan	Saylor
Bebko-Jones	Gabig	McGill	Scavello
Belardi	Gannon	McIlhattan	Schroder
Belfanti	Geist	McIlhinney	Semmel
Benninghoff	George	McNaughton	Shaner
Beyer	Gerber	Melio	Shapiro
Biancucci	Gergely	Metcalfe	Siptroth
Birmelin	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	Nailor	Steil
Cappelli	Haluska	Nickol	Stern
Casorio	Hanna	O'Brien	Stevenson, R.
Causer	Harhai	O'Neill	Stevenson, T.
Civera	Harhart	Pallone	Sturla

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

NAYS-1

Vitali

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-188

Adolph	Fichter	Major	Ruffing
Allen	Flaherty	Manderino	Sabatina
Argall	Fleagle	Mann	Sainato
Armstrong	Flick	Markosek	Samuelson
Baker	Forcier	Marsico	Santoni
Baldwin	Frankel	McCall	Sather
Barrar	Freeman	McGeehan	Saylor
Bebko-Jones	Gabig	McGill	Scavello
Belardi	Gannon	McIlhattan	Schroder
Belfanti	Geist	McIlhinney	Semmel
Benninghoff	George	McNaughton	Shaner

Beyer	Gerber	Melio	Shapiro
Biancucci	Gergely	Metcalfe	Siptroth
Birmelin	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	Nailor	Steil
Cappelli	Haluska	Nickol	Stern
Casorio	Hanna	O'Brien	Stevenson, R.
Causer	Harhai	O'Neill	Stevenson, T.
Civera	Harhart	Pallone	Sturla
Clymer	Harper	Parker	Surra
Cohen	Harris	Payne	Tangretti
Cornell	Hasay	Petrarca	Taylor, E.Z.
Corrigan	Hennessey	Petri	Taylor, J.
Costa	Herman	Petrone	Thomas
Crahalla	Hershey	Phillips	Tigue
Creighton	Hess	Pickett	True
Curry	Hickernell	Pistella	Turzai
Daley	Hutchinson	Preston	Veon
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher		Speaker

NAYS-1

Vitali

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2420, PN 3477**, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power.

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—163

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

NAYS—26

Causser	Grell	Metcalfe	Reichley
Creighton	Herman	Mustio	Rohrer
Denlinger	Hess	Phillips	Saylor
Ellis	Hutchinson	Pyle	Sonney
Fairchild	Keller, M.	Quigley	Stern
Forcier	Mackereth	Rapp	Stevenson, R.
Gillespie	Maher		

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2696, PN 4732**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, providing for the Uniform Construction Code Advisory Council.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A10072**:

Amend Title, page 1, line 6, by removing the period after "COUNCIL" and inserting

; and further providing for penalties.

Amend Bill, page 8, by inserting between lines 7 and 8

Section 2. Section 903 of the act is amended to read:

Section 903. Penalties.

(a) Violation of act.—Except as otherwise provided under subsection (c):

(1) Any individual, firm or corporation that violates any provision of this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs.

(2) Each day that a violation of this act continues shall be considered a separate violation.

(b) Disposition of penalties.—The amount of the penalty shall be forwarded to the entity with enforcement jurisdiction.

(c) First time offense involving residential property.—If any individual, firm or corporation violates any provision of this act as a first violation and the violation involves a repair or improvement to residential property that does not exceed \$5,000 and does not threaten public health or safety, the individual, firm or corporation shall, upon conviction, receive a warning notice indicating the amount of fines that may be imposed for any subsequent violation of this act.

Amend Sec. 2, page 8, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, Mr. Steil, are you seeking recognition? The gentleman, Mr. George, has waived off.

Those in favor of the amendment will vote "aye"; those opposed, "no." Members will proceed— Strike that.

The gentleman, Mr. Steil, is seeking recognition and is recognized.

Mr. STEIL. I am sorry, Mr. Speaker. I thought you meant by waived off, he had dropped the amendment.

I am going to ask the members to oppose this amendment for the simple reason that while we would not disagree that for residential properties the first violation would be subject to a warning, it is my opinion that for firms or corporations who are in the business of construction, that it is their responsibility to know the requirements of the Uniform Construction Code and,

as a result, should not be exempted from fines and penalties. So with that recommendation, I would ask for a negative vote on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. George.

Mr. GEORGE. Mr. Speaker, I do not know what all the confusion is about. It basically allows for a written warning showing the amount of fine that may be imposed for subsequent violations if it is a first-time offense involving repair or improvement on residential property. I think too long we have been sitting here during this session, just pour into that the taxpayers and the consumers. I see nothing wrong that if an individual without any specific intent starts an improvement or has somebody start without permission, a warning is sufficient. If he does it the second time, then fine him. I do not know what is the matter with these people of today. They believe that there is only one significant matter, and that is for those that are at the top or those that are furnishing the service. I think we ought to remember that the people that are paying, our people, outnumber those few that are pushing to eliminate this. So I would ask that we consider this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Steil, for the second time.

Mr. STEIL. Thank you, Mr. Speaker.

I would concur with the gentleman if his amendment had ended at the words "any individual," but it does not. It says "Any individual, firm or corporation..." people who are in the business of construction, renovation, whose responsibility it is to know the requirements of the Uniform Construction Code.

Again, I ask for a negative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-114

Barrar	Fabrizio	Lederer	Ruffing
Bebko-Jones	Fairchild	Lescovitz	Sabatina
Belardi	Flaherty	Levdansky	Sainato
Belfanti	Forcier	Manderino	Samuelson
Beyer	Frankel	Mann	Santoni
Biancucci	Freeman	Markosek	Saylor
Blackwell	Gabig	McCall	Shaner
Blaum	George	McGeehan	Shapiro
Boyd	Gerber	McIlhattan	Siproth
Buxton	Gergely	McNaughton	Smith, B.
Caltagirone	Goodman	Melio	Solobay
Casorio	Grucela	Metcalfe	Staback
Causer	Haluska	Mundy	Stevenson, R.
Cohen	Hanna	Pallone	Sturla
Corrigan	Harhai	Parker	Surra
Costa	Harhart	Petrarca	Tangretti
Creighton	Harper	Petrone	Thomas
Curry	Harris	Phillips	Tigue
Daley	Hasay	Pistella	True
Dally	Herman	Preston	Veon
DeLuca	Hershey	Ramaley	Vitali
Denlinger	Hess	Rapp	Walko
Dermody	Hickernell	Raymond	Wansacz

DeWeese	Hutchinson	Readshaw	Wheatley
Diven	Josephs	Roberts	Wojnaroski
Donatucci	Keller, W.	Roebuck	Yewcic
Eachus	Kirkland	Rohrer	Youngblood
Ellis	Kotik	Rooney	Yudichak
Evans, D.	Leach		

NAYS-75

Adolph	Gannon	Micozzie	Scavello
Allen	Geist	Millard	Schroder
Argall	Gillespie	Miller, R.	Semmel
Armstrong	Gingrich	Miller, S.	Smith, S.
Baker	Godshall	Mustio	Sonney
Baldwin	Good	Nailor	Stairs
Benninghoff	Grell	Nickol	Steil
Birmelin	Hennessey	O'Brien	Stern
Bunt	Kauffman	O'Neill	Stevenson, T.
Cappelli	Keller, M.	Payne	Taylor, E.Z.
Civera	Kenney	Petri	Taylor, J.
Clymer	Killion	Pickett	Turzai
Cornell	Leh	Pyle	Watson
Crahalla	Mackereth	Quigley	Wilt
DiGirolamo	Maher	Reed	Wright
Evans, J.	Major	Reichley	Zug
Feese	Marsico	Ross	
Fichter	McGill	Rubley	Perzel,
Fleagle	McIlhinney	Sather	Speaker
Flick			

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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 2897, PN 4664**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service.

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

Mr. **BENNINGHOFF** offered the following amendment No. **A10096**:

Amend Bill, page 1, lines 12 through 16; page 2, lines 1 through 20, by striking out all of said lines on said pages and inserting

(2) An active member on paid leave granted by an employer for purposes of serving as an elected full-time officer for a Statewide employee organization which is a collective bargaining representative under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, or the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, and not more than 14 full-time business agents appointed by an employee organization that represents correction officers employed at State correctional institutions: Provided, That for elected full-time officers such leave shall not be for more than three consecutive terms of the same office and for the 14 full-time business agents appointed by an employee organization that represents correction officers employed at State correctional institutions no more than three consecutive terms of the same office; that the employer shall fully compensate the member, including, but not limited to, salary, wages, pension and retirement contributions and benefits, other benefits and seniority, as if he were in full-time active service; and that the Statewide employee organization shall fully reimburse the employer for all expenses and costs of such paid leave, including, but not limited to, contributions and payment in accordance with sections 5501, 5505.1 and 5507, if the employee organization either directly pays, or reimburses the Commonwealth or other employer for, contributions made in accordance with section 5507.

* * *

Section 2. The amendment of 71 Pa.C.S. § 5302(b)(2) shall apply only to leaves of absence approved after December 31, 2006, for active members who are appointed as the business agents identified in section 5302(b)(2).

Section 3. This act shall take effect January 1, 2007.

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

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

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

This is a technical amendment that I would appreciate the members' consideration.

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

(Members proceeded to vote.)

VOTE STRICKEN

The **SPEAKER** pro tempore. The clerk will strike the vote.

For what purpose does the gentleman, Mr. Benninghoff, rise?

Mr. **BENNINGHOFF**. I need a suspension of the rules. There was a small technical amendment that needs to be added to correct this, actually replace this amendment, No. A10213.

AMENDMENT WITHDRAWN

The **SPEAKER** pro tempore. Mr. Benninghoff, are you withdrawing then amendment 10096?

Mr. BENNINGHOFF. Yes, sir, and replacing it with the one I just stated.

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

RULES SUSPENDED

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

Mr. BENNINGHOFF. Mr. Speaker, I move for the immediate suspension of the rules for consideration of amendment 10213.

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

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This just tightens the language a little bit and puts into the statute that this will be for no more than 14 full-time business agents of the corrections officers union, and I would appreciate the members' support. It is just a technical amendment to correct that original one.

Thank you very much.

The SPEAKER pro tempore. On suspension, those in favor of suspension will vote "aye"; those opposed, "no." Does the gentleman, Mr. DeWeese, seek recognition?

Mr. DeWEESE. Thank you, Mr. Speaker.

Is there an actuarial note for the Benninghoff amendment?

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

Mr. BENNINGHOFF. Yes, there is. There is no fiscal impact adversely affecting the Commonwealth, and I will be glad to drop a copy off to the minority leader.

The SPEAKER pro tempore. If the gentleman will do so, I think that will satisfy the gentleman, Mr. DeWeese.

Mr. BENNINGHOFF. I will bring him two copies.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. BENNINGHOFF. Thank you.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

Mr. BENNINGHOFF offered the following amendment No. **A10213**:

Amend Bill, page 1, lines 12 through 16; page 2, lines 1 through 20, by striking out all of said lines on said pages and inserting

(2) An active member on paid leave granted by an employer for purposes of serving as an elected full-time officer for a Statewide employee organization which is a collective bargaining representative under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, or the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, and up to 14 full-time business agents appointed by an employee organization that represents correction officers employed at State correctional institutions: Provided, That for elected full-time officers such leave shall not be for more than three consecutive terms of the same office and for up to 14 full-time business

agents appointed by an employee organization that represents correction officers employed at State correctional institutions no more than three consecutive terms of the same office; that the employer shall fully compensate the member, including, but not limited to, salary, wages, pension and retirement contributions and benefits, other benefits and seniority, as if he were in full-time active service; and that the Statewide employee organization shall fully reimburse the employer for all expenses and costs of such paid leave, including, but not limited to, contributions and payment in accordance with sections 5501, 5505.1 and 5507, if the employee organization either directly pays, or reimburses the Commonwealth or other employer for, contributions made in accordance with section 5507.

* * *

Section 2. The amendment of 71 Pa.C.S. § 5302(b)(2), insofar as it relates to business agents appointed by an employee organization representing correction officers at State correctional institutions, shall apply only to leaves of absence approved after December 31, 2006, for active members who are appointed as the business agents identified in section 5302(b)(2).

Section 3. This act shall take effect January 1, 2007.

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

Mr. DeWEESE. Mr. Speaker?
The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. I am not certain that this is a calamitous moment, but I am told by senior staff that what we have is a fiscal note rather than an actuarial note, and I just wanted that to be made for the record.

The SPEAKER pro tempore. The gentleman is correct, and the Chair thanks the gentleman.

Without an actuarial note, we cannot—

PARLIAMENTARY INQUIRY

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

Mr. MAHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MAHER. It is my understanding when we act to consider an amendment under suspension of the rules for the immediate consideration, that one of the rules which is suspended is the rule requiring the actuarial note. Am I correct, or am I misunderstanding?

The SPEAKER pro tempore. The Chair is under the advisement that the gentleman has the wrong understanding and this is a statutory requirement.

Mr. MAHER. It is a statutory requirement?

The SPEAKER pro tempore. And it cannot be suspended.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. The actuarial note is in our hands, and we can proceed.

Thank you very much for your indulgence, Mr. Speaker, and, Mr. Benninghoff.

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. O'Brien.

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

I rise to offer an amendment, A10124.

The SPEAKER pro tempore. Will the gentleman kindly submit his amendment to the desk. We are not in receipt of it.

The Chair recognizes the gentleman, Mr. O'Brien, who moves for an immediate suspension of the rules for consideration of amendment—

Mr. O'BRIEN. Mr. Speaker, the amendment is timely filed.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time.

On the question recurring,

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

RULES SUSPENDED

The SPEAKER pro tempore. Mr. O'Brien, our records indicate that the amendment was filed on Friday, which reflects that it was not actually filed on time. So the question, Mr. O'Brien, are you seeking suspension of the rules for consideration of your amendment?

Mr. O'BRIEN. If that is the ruling of the Chair, yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, I move for an immediate suspension of the rules for consideration of A10124.

On the question,

Will the House agree to the motion?

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

Mr. VITALI. I wonder if we could have a description of the amendment prior to voting on the suspension.

The SPEAKER pro tempore. Will the gentleman, Mr. O'Brien, give a brief description? He has agreed and may proceed.

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

Very simply, we have—

The SPEAKER pro tempore. Members— Will you suspend, Mr. O'Brien. Thank you.

Members will please take their seats. Members, please take your seats. Thank you.

You may proceed, Mr. O'Brien.

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

In the city of Philadelphia, we have members of the minor judiciary that are known as bail commissioners. When we created those positions, we erroneously, in the Legislative Reference Bureau, put them in the wrong retirement classification. We have subsequently corrected that. We have taken them from Class AA to E-2, but again, that language was deficient in giving those individuals the same treatment that we do all members of, all judicial officers, which means they have credit for the time that they have earned, and it is a very simple amendment. I have an actuarial note, and I have a fiscal note.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

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
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McLhattan	Semmel
Belfanti	Geist	McLhinney	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	Nailor	Stern
Cappelli	Haluska	Nickol	Stevenson, R.
Casorio	Hanna	O'Brien	Stevenson, T.
Causar	Harhai	O'Neill	Sturla
Civera	Harhart	Pallone	Surra
Clymer	Harper	Parker	Tangretti
Cohen	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Thomas
Costa	Herman	Petrone	Tigue
Crahalla	Hershey	Phillips	True
Creighton	Hess	Pickett	Turzai
Curry	Hickernell	Pistella	Veon
Daley	Hutchinson	Preston	Vitali
Dally	Josephs	Pyle	Walko
DeLuca	Kauffman	Quigley	Wansacz
Denlinger	Keller, M.	Ramaley	Watson
Dermody	Keller, W.	Rapp	Wheatley
DeWeese	Kenney	Raymond	Wilt
DiGirolamo	Killion	Readshaw	Wojnaroski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Bastian	Gruitza	Maitland	Rieger
Bishop	James	Myers	Waters
Cawley	LaGrotta	Oliver	Williams
Cruz			

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.

HARRISBURG LEGISLATIVE LEAVE

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Please place the gentleman, Mr. ZUG, on Capitol leave; the gentleman, Mr. MICOZZIE, and the gentleman, Mr. MCGILL, on leave.

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

CONSIDERATION OF HB 2897 CONTINUED

On the question recurring,

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

Mr. O'BRIEN offered the following amendment No. **A10124**:

Amend Title, page 1, line 3, by removing the period after "service" and inserting

and for classes of service.

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

Section 1. Sections 5302(b)(2) and 5306(b) of Title 71 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Bill, page 2, by inserting between lines 19 and 20 § 5306. Classes of service.

(b) Other class membership.—

(1) A State employee who is a member of a class of service other than Class A on the effective date of this part shall retain his membership in that class until such service is discontinued; any service thereafter shall be credited as Class A service, Class AA service or Class D-4 service as provided for in this section.

(2) Notwithstanding any other provision of this section, a State employee who is appointed bail commissioner of the Philadelphia Municipal Court under 42 Pa.C.S. § 1123(a)(5) (relating to jurisdiction and venue) may, within 30 days of the effective date of this sentence or within 30 days of his initial appointment as a bail commissioner, whichever is later, elect Class E-2 service credit for service performed as a bail commissioner [after the effective date of this sentence]. This class of service multiplier for E-2 service as a bail commissioner shall be 1.5.

Section 2. Notwithstanding any other provision of law, the liability for any additional benefits established by the amendment of 71 Pa.C.S. § 5306(b) shall be funded in equal dollar annual payments over a period of ten years commencing July 1, 2007.

Section 3. The amendment of 71 Pa.C.S. § 5306(b) shall apply retroactively to January 26, 2004.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting
4

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

The following roll call was recorded:

YEAS—174

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

NAYS—13

Benninghoff	Gillespie	Miller, R.	Sather
Creighton	Mackereth	Nailor	Saylor
Fairchild	Metcalfe	Payne	Wilt
Forcier			

NOT VOTING—0

EXCUSED—15

Bastian	Gruitza	McGill	Rieger
Bishop	James	Micozzie	Waters
Cawley	LaGrotta	Myers	Williams
Cruz	Maitland	Oliver	

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 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—183

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

Ellis	Leh	Ross	Zug
Evans, D.	Lescovitz	Rubley	
Evans, J.	Levdansky	Ruffing	Perzel,
Fabrizio	Mackereth	Sabatina	Speaker
Fairchild			

NAYS—4

Forcier	Gillespie	Metcalf	Rohrer
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NOT VOTING—0

EXCUSED—15

Bastian	Gruitza	McGill	Rieger
Bishop	James	Micozzie	Waters
Cawley	LaGrotta	Myers	Williams
Cruz	Maitland	Oliver	

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.

CALENDAR CONTINUED

RESOLUTION

Mr. GANNON called up **HR 824, PN 4663**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to undertake a review of the existing Federal and State statutory and regulatory authority as it relates to the oversight of freight and passenger rail transportation systems in this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION PASSED OVER

The SPEAKER pro tempore. HR 824 is over for the day.

The Chair is in receipt of a reconsideration motion for HB 2420, which will be considered at a later date.

FINANCE COMMITTEE MEETING

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

Mr. LEH. To announce a committee meeting, Mr. Speaker.

The House Finance Committee will meet immediately upon the call of the break in the rear of the House chamber.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Immediately upon the break the Finance Committee will meet at the rear of the House.

STATEMENT BY MRS. TAYLOR**REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

First, I would like to, before I make the caucus announcement, I would like to thank Representative Clymer and his staff, particularly Susan Boyle, for their help in passing my Election Code bill.

Now for the caucus. There will be an informal and a formal caucus immediately on the call of recess.

The SPEAKER pro tempore. The Chair thanks the lady.

INSURANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Wright, for an announcement.

Mr. WRIGHT. With the members' attention, there will be an Insurance Committee meeting immediately at the break at the rear of the hall; an Insurance Committee meeting immediately at the break.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Insurance Committee will meet in the rear of the hall at the break.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a caucus announcement, but first I would like to know your plans for this evening.

The SPEAKER pro tempore. We are going to caucus.

Mr. COHEN. Do we expect to come back from caucus tonight?

The SPEAKER pro tempore. That will be determined in caucus.

Mr. COHEN. Okay. Well, in that case, Mr. Speaker, we will have a Democratic caucus, which will largely or entirely be informal discussions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, for an announcement.

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

I would like to remind the members of the Judiciary Committee that we are reconvening in room 50, G-50 of the Irvis Office Building immediately upon the declaration of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Judiciary Committee will be meeting in room G-50 of the Irvis Office Building at the recess.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 876, PN 4682**

By Rep. FAIRCHILD

A Resolution urging the Government of Turkey to cease its discrimination of the Ecumenical Patriarchate, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate.

INTERGOVERNMENTAL AFFAIRS.

The SPEAKER pro tempore. Let the record reflect that the gentleman, Mr. Maher, is withdrawing his motion for reconsideration of HB 2420.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 451, PN 1812**

By Rep. HERSHEY

An Act amending the act of June 30, 1987 (P.L.163, No.16), known as the Rural Pennsylvania Revitalization Act, further providing for board of directors and for grants.

AGRICULTURE AND RURAL AFFAIRS.**PARLIAMENTARY INQUIRY**

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

Mr. LESCOVITZ. Thank you.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LESCOVITZ. Mr. Speaker, earlier in the day the majority leader made a motion to table an amendment to a House bill, and my question really deals – there are two parts – one with rule 59 and one with rule 60. I know we have a tabled calendar where you can table a bill and then recall it, dealing with, I guess it is rule No. 60, motion to take from the table. So my first question is, after the motion passed to table the amendment, where does it go? I do not know of any tabled calendar for amendments. So where does the amendment go if there is not a tabled calendar for amendments?

The SPEAKER pro tempore. Since the amendment was attached to the bill and the bill is no longer in our possession, it is in effect null and void.

Mr. LESCOVITZ. Mr. Speaker, that was not my question. My question was a parliamentary inquiry, and it was not related to a specific piece of legislation. My question was, when you table an amendment, where does that amendment go? Under rule 60, a tabled bill goes to a tabled bill calendar and you can recall it. So my question is, where does the tabled amendment go to so that you could recall it, and how would you recall it?

The SPEAKER pro tempore. As long as we are considering the bill, the bill can be taken off the table.

Mr. LESCOVITZ. Mr. Speaker, I was not talking about a bill.

The SPEAKER pro tempore. However, once the bill—

Mr. LESCOVITZ. I am talking about an— Maybe I did not make myself clear. The motion was to table an amendment. Under our rules, there is a provision under rule 60 and rule 59 to lay, may lay the amendment or the bill on the table for the tabled calendar to be called back at a later time under rule 60. Where does an amendment go that you could recall it later under rule 59? I do not know of a tabled amendment calendar. I have been here long enough; I know there is a tabled calendar for bills, but I do not know of a tabled calendar for amendments.

The SPEAKER pro tempore. The answer is, there is no tabled amendment calendar.

Mr. LESCOVITZ. So where, Mr. Speaker, then, where does that amendment go after the motion to table the amendment?

The SPEAKER pro tempore. It depends.

Mr. LESCOVITZ. Depends on what?

The SPEAKER pro tempore. This is what we were trying to explain to you earlier, if the bill is still in our possession, then it can be recalled and the amendment can be called with it—

Mr. LESCOVITZ. Mr. Speaker, where would it be recalled from?

The SPEAKER pro tempore. —but the Parliamentarian maintains a file of all the amendments, tabled amendments.

Mr. LESCOVITZ. The amendment is sent where, again, Mr. Speaker – that was not clear to me – so that it could be recalled to that particular bill?

The SPEAKER pro tempore. The Chair requests the gentleman to approach the dais.

Mr. LESCOVITZ. One other question related to that, it deals with rule 59, and it says, in the second sentence, when you lay a motion, it “...carries with it the main question and all other pending questions....” So my other inquiry is, if you are tabling an amendment, does the bill not automatically, since it is one of the other pending questions related to the tabling motion?

Mr. Speaker, with my parliamentary inquiry, I am not too concerned with getting an answer tonight. If you and the Parliamentarian want to think upon the correct response, I would be more than willing to wait until tomorrow. It is up to you.

The SPEAKER pro tempore. The Chair has been advised by the Parliamentarian that we have the answer now and would be glad to share it with you.

Would the gentleman please come to the desk.

PARLIAMENTARY INQUIRY

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

Mr. SAMUELSON. A parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman suspend. We are already dealing with one inquiry. Is it the same one? If it is, you are welcome to join us here.

Mr. SAMUELSON. It is a follow-up inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. SAMUELSON. Earlier in response to Mr. Lescovitz’s parliamentary inquiry about what happens to the amendments that are tabled, and I believe the Chair said that if the bill is still in our possession, it could be brought back up, but if the bill has already passed, those amendments that have been tabled are null and void. I know we have been having a lot of motions to table this legislative session. I ask if it is the ruling of the Chair that a vote to table an amendment is equivalent to a vote to

defeat an amendment, if it in effect makes the amendment null and void?

The SPEAKER pro tempore. No; they are different.

Mr. SAMUELSON. What is the difference, for the record, if an amendment is tabled and then it is null and void a few minutes later, what is the difference between the vote to table and the vote to defeat an amendment? I know this is a new legislative procedure that has been used this session.

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. SAMUELSON. Okay.

The SPEAKER pro tempore. A prime example is what happened today with the gentleman, Mr. Wansacz’s amendment.

Mr. SAMUELSON. That a number of members— Oh, I am sorry.

The SPEAKER pro tempore. His amendment regarding tobacco was tabled last week, and it was allowed to be brought up again today. If it had been defeated, then it would not have been permitted, but that was not the case. It was a motion for table.

Mr. SAMUELSON. So that amendment that Mr. Wansacz offered, amendment 10098, 130 members of this House voted to table it, yet a few minutes later, that amendment is null and void. Does that mean those 130 members also voted to defeat the amendment in their vote to table?

The SPEAKER pro tempore. They voted to table it, not to defeat it, Mr. Samuelson, so that is why it was appropriate to be reconsidered again today.

Mr. SAMUELSON. But that amendment, 10098, cannot be brought up again to that particular bill, which has now already passed the House and left the House?

The SPEAKER pro tempore. That is correct, but the exact same language can be brought up on another bill.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. Samuelson.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2697, PN 4107

By Rep. WRIGHT

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for legislative findings and intent, for definitions, for children’s health care, for outreach and for payor of last resort and insurance coverage; providing for Federal waivers; and making a related repeal.

INSURANCE.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2697 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2697 be recommitted to the Appropriations Committee.

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

RECESS

The SPEAKER pro tempore. This House stands in recess until 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****CALENDAR CONTINUED****BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 583, PN 1990**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses, for the offense of endangering welfare of children and for the offense of unsworn falsification to authorities.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that Senate bill No. 583, PN 1990, be recommitted to the Committee on Rules.

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 3029, 4800 By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for no limitation applicable.

JUDICIARY.

HB 3068, PN 4876 By Rep. O'BRIEN

An Act establishing and providing for the administration of the Commonwealth Officer Program and the Commonwealth Officer Fund; providing for duties of the Office of Attorney General; lapsing certain funds; and making an appropriation.

JUDICIARY.

SB 1331, PN 2166 By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales and use tax.

FINANCE.

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, Mr. Gerber, from Montgomery.

Mr. GERBER. Mr. Speaker, I move that this House do now recess until Tuesday, October 24, 2006, at 12:10 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 12:09 p.m., e.d.t., Tuesday, October 24, 2006, the House recessed.