

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 13, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 65

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

O Lord, my God, how excellent, how excellent is Thy name. It is like sweet music to the sound of the ear and a chord of harmony to those who listen and hear. Down through the years and through the corridors of time, Your Word has healed and mended those who were broken and brought together those who were divided.

We are living in a time of political, social, and spiritual unrest. These are the times when our souls are being tried, but, God, we have Your promise. Your promise has always been our assurance that You would mend the brokenhearted; that You would lift up the fallen; that You would unite those who were divided, heal those who are wounded, and bring peace in times of confusion.

Today we ask that You would look upon us with favor and reassure us that You are the good shepherd, the good shepherd that watches over us and provides the comfort that is needed for this hour.

The days ahead will be and require patience, endurance, and an atmosphere of togetherness for all who serve in this awesome House of Representatives. In every capacity, the responsibility, the challenge of maintaining self-composure and making wise choices will be beyond our human control. However, You are our wise, all-powerful shepherd. In our weakness help us to show strength and courage, and let Your desire be upon us always, and guide us with Your wisdom. Be a lamp unto our feet and a light unto our pathway.

We ask these and all blessings in Your name. Amen.

#### 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 of Monday, October 30, 2006, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 3076** By Representatives YUDICHAK, TANGRETTI, MAJOR, FABRIZIO, CAPPELLI, CALTAGIRONE, COHEN, CRAHALLA, CREIGHTON, GOODMAN, GRUCELA, HANNA, HASAY, HUTCHINSON, KOTIK, LEACH, MACKERETH, MANN, PETRONE, SANTONI, SIPTROTH, SOLOBAY, STURLA, SURRA, THOMAS, TIGUE, YOUNGBLOOD and JAMES

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for ranking of local government capital project loan applications.

Referred to Committee on FINANCE, November 13, 2006.

**No. 3077** By Representative ROBERTS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for compensation of solicitors appointed by county officers.

Referred to Committee on STATE GOVERNMENT, November 13, 2006.

**No. 3078** By Representatives SCHRODER, CALTAGIRONE, GINGRICH, HARHART, M. KELLER, KOTIK and E. Z. TAYLOR

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for generator rebates; and establishing the Generator Rebate Fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 13, 2006.

**No. 3079** By Representatives GABIG, NAILOR, READSHAW, GRELL, CALTAGIRONE, HARPER, SIPTROTH and CREIGHTON

An Act providing for idling restrictions on commercial diesel vehicles; and imposing a penalty.

Referred to Committee on TRANSPORTATION, November 13, 2006.

**No. 3080** By Representatives YUDICHAK, SOLOBAY, GRUCELA, MANN, BELFANTI, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CRAHALLA, CREIGHTON, FABRIZIO, GOODMAN, HALUSKA, HANNA, HERSHEY, JAMES, JOSEPHS, KOTIK, McGEEHAN, MUNDY, PETRARCA, PETRONE, PISTELLA, REICHLLEY, SANTONI, SHANER, SIPTROTH, SONNEY, STABACK, TANGRETTI, THOMAS, TIGUE, TURZAI, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act providing for State assistance grants to municipalities for regionalizing police operations; imposing powers and duties on the Center for Local Government Services; and making an appropriation.

Referred to Committee on LOCAL GOVERNMENT, November 13, 2006.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 911** By Representatives FRANKEL, BELARDI, BELFANTI, BEYER, BLACKWELL, DALEY, DeWEESE, FABRIZIO, FLAHERTY, FLEAGLE, GEORGE, GOODMAN, GRUCELA, HARHAI, HARPER, HESS, HUTCHINSON, JAMES, JOSEPHS, KOTIK, LEDERER, MANDERINO, MANN, MARKOSEK, MELIO, O'NEILL, PALLONE, PETRARCA, PETRONE, PISTELLA, READSHAW, RUBLEY, SCAVELLO, SCHRODER, SHANER, SIPTROTH, B. SMITH, SOLOBAY, STERN, TANGRETTI, TIGUE, TRUE, WALKO, WHEATLEY, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, DALLY and RAMALEY

A Resolution directing the Public School Employee's Retirement System (PSERS) to conduct a study of public school retirees' loss of purchasing power.

Referred to Committee on EDUCATION, November 13, 2006.

### SENATE BILL FOR CONCURRENCE

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

**SB 1368, PN 2154**

Referred to Committee on RULES, November 13, 2006.

### 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 3007;  
SB 628;  
SB 665;  
SB 733;  
SB 1095;  
SB 1235;  
SB 1330; and  
SB 1331.

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 3007, PN 4778; SB 628, PN 2117; SB 665, PN 1260; SB 733, PN 2204; SB 1095, PN 2113; SB 1235, PN 2213; SB 1330, PN 2217; and SB 1331, PN 2166.**

### 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 3007;  
SB 628;  
SB 665;  
SB 733;  
SB 1095;  
SB 1235;  
SB 1330; and  
SB 1331.

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

### CALENDAR

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 808, PN 2990**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for a study to make recommendations for redesigning the contribution rate notice form and related documents.

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

#### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 808 be placed upon the table.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 808 be taken off the table.

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

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The House proceeded to third consideration of **HB 1484, PN 2991**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for appeals concerning the State Workers' Insurance Fund; and establishing the State Workers' Insurance Appeal Board.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1484 be placed upon the table.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1484 be taken off the table.

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

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The House proceeded to third consideration of **HB 1549, PN 1906**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the Workers' Compensation Advisory Council.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1549 be placed upon the table.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1549 be taken off the table.

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

**COMMUNICATION FROM  
DEPARTMENT OF EDUCATION**

The SPEAKER. The Speaker acknowledges receipt of the Mandate Waiver Program Annual Report for 2005-2006 submitted pursuant to 24 P.S. of the Pennsylvania School Code.

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

**COMMUNICATION FROM  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

The SPEAKER. The Speaker acknowledges receipt of the Annual Report of the Pennsylvania Energy Development Authority submitted pursuant to section 5 of the Pennsylvania Energy Development Authority and Emergency Powers Act of December 14, 1982.

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

**COMMUNICATION FROM  
TEMPLE UNIVERSITY**

The SPEAKER. The Speaker acknowledges receipt of the consolidated financial statements for Temple University ending June 30, 2006, submitted pursuant to Act 12A of July 2006.

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

**ACTUARIAL NOTES**

The SPEAKER. The Chair acknowledges receipt of the following actuarial notes:

Amendment No. 10143 to SB 1285, PN 2202;  
Amendment No. 10176 to SB 592, PN 2044;  
Amendment No. 10228 to SB 592, PN 2044;  
Amendment No. 10124 to HB 2897, PN 4664; and  
SB 1285, PN 2202.

(Copies of actuarial notes are on file with the Journal clerk.)

## COMMUNICATIONS FROM GOVERNOR

## VETO OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been vetoed by the Governor:

**HB 2282, HB 2202, HB 236, HB 1813, and HB 2545.**

Said bills having been returned with the following messages:

Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

November 9, 2006

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning House Bill 2282 without my approval. I regret doing so since this bill offers a tax benefit to National Guard members enabling them to exempt from their income active duty pay earned during the period of deployment for national or international emergencies. This element of the bill was part of my original Support Our Troops package that I proposed on Memorial Day in 2005. Unfortunately, the bill that provided this benefit for our National Guard members was hijacked as a vehicle to resolve litigation pending between internet hotel booking services and the City of Philadelphia.

In addition to using a bill intended to benefit the National Guard to respond to the request of internet hotel reservation services seeking to cap what they must pay for local hotel taxes, this bill also includes substantive drafting errors which would require, if House Bill 2282 were enacted, new corrective legislation or costly litigation to resolve. I am attaching a memo from the Chief Counsel for the Pennsylvania Department of Revenue that confirms that as written the bill may be understood to cap the hotel occupancy tax rate and/or it may mean to narrow the base of the locally defined hotel room rental tax rate – it's impossible to know what the intent or impact of the bill will really be. Beyond my substantive opposition to measures that would roll-back the hotel tax in the two major tourism centers of our state, the lack of precision of the language alone gives me cause to veto this bill.

Finally I veto this bill, and would do so if subsequent legislation came to me again, because it will result in a substantial loss of revenue to localities. In Philadelphia, over the next five years the City could have to forego anywhere from \$55 million to more than \$200 million depending on how the bill is interpreted. Likewise, Allegheny County could lose at least \$28 million in local revenues in the same time period. In both counties the proceeds of these taxes are pledged to pay the debt on their convention center bonds. As such, rolling back and capping this tax will require each municipality to tap other revenues that are pledged to local services, their school districts and other capital expenditures to pay the shortfall in hotel taxes caused by this bill.

I recognize that the introduction of internet hotel reservation services raised new questions for our state and local tax codes. I strongly believe that we must ensure that local and state government as well as Pennsylvania businesses are not adversely affected by internet based companies who seek legislation to avoid duly imposed taxes.

For the reasons stated above I am returning HB 2282 without my signature. I urge the legislature to pass legislation that offers our active

duty National Guard members the tax benefits intended for them when this bill was first introduced on December 5th, 2005. If that legislation comes to me without other objectionable and unrelated provisions I will sign it immediately.

Sincerely,  
Edward G. Rendell  
Governor

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Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

November 9, 2006

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning House Bill 2202 without my approval. Pennsylvania already pays for home infusion therapy for over 52,000 commonwealth residents. For the bulk of those receiving Medicaid-based services, the commonwealth covers the cost of the drugs and the cost of the nurse to come to the home to assist the patient and monitor the therapy. With respect to those Medicaid recipients who are covered in the fee-for-service system, this bill would require the commonwealth to absorb the cost of a new service offered by pharmacies *regardless of whether the pharmacy service is medically appropriate or necessary*. There is also the potential that as drafted this bill will result in cost shifting from the federal government to the commonwealth for the home infusion services provided to those individuals known as “dual eligibles.”

The Department of Public Welfare manages regulatory and administrative processes that establish Medicaid payment protocols. This legislation is an attempt to go around those established systems and add a new unfunded mandated payment to the budget and thus a new unfunded obligation for the taxpayers of the commonwealth. Throughout the drafting of this bill the Department of Public Welfare urged the parties to engage in the commonwealth's routine administrative processes to determine the appropriate payment protocols for these medical services. I am disappointed that this offer was refused and as a result there may be instances where the pharmacy services may be warranted but payment for those services will still not be appropriately defined and paid.

Finally, this bill includes a troubling drafting error that, were it to become law, would have the unfortunate consequence of making it illegal for the Department of Public Welfare to pay for home infusion therapy for some of the sickest residents who are under 65 years old and destitute. Under current eligibility rules, not all Medical Assistance recipients are eligible for prescription drug coverage. However, the language in Section 443.9 of the bill could be interpreted to prohibit the payment for home nursing services required for home infusion therapy since the commonwealth is not also the payer for the prescribed medicine.

I have proven over the past four years that the Commonwealth can be fiscally responsible, maintain a balanced budget and still make steady progress toward meeting the needs of our most vulnerable Pennsylvanians.

This bill will result in a \$7 million increase in costs to the Department of Public Welfare without the identification of a compensating cut or provision of additional revenue to pay for this increase in expenditures. I have in the past, and will continue, in the future to provide additional funding for critically needed health care. But I have consistently

enforced a “pay as you go policy” when it comes to the state budget – expenditure increases must not be legislated on an ad-hoc basis during the fiscal year. I will not sign legislation that either significantly increases spending or reduces revenue without a specific plan to pay for it.

For these reasons I must withhold my signature from House Bill 2202.

Sincerely,  
Edward G. Rendell  
Governor

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Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

November 3, 2006

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning House Bill 236 without my approval. This bill would amend the Regulatory Review Act to place additional requirements on commonwealth agencies in the promulgation of regulations.

This legislation would increase the cost of operating the government unnecessarily. Our estimates suggest that the cost of processing the more than 200 regulations that are proposed or revised annually could increase by as much as \$1 million as a result of this bill. The bill purports to protect small businesses, but, in fact, it will place new burdens on our agencies and commissions and, thus, will drive up the cost of their regulatory duties as well as further drag out an already long process unnecessarily.

Last spring, Governor’s Office staff offered to meet with any small business operator or group of operators who sought the passage of this bill because they needed changes to an existing regulation or proposed regulation. However, not one group supporting the passage of this legislation took us up on that offer. Consequently, I do not believe the burden that this legislation will place on our agencies and commissions warrants the time or increased cost to the taxpayers or the industries affected by such changes.

Since taking office in 2003, I have directed every agency to review what can be done to assist small businesses. As a result, my administration has removed numerous hurdles for small businesses that had been ignored for decades. These changes include:

- One of the few sectors to specifically propose regulatory changes in 2003 was small foundry operators. Iron and steel foundries for years have had very limited options for the disposal of waste sand. We now have a new general permit to relieve the financial burden on foundries and provide alternate beneficial uses for clean, spent foundry sand. The permit encourages the development of new markets that will provide both financial and environmental benefits while removing useable materials from the waste stream.
- Pennsylvania farmers sought relief from local efforts to pass ordinances that illegally restricted farming operations. As a result, we led the efforts to draft and pass the ACRE legislation that ensures our farmers do not have to comply with inappropriate local ordinances that infringe on their legal operations.

- The Department of Environmental Protection cut the time for issuance of air quality permits to 119 days. We are now processing these requests 32% faster than ever before in the state’s history.
- Instead of the need to obtain numerous permits to proceed with maintenance, repair, and replacement of bridges, highways, utility lines, and other infrastructure, these actions are now permitted by the Department of Environmental Protection with one general permit. As a result, processing time for these actions was reduced from three months to one month.
- With respect to oil and gas permitting, redundancies were eliminated; approval processes expedited; and companies offered a more efficient phased-in approach to permitting. To reduce paperwork burdens, the oil and gas permit application was reduced from 14 pages to four.
- Small construction companies and manufacturers were burdened with complex fill rules. Our new Clean Fill policy simplifies definitions, removes complicated standards for chemical constituents, and streamlines the process by creating a general permit for placement of materials in residential and industrial settings.
- Small farmers and small tourism industry firms were not eligible for grants or working capital loans from the Department of Community and Economic Development. In 2003, we changed those rules and as a result, 251 small farmers and tourism entities have received \$55 million in grants and loans from these programs.
- I appointed a new Small Business Ombudsman within the Department of Environmental Protection to serve as a primary advocate for the small business community. One of the roles of the Ombudsman is to review pending regulations and ensure that the impact on small businesses is considered. The Department of Environmental Protection also supports the Small Business Compliance Advisory Committee, which meets quarterly to review proposed and existing environmental regulations. Any small business, or group of businesses, seeking to address a specific environmental regulatory burden can reach out to the Department of Environmental Protection Ombudsman for guidance and assistance with efforts to review existing Department regulations.
- Currently, the Departments of Agriculture and Environmental Protection have a task force charged with streamlining our permitting processes. Their review includes, but is not limited to, nutrient management, CAFO, erosion, and sediment plans. Any small businesses affected by these sorts of regulations can reach out to the Department of Agriculture to apprise the Task Force members of regulatory changes they believe are necessary.
- As members of the legislature know, the Business Tax Reform Commission recommended a measure that would simplify and standardize the tax appeals processes of the Department of Revenue. The Department worked with the Attorney General, the Auditor General, the Pennsylvania Bar Association, and the General Assembly to craft such a measure and to ensure its passage. This bill, now Act 119 of 2006, will make it easier for small business taxpayers to understand and resolve their tax issues.

- My administration proposed, and the legislature enacted, an expansion of the Research and Development Tax Credit program to make the credits salable, so that they are more valuable to cash-strapped businesses. The same package also contained a change in the formula that allocates an increased amount of Research and Development tax credit to small businesses.
- We also proposed the Keystone Innovation Zone (KIZ) program with up to \$25 million of tax credits for businesses that are working in partnership with our universities to foster growth in high-technology start-ups, typically small businesses.
- Our insurance department has streamlined the process of approving insurers. As a result, since January 2003, we have enabled 76 new small corporate insurance entities to sell policies in the commonwealth. To decrease reporting burdens, which, of course, weigh most heavily on small businesses, the Insurance Department has enhanced and expanded its Web site making it more cost-effective for insurers, large and small, to communicate with the Department and understand marketplace requirements.
- Marked improvements have been made in the administration of the State Workers' Compensation Fund. As a result, \$200 million has been saved, enabling a 10% reduction in workers' compensation premiums paid by businesses.
- Finally, the \$1 billion in enacted business tax cuts since 2003 make all Pennsylvania businesses more competitive, particularly those who are small businesses.

I would like to remind those members of the legislature who sought enactment of this bill that regulations promulgated by an executive agency are reviewed by the Independent Regulatory Review Commission, which includes representatives from the four caucuses of the General Assembly. The review process requires public comment as well as review by standing committees of the General Assembly. The standing committees may comment on the regulations at any time until the regulation becomes final. By the use of this process, regulations have regularly been modified prior to reaching the final form stage as a result of public or committee comments regarding burdens placed upon businesses or individuals within the commonwealth.

The process also requires review of final form regulations by the Independent Regulatory Review Commission and the standing committees of the General Assembly. In fact, a standing committee of the General Assembly may disapprove a final form regulation. If the General Assembly passes a concurrent resolution agreeing with the disapproval and the Governor approves this resolution, the regulation is permanently barred from publication. If the Governor vetoes this concurrent resolution, the General Assembly may override it, which would also permanently bar the regulation from publication.

The regulatory review process affords ample opportunity to individuals or members of the General Assembly to raise any objection to a regulation that would place an undue burden on an individual or a business in the commonwealth.

In addition to the opportunities that all businesses have to address their concerns through our existing regulatory processes, a small business may pursue an agency hearing to seek waiver or repeal of a regulation, can voice its concerns to its State Representative and Senator, and may seek independent redress in Commonwealth Court.

Finally, I want to be sure that those members of the legislature who sought enactment of this bill understand that our current laws require much of the review that this legislation aims to require:

In submitting regulations, agencies must submit to IRRC and the legislative committees the following:

- Estimates of the direct *and indirect* costs to the commonwealth, to its political subdivisions, and *to the private sector*.
- An identification of the types of persons, businesses, and organizations which would be affected by the regulation.
- An identification of the financial, economic and social impact of the regulation on individuals, *business* and labor communities, and other public and private organizations and, when practicable, an evaluation of the benefits expected as a result of the regulation.
- A description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

While advocates for House Bill 236 have suggested that the bill will establish a new threshold for review of regulatory impact on small businesses, the definition in the bill encompasses almost 98% of all companies doing business in this commonwealth. As a result, the existing requirements in law and regulations already require agencies to evaluate the impact of regulations on small businesses as defined in this bill. This bill, however, would require a separate and onerous review that, in my estimation, accomplishes nothing more than is provided for in the current process.

Given the protections for businesses in our current laws, this bill will only create another layer of red tape for the government and slow our agencies' responsiveness at a time when we have been, and must continue to be, nimble if we are to ensure the continued competitiveness of our economy.

Sincerely,  
Edward G. Rendell  
Governor

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Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

October 27, 2006

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning House Bill 1813 without my approval.

I am vetoing this bill because, without regard for fluctuations in state revenues or growth in other, mandated obligations, the legislation establishes an annual increase in the obligation of state funds for reimbursement to mental health and mental retardation providers. Enactment of this bill will increase state expenditures by \$75 million in the first year and cumulatively by \$1.2 billion over five years. None of this funding is included in our current budget projections.

The providers impacted by House Bill 1813 have received a 2% cost of living increase in their grants in each of the last three years, resulting in an actual increase in the level of these grants of 6.1% since

July 1, 2004. The annual 2% cost of living increase is entirely consistent with the annual increase level paid to these providers in the second term of the Ridge/Schweiker Administration.

Overall, between the base funding increase and increase in funds to enable the expansion of services, providers of mental health and mental retardation services have received a 19.24% increase in funding – \$338 million in new funds – since July 1, 2003. These funding increases have enabled providers to remove almost 3,000 individuals from the waiting lists. In spite of these improvements, I remain concerned that waiting lists for these critical services persist, and I believe a more substantial increase in the grants is warranted. In the coming year, if our revenues and other expenditure demands permit us to increase the reimbursement rate more than 2% next year, I will propose doing so.

I am entirely sympathetic to the plight to these providers and very much value the extraordinary work they do. But, I do find it perplexing that so many members of the legislature who advocated for the passage of legislation imposing annual caps on state spending voted for this automatic five year growth in state expenditures of more than \$1 billion in the middle of the fiscal year.

I have proven over the past four years that the commonwealth can be fiscally responsible, maintain a balanced budget, and still make steady progress toward meeting the needs of the most vulnerable Pennsylvanians. I have, in the past, and will continue, in the future, to provide additional funding for vital human services. But, I have consistently enforced a “pay as you go policy” when it comes to the state budget – expenditure increases must not be legislated on an ad-hoc basis during the fiscal year. I will not sign legislation that either significantly increases spending or reduces revenue without a specific plan to pay for it. Such legislation should be passed in the disciplined context of building our annual comprehensive balanced budget.

For these reasons I must withhold my signature for House Bill 1813. I reiterate that I remain hopeful we can achieve progress toward this goal in our next budget.

Sincerely,  
Edward G. Rendell  
Governor

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Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

October 27, 2006

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning, without my approval, House Bill 2545, which amends certain provisions of the parking authorities’ law primarily relating to the regulation of taxicabs and limousines in cities of the first class.

One of the most troubling aspects of the bill is the provision that allows the Philadelphia Parking Authority to depart from the standard administrative law practice of setting forth clear and understandable reasons why a particular decision, following a hearing to contest the Authority’s action with respect to the rights or obligations of a taxicab or limousine owner, was made. The grounds upon which a taxicab or limousine owner may appeal a decision are limited, so how is the owner supposed to know if he or she has grounds for an appeal if the Authority’s hearing officer doesn’t have to include his or her reasons in

the decision? Because such a decision could involve taking away an owner’s right to make a living, this seems to be patently unfair and bordering on a violation of due process for the taxicab or limousine owner. At the very least, it will mean that everyone who receives an unfavorable decision will automatically have to file an appeal – and, most likely, spend some amount of money to hire a lawyer to do so – even before they know whether they have any chance of being successful.

Moreover, the bill is fraught with provisions that are confusing and seem not to serve the interests of the Parking Authority or the citizens it was created to serve. For example, the bill exempts limousines and taxicabs that operate in Philadelphia, but are “based outside” of the city from the oversight of the Authority. Besides the fact that the bill does not define what being “based outside” of the city means, it seems that this gives suburban taxicab and limousine services a distinct advantage over those that are located in the city for no apparent good reason. It also may induce companies that are already located in Philadelphia to move out of the city, which obviously is not good for the city’s overall economy. In addition, House Bill 2545 exempts all parking authorities from compliance with the most important provisions of the Commonwealth Procurement Code – those relating to the openness with which contracts must be bid and awarded. This can only result in the loss of faith by the public in the integrity of these authorities.

Finally, the bill exempts wheelchair accessible taxicabs from the prohibition in the current statute that a taxicab cannot be more than eight years old. There does not seem to be a good reason for this exemption.

For all of these reasons, I must withhold my approval from House Bill 2545.

Sincerely,  
Edward G. Rendell  
Governor

## **BILLS AND VETO MESSAGES PLACED ON CALENDAR**

The SPEAKER. The veto messages that the clerk just read will appear on tomorrow’s marked calendar.

## **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 gentlelady from Chester, Mrs. TAYLOR, for the day; the gentleman from Allegheny, Mr. DIVEN, for the day; the gentleman from Erie, Mr. GOOD, for the day. 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. Without objection, that leave will be granted.

## **MASTER ROLL CALL**

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

The following roll call was recorded:

## PRESENT—198

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

## ADDITIONS—1

Ruffing

## NOT VOTING—0

## EXCUSED—4

Diven	Good	Rieger	Taylor, E.Z.
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## LEAVES ADDED—6

Armstrong	Killion	Maitland	Youngblood
Donatucci	LaGrotta		

## LEAVES CANCELED—2

Diven	Good
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PHOENIXVILLE AREA HIGH SCHOOL  
BOYS TENNIS TEAM PRESENTED

The SPEAKER. The Chair at this time would like to recognize Representative Carole Rubley for the purposes of a citation. Representative.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I am honored to present some of the members of this outstanding Phoenixville Area High School Boys Tennis Team. With me this afternoon are coach Leo Scoda, who also serves as mayor of Phoenixville, and high school principal Richard Kaskey along with two of our team captains, Tom McAvoy and Kyle MacLelland.

The Phoenixville Area School Boys Tennis Team is being honored for capturing the 2006 Pioneer Athletic Conference, called PAC, Team Tennis Championship, its 20th consecutive PAC Championships – 20th. This team has an extraordinary league record of 178 wins and no losses and has not lost a league match in the 20 years in which the league has existed.

Under the expert guidance of head coach Leo Scoda, assistant coach Ryan Martinez, and volunteer assistant coach Canh Ho, the team was comprised of 2006 PAC-10 All-Conference First Team Singles players Kyle MacLelland, Tom McAvoy, and Mark West; 2006 PAC-10 All-Conference First Team Doubles players Wanzell Flemming, Kevin Foedinger, Tim Pellegrino, Bob Persenaire, Steve Vancott, and Pat Womer; 2006 PAC-10 All-Conference Honorable Mention Ben Potts; and Andy Klotzbach, John Reading, and Nick Tassone.

I heartily congratulate the members and coaches of the Phoenixville Area High School Boys Tennis Team, as well as those who assisted them, upon their stellar season; commend them for skillfully using their abilities with unflagging dedication in pursuit of athletic excellence; and offer best wishes for success in all future endeavors.

Please give a warm round of applause to the members of the tennis team who are able to visit us today and who are seated in the back of the House. Team members, please stand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

## BRITTNEY SMITH INTRODUCED

The SPEAKER. The Chair at this time recognizes Representative Geist for the purpose of an introduction.

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

It certainly is a pleasure for me to rise today. I would like to introduce a young lady from Altoona who is a fine, fine writer, and her name is Brittney Smith. Brittney is a 10th grade student at Altoona Area High School and is being honored as the statewide winner of the essay contest “Health Careers: An investment in Life.”

And she is sitting behind me. Brittney, would you please rise. I would ask you to give her a round of applause and have her parents rise.

And, Mr. Speaker, it is wonderful to be able to honor fine young folks in this chamber. Thank you very much for your attention.

### GUESTS INTRODUCED

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

Mr. PYLE. A point of privilege, Mr. Speaker.

The SPEAKER. The gentleman will state.

Mr. PYLE. Thank you.

Mr. Speaker and assembled members, today we are joined by two winners of my "There Ought To Be a Law" contest. In the gallery today are the Red Dragons of Purchase Line High School and the Bobcats of Elderton. They are accompanied by their teachers. Purchase Line's teacher is Miss Melinda Yevchak. She is a former William Penn ambassador honoree. And the teacher from Elderton is my former football coach, Mr. Robert Cosgrove, who is retiring this year, and I would ask that all the members please recognize them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The Chair at this time would like to welcome to the hall of the House Kara Martin. She is a sophomore at Liberty High School in Bethlehem. Kara is in Harrisburg to receive an award for the Health Careers Week essay contest. She is the southeast regional winner. Kara is accompanied by her father, Dave, and her mother, Carol. They are guests of Representative Craig Dally. They are seated in the gallery. Would those guests please rise and be recognized.

The Chair would also like to welcome to the hall of the House Ms. Ciara Pruchnic and her parents, Alex and Renee Pagley. Ciara is a 10th grade student at Shenango Area High School and a constituent of Representative Frank LaGrotta. Ciara was chosen as the northwest PA regional winner of the statewide essay contest sponsored by the Pennsylvania Center for Health Careers. She was honored at the awards ceremony earlier today during the kickoff for the Health Careers Week symposium they had here today. She is seated in the gallery. Would she please rise and be recognized.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman from Erie, Mr. Good. His name will be added to the master roll.

### KATIE COSGROVE PRESENTED

The SPEAKER. The Chair at this time recognizes Representative Staback for the purpose of a citation. Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I am proud to present this citation to a constituent of mine, Miss Katie Cosgrove. Katie was recently selected as the statewide winner in the annual Pennsylvania Center for Health Careers essay contest. This annual event, part of Health Careers Week in Pennsylvania, develops initiatives to attract Pennsylvania residents to consider a career in health services.

Katie is here today with her parents, Ken and Margie Cosgrove, seated over to my left. Please stand and be recognized, Ken and Margie.

Katie is a 10th grade student at Lakeland High School, which is represented by both Representative Wansacz and me. Her essay was selected as one of five regional winners and then as the statewide winner. She wrote a persuasive essay to encourage other students to choose a career in health care, an admirable and timely topic and indeed an obviously great essay.

I am very pleased to present this citation along with Representative Wansacz, who joins me in congratulating Katie. She and her family are here today as part of Health Careers Week in Pennsylvania. We both wish her continued success in this school year and with all her future endeavors, and congratulations, Katie, on indeed a job well done.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Wansacz, is recognized.

Mr. WANSACZ. Thank you, Mr. Speaker.

I would like to second Representative Staback's comments and join him in congratulating this bright and motivated young woman. I would add that this annual event recognizing students like Katie will likely play an important role in the future of our State.

We all know about the growing health-care challenges the Commonwealth will encounter in the coming decades, but with students like Katie and the other award recipients and all the participants statewide who are interested in careers in health care – from nursing to pharmacology to clinical science – our State's future looks a lot brighter.

So, Katie, as a Lakeland alum and sharing the district with Representative Staback, I would like to congratulate you and your family and the other students who participated in this essay contest in making us all proud, and I look forward to a bright future from you.

Thank you.

### FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members it has given permission to Rebecca Halton of a news organization from the Labor and Industry's press office to take still photographs for the Health Careers Week essay contest winners.

### ALFRED TESTA, JR., PRESENTED

The SPEAKER. The Chair is about to recognize a distinguished Pennsylvanian, Alfred Testa.

Mr. Testa ran the Philadelphia Airport at one time. The chamber of commerce in the Harrisburg area asked me several years ago if I could recommend him for a job running the Harrisburg area regional airport, which I did and I was honored to do. Mr. Testa has about doubled the size of our airport here and really made it one of the best airports in the Commonwealth of Pennsylvania.

To that end, I am going to recognize Representative Geist for the purpose of a citation.

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

If we could have the House members who are in the HIA (Harrisburg International Airport) area – John Payne and

others – to come up with us, please. Glen Grell, Ron Marsico, Ron Buxton, are you close at hand? Come on.

Thank you very much, Mr. Speaker.

As chairman of the House Transportation Committee, it gives me great pleasure to stand here today to praise a great, great airport operator. It was not too many years ago that John Perzel and Brian Preski were bragging to me about a young fellow from Philadelphia whom they knew who really knew airports and were interested in bringing him to the Harrisburg International Airport.

Fred Testa has done one fantastic job for all of us who fly in and out of there, for all of us who have seen the new terminal go up, for all of us who have seen the unbelievable improvements that he has made in that airport, truly giving us in the eastern part of the State and central part of the State an airport that we can be proud of.

I think the only thing that he has ever let us down on is the train station, which he assures me will be done before he leaves next Wednesday. But he has done a fantastic job. I have asked my fellow House members to stand with me, along with Deputy Secretary Sharon Daboin, as we honor Fred here in the House of Representatives.

I am not going to read the citation. I am just going to present it and say thank you all for being so supportive of transportation.

Thank you.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who moves for a leave of absence for the remainder of the week for the gentleman from Delaware, Mr. KILLION. Without objection, that leave will be granted.

### PHIL CLEMENS PRESENTED

The SPEAKER. The Chair at this time recognizes the gentleman from Montgomery, Mr. Godshall, for the purposes of a citation.

Mr. GODSHALL. Thank you, Mr. Speaker.

I am here today to recognize another distinguished Pennsylvanian who got a national award recently, which I would like to share with you. The 2007 Richard L. Knowlton Innovation Award honors excellence in the U.S. meats industry in the areas of innovation, business success, leadership, and industry contributions.

Phil Clemens, chairman and CEO (chief executive officer) of Hatfield Quality Meats, being honored for Hatfield's financial performance during his tenure and also for his lasting industry contributions in the areas of food safety, animal handling, and water conservation. He accepted the award before an invitation-only crowd of processors, suppliers, and other industry leaders on October 31 in Chicago at the Union League Club.

Clemens was selected from a field of several prominent executives. Finalists were screened by a panel that included past recipients of the Knowlton Award. He has also been a meat industry advocate, served as chairman of the American Meat Institute, as well as holding other key positions with industry organizations.

Richard L. Knowlton – Air Force Strategic Air Command Intelligence officer to his more recent achievements managing Hormel Foods to profitable results; changed Hormel's corporate structure, reorganized its marketing and business functions, incorporated new technologies and launched the company on a program of product-line diversification. Clemens joins an impressive roster of past inductees.

I would like to present the citation. Peter Daley could not be with us. He was tied up in the district and is late getting in. Art Hershey is also not here this afternoon, and Representative Bunt also signed on and myself. Phil Clemens is a constituent of mine, and I would like to read the citation.

WHEREAS, The Honorable Philip A. Clemens, a member of the Souderton Borough Council, is being honored with the 2007 Richard L. Knowlton Innovation Award; and

WHEREAS, A graduate of Peirce College in Philadelphia, Mr. Clemens has been employed with the Clemens Family Corporation since 1962, and he currently serves as Chairman and Chief Executive Officer. He also serves as Chairman, Chief Executive Officer and Board member of subsidiaries of the corporation, including Hatfield Quality Meats and CFC Logistics. Mr. Clemens is a member of the Board of Directors of the United Way of North Penn, Harleysville Savings Bank, the American Meat Institute and the Lancaster Bible College. Additionally, he is active with the Calvary Church and serves as a member of the Roth Living Museum Advisory Council and of Governor Rendell's Economic Summit. Mr. Clemens has been recognized for his service with a Volunteer Service Award from the North Penn United Way and as Sunday School Superintendent of the Year by the Philadelphia Sunday School Association. Additionally, he has been honored by Peirce College as a Pride of Peirce and with inclusion on the Wall of Fame.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates the Honorable Philip A. Clemens on the great honor which has been bestowed upon him; heartily commends his exemplary record of service, leadership and achievements, in keeping with the highest ideals and traditions of this Commonwealth; offers best wishes for success in all future endeavors....

At this time I would also like to recognize from the Clemens family and people from Hatfield's packing, I would like to recognize Tom Clemens – they are over here on the side; if maybe you would rise – Tom Clemens, Eric Haman, Doug Clemens, Bob Ruth, and Tom Leidy. And Tom is not quite with the family, but it is close, you know. He is also a pork packer.

I would like to let you know at this time that Hatfield processes between 10,000 and 11,000 hogs a day, many coming from Pennsylvania farms. So they do a service for our agricultural community; they do a service for our constituents.

At this time I would like to present this citation to Phil Clemens, and thank you for your consideration and courtesy.

**REMARKS SUBMITTED FOR THE RECORD**

Mrs. MILLER submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Daniel J. Bach, Mark A. Chelius, Andrew Degler, Andrew R. Franck, Richard W. Hill III, Kyle P. Hofmann, Jeffrey A. Kenderdine, Seth M. Miller, Peter D. Nicholas III, Brian C. Sandridge, Matthew W. Strauss, Brian Stump, Jeffrey Thomas, and Matthew Wentling, who were awarded Scouting's highest honor in 2006, the Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Seth Miller and Matthew Strauss, members of Troop 160; Richard Hill III and Peter Nicholas III, members of Troop 190; Brian Stump and Matthew Wentling, members of Troop 430; Mark Chelius, Andrew Franck, Brian Sandridge, and Jeffrey Thomas, members of Troop 456; Daniel Bach and Jeffrey Kenderdine, members of Troop 473; Andrew Degler and Kyle P. Hofmann, members of Troop 479.

Whereas, these fine young men have earned the rank of the Eagle Scout Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place their names in the Legislative Journal.

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome a guest page today of Representative Mario Scavello, Sean Sanner. Sean is a sophomore at Pocono Mountain High School West and recently obtained the rank of Eagle Scout. Also present is Sean's mother, Judy, and she is seated in the well of the hall of the House. Would those guests please rise and be recognized.

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. PHILLIPS called up **HR 905, PN 4889**, entitled:

A Resolution designating the week of January 21 through 27, 2007, as "Certified Registered Nurse Anesthetists Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—195**

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

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

NAYS—0

NOT VOTING—2

Gergely Ruffing

EXCUSED—5

Diven LaGrotta Rieger Taylor, E.Z.  
Killion

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

\* \* \*

Ms. BISHOP called up **HR 908, PN 4904**, entitled:

A Resolution designating the month of November 2006 as "Sarcoidosis Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—196**

Adolph	Feese	Maitland	Rublej
Allen	Fichter	Major	Sabatina
Argall	Flaherty	Manderino	Sainato

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

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-5

Diven	LaGrotta	Rieger	Taylor, E.Z.
Killion			

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

The SPEAKER. Will the gentleman, Mr. Pistella, please come to the rostrum.

Please keep the noise levels down.

## FAREWELL ADDRESS BY MR. PISTELLA

The SPEAKER. At this time the Chair recognizes Representative Pistella.

Mr. PISTELLA. Thank you very much.

Mr. Speaker, Majority Leader Smith, Minority Leader DeWeese, I want to thank each of you for the opportunity to share with my colleagues some of my thoughts as I close out 28 years of service of this legislature and to the men and women of the 21st Legislative District.

I can think of two things that this time of my life represents – a time of transition and a time for giving thanks. I would like to thank God first for giving me the strength and the intestinal fortitude to serve the men and women of the 21st Legislative District for 28 years.

Next I would like to thank my family, and this is probably going to be the longest part of my speech. I would like to first thank my mother, Rita Pistella, for always letting me pursue my dreams wherever they would take me.

I would also like to thank my daughter, Lauren, who, growing up as a child, was my hardest campaign worker and always took pride in the fact that her dad was a member of the legislature.

My sisters and brothers, who are here today, Rita Carr and her husband, Jim; Noreen Rosendale; Jeanette Thomas and her husband, Donald; my brother, Paul Pistella, and his wife, Robin; my brother, John Pistella, and his wife, Jill. Each of them always encouraged me and made time to lend a helping hand in each and every one of the goals that I put forward.

I would also like to thank my aunts and uncles; some of them are here today – my uncle, Joe Kinneavy; the late Richard Kineavy and his wife, Harriet; Bob Kineavy and his wife, Sue; and my aunt, Mary Dolan. It is from them that every time I am in their presence, I can think of nothing better than the ability of hard work and commitment that all of them have exemplified in the course of their lives.

I would be remiss if I stood here today and did not say something about the number of nameless, faceless people that work in this institution for both caucuses. They are truly the men and women that make our work possible, and there are a handful of people that I have had the pleasure of working with over the course of the years, some who could be here and some who could not, both in Pittsburgh and in Harrisburg, that I would not leave this chamber without taking the time to thank: the late Anna Marie Evangelista, the late Connie Carlino, Greg Suzkowski, Walt Thompson, Bonnie Booth, Jim Bender, Eunice Seibert, all from my Pittsburgh office, and a number of people here in Harrisburg – Julie Mertz, the late Janet Wells, Alycia Laureti, Lou Waleff, Lindsey Svendsen, and certainly last but not least, Kathy Seidl from here in the Harrisburg office.

I would also like to thank my friends and all the constituents who saw fit to elect me 14 times in this position, and here representing them are my dear friends, Jane Miller and her husband, Arnie Horovitz.

As I also said earlier, it is a time of transition. When I first came to the legislature, this institution was under attack for a number of different reasons: State government was considered to be corrupt; the Department of Transportation was considered

to be the worst department in the Commonwealth of Pennsylvania; the news media was all over the State legislature because it had taken junkets to the National Conference of State Legislatures meeting in San Francisco.

While some people may think that it is unique that we are under criticism for the things we do, but I had the opportunity yesterday to visit the Governor's Mansion, and as part of the celebration of the 100th anniversary of our Capitol Building, they had on display some items, memorabilia and artifacts, from the Pennypacker administration, the Governor who oversaw the construction of the Capitol, and there hanging on the wall was an editorial cartoon from a cartoonist named Steele, and the criticism was over whether or not the Governor would see fit to sign what was then known as the Salus-Grady libel law. Now, this particular law was one that was drafted by the legislature and voted upon to hold newspapers accountable for what they print. So you can just imagine the tone of this cartoon in 1903 during the administration of Samuel Pennypacker.

But during that 28-year period, I had the opportunity to serve with many men and women here in the legislature. As a matter of fact, three of those men that I had the pleasure to serve with worked the hardest to bring this legislative body from the 19th century part-time legislature that it was into the 20th century, creating a full-time professional legislature. Those men were K. Leroy Irvis, Jim Manderino, and Matt Ryan. It was their efforts to modernize this institution and to create a professional atmosphere for us to work in. I believe they have succeeded, and now we have come full circle.

There now are discussions focusing on whether or not the size of the legislature is too big or whether or not we should be a part-time legislature. Let me just say this: Whatever this legislature chooses to decide to be in the future, just remember one thing: It should always hold itself up to a level of professionalism, a level of professionalism where each and every member understands the issues, but most importantly, that each and every legislator works to meet the individual needs of our constituents. As members we cannot isolate ourselves from criticism. We can understand that even in the past some of the best legislators were criticized – Ben Franklin, Thaddeus Stevens, and others.

During my service here I had the opportunity to work on a range of issues – the Uniform Condominium Act; the development of living wills, which are now known as advance medical directives; the development of the Health Care Cost Containment Council; the Intra-Governmental Council on Long-Term Care; and most recently working on the Office of Persons with Disabilities.

I have had the pleasure to work with some wonderful and fine colleagues on both sides of the aisle. I would like to acknowledge them. There may be a few names here you remember or recall from the past: Joe Gladeck when I served as chairman of the Labor Relations Committee; the late Jim Merry when I served on Local Government; Bob Flick on the Intergovernmental Relations Committee; Jere Schuler on the Aging and Youth Committee; and I cannot forget my current colleague on the Aging and Older Adult Services Committee, Dick Hess. And I would be remiss if I walked away from this podium without acknowledging working with one gentleman whom I particularly enjoyed; that is my cochairman of the History Caucus, Lynn Herman.

Through all this I have had only one regret; that was the regret that my late father never had the chance to see me here. He was, without a doubt, the finest politician that I ever knew. He gave me three rules to live by. His favorite parable was the parable of the man who cast his bread upon the water, and he always said, no matter what you put into an endeavor, you will get back manyfold the rewards that you put into it. Second, if you ever find yourself in the minority in a legislative body, you vote for the issue. You vote “yes” or “no” based on the quality of that legislation, not on who or what party was the prime sponsor. And the third rule, the one I probably broke the most during the course of my lifetime, was always strive to disagree without being disagreeable.

And so I find myself at another point in my life where I have to reach a decision, and I wanted to share with you the words of Robert Frost, a New England poet, and the poem “The Road Not Taken.” I think it exemplifies how I got here and where I will go.

Two roads diverged in a yellow wood,  
And sorry I could not travel both  
And be one traveler, long I stood  
And looked down one as far as I could  
To where it bent in the undergrowth;

Then took the other, as just as fair,  
And having perhaps the better claim,  
Because it was grassy and wanted wear;  
Though as for that the passing there  
Had worn them really about the same,

And both that morning equally lay  
In leaves no step had trodden black.  
Oh, I kept the first for another day!  
Yet knowing how way leads on to way,  
I doubted if I should ever come back.

I shall be telling this with a sigh  
Somewhere ages and ages hence:  
Two roads diverged in a wood, and I—  
I took the one less traveled by,  
And that has made all the difference.

Like the speaker in the poem, the road I have taken has led me to some of the most beautiful places within our Commonwealth of Pennsylvania. It has led me here to the majestic surroundings of this Capitol Building, this house of the people, and it has led me to some of the most wonderful friendships that I could have ever made in my lifetime over the course of the years.

In closing, I would like to say that at this point all I could possibly ask of you today is that until our paths cross on the next road that I have taken, please remember me as fondly as I remember each of you.

Thank you.

The SPEAKER. Would Representative Dennis Leh please come to the podium.

Please, the gentleman is entitled to be heard.

**FAREWELL ADDRESS  
BY MR. LEH**

The SPEAKER. The gentleman, Mr. Dennis Leh.  
Mr. LEH. Thank you very much, Mr. Speaker.

Members of leadership of both caucuses and my fellow colleagues and guests, when the Speaker asked for order, I felt a little bit uncomfortable, because I am not used to that in this body, but that is not meant as a ridicule.

Let me just say that I think it was about 21 1/2 years ago was the first time that I entered this chamber. It was not as a Representative; it was as a candidate who really at that time had not announced yet. It was back in the summer of 1985. For those of you who were here at that time, remember you had the scaffolding up in the rotunda and they were refurbishing the whole Capitol Complex. My wife was hired by then Representative Joe Pitts to do the photography work, and I came up with her more or less to carry her bags, which at that time I happened to do a lot of. Anyway, as things would have it, after she took her pictures and Joe took us on a tour, he brought us in that door. Although I knew that I was running for the House, nobody else knew back home except for my kitchen cabinet committee because I was not going to announce for another 6 months, which would be January of 1986. But when Joe brought me through the door, although I was fully committed to run for this august body, I really never realized the beauty of this House chamber. I think if none other, at least that itself set the fire ablaze in my belly, more or less, to really run hard, to not so much get into this beautiful chamber, but to be part of a legislative body that means so much to Pennsylvania; it means so much to the citizens of Pennsylvania and means so much to the traditional history of Pennsylvania.

I was elected in 1986. I had no prior political experience other than back in the seventies when I worked for Doehler-Jarvis, which was one of the largest die-casting companies in the world at that time. I was elected to be the skilled trades representative of Local 1056 of the UAW (United Auto Workers), and I know a lot of members on my right side of the aisle here may find that hard to believe, but, yes, that was my first elected position of being elected a union official.

Prior to coming up here, I started a business, a tool business; that was back in 1974. That lasted for 20 years. Anyway, another one of the reasons why I ran for office was owning a business and realizing the burdens, the headaches that a businessman has, and I started to do a lot of complaining. I had a number of employees at the time, and people started telling me, well, then why do you not run for office? Why do you not shut up and do something about it and run for office? I had never held elected office before, and I thought, well, maybe I ought to. I will not go into all the activities. You politicians know what it takes to run for office. Anyway, I ran for office in 1986, and I was elected to the position which I hold today, and for that I want to thank the citizens and the voters of the legislative district of the 130th in Berks County for the privilege and honor of serving them and the honor of having their confidence placed in me for over 20 years.

When you come up here, I also would like to recognize the fact that when you come up here, you may think you know it all, but you really do not, and thank goodness there are such people as staff, because in my 20 years here, I can fully say that

I utilized the staff as much as I could. Our staff on the Republican side of the aisle, regardless of what committee they worked with – and I am not sure how my colleagues on the Democratic side of the aisle worked – but I know on our side of the aisle, even as a freshman legislator, I had the availability of all staff at my disposal for problems that my constituents have, whether they be problems in local government, problems in agriculture, PENNDOT, which is always there. I could always pick up the phone or my staff could pick up a phone and simply make a phone call, and if they did not directly help me, they would put me in touch with the people who could. And my point is, that makes life one heck of a lot easier, and I am just so proud of the staff we have, and I just wanted to personally thank them as a whole, because they have done so much to make my legislative career so much easier and allowed me to concentrate on issues that I was concerned about.

I would also at this time like to recognize my staff here, my administrative assistant, Nancy Cole, who has been with me since I think it was probably 1988, I believe it was, 1988; 18 years, a long time – stand up, Nancy. You are not going to get out of this without being recognized – a great lady and a great secretary, a great administrative assistant, and regretfully, with the way this system works, she is somebody else's secretary. She is going to have to wait a little while to be an administrative assistant again, but I will tell you, if you want an administrative assistant, you will not find a better one.

I would also like to recognize my secretary, Jenn Sellers. Jenn, stand. Jenn has been with me since I have been a chairman, 4 years ago; excellent secretary. She has already been hired, I understand.

And I would be remiss if I would not introduce and recognize the people who helped me the most on the Finance Committee, my own staff, Andrew Ritter. Andrew, stand up. Probably what I consider one of my greatest achievements here was making sure that Andrew got hired. I know when Andrew first got hired, everybody thought he was a page, and I had to remind them, and in fact, I even thought that leadership had said they had some concern about Andrew giving advice to legislators in debates on the House floor because he looked too young to give them advice. But anyway, I think Andrew has proved himself, and the young man will go places, I am sure. I do not know if Jenn Stratton is here or not in the hall today. She is also a member of the staff in the Finance Committee also with Dave Rice; all three hardworking people, and without them, the committee itself would not operate as efficiently as it did.

I would also like to recognize my counterpart, the Democrats, Representative Dave Leviansky. Although Dave and I maybe will not see eye to eye or maybe do not see eye to eye on a lot of issues, we have seen eye to eye on a number of them, and I appreciated working with him and wish him the best and also recognize his great staff in Bob Kassoway, Eric, and Pat. So I do not know if they are on the floor, but, Dave, you can relay that to them.

I would also like to recognize, my wife could not be here today. She is a photographer, and she is out taking photographs; it is school photograph time, but for most of you married, and this would go for any spouse, but I think more so with legislative wives, it is hard on them. Being here 20 years, my wife has spent a lot of Monday and Tuesday nights and even Wednesday nights home alone, and when I do get home, as many of you know, you are not home. Many of our family

weekends were not able to be family gatherings because I could not be there. I had to be at a firehouse; I had to be at a dedication here or there, and it takes a terrible toll, really, on family life, which a lot of people do not realize and fail to realize unless you are a member. In fact, I joke with my wife. The primary election in which I lost, I lost by 2 percentage points or by a 2-percentage-point swing, and I told my wife, I said, thank goodness; although that was narrow, I am glad I did not lose by one vote, and she said, why? I told her because I knew who the culprit would be.

My wife is, to her credit, probably and in all honesty one of the happiest of my constituents knowing that I will not be serving here any longer, and quite frankly, the last few weeks prior to this election, because I was not running in this November election, I realized how great it is to be home, to be able to help out, be able to do yard work, be able to do cleaning, be able to do all the necessities around the house that you are not able to do when you are holding elected office or running for office, and I am looking forward to doing a lot more than that.

But my wife and I are also looking forward to visiting our six grandkids. We have three grandkids that live just south of Corpus Christi, Texas, which I will be driving down in my new GMC (General Motors Corp.) pickup truck. I will be driving down to see them over the holidays. I have a daughter and her husband, who have three children. They presently live in Dayton, Ohio. They are moving, though, next month. He took a job at the University of North Carolina's Medical Center. They will be moving to Chapel Hill. So my wife and I are going to need time to travel to see our grandkids. We are looking forward to that.

But nevertheless, I wish this body well. You have been given a very serious challenge this year, especially in all kinds of reform areas, and I do wish you the best. At the same time, I warn you I have some concerns. One of the things that I have learned coming up here – and we all come here, I think, thinking the things we are going to change and what we are going to accomplish and how soon we are going to be able to do it – one of the things – and I was a student of history and I appreciate reading history – and one of the lessons that history taught me is being able to appreciate the frustration that our Founders built into our system of government, and it does not allow us to get things done easily, not even good things and worthwhile and noble things. It is a struggle to get them done, and I just caution this body not to sacrifice that struggle for an expediency that somewhere down the road would destroy the institution itself and possibly throw our system of government in some sort of chaos or confusion. They built it into our system for a reason, and I think we need to maintain that reason.

I would also caution this body on reducing the size of this legislature, and I know I have good friends that are supporting such reductions. Reducing the size of the legislature I do not think is necessarily going to accomplish what you want it to accomplish, although it may accomplish some sort of expediency. At the same time, I personally believe – and my predecessor told me that, Lester Fryer, old Hefty Fryer; many of you remember him. He was a Democrat. He sat right over there. Because I supported term limits when I came in here, and he pulled me aside one day, and he said, “Dennis, I don't know if you really want to do that.” I said, “Why?” He said, “You represent basically a rural area, and,” he said, “limiting, restricting, or reducing the size of this body will certainly grant

more power to the urban areas and also grant more power to the Governor, and it will also grant more power to the special interest groups because there will be fewer of this body to lobby.” So you may want to think about that. I do not know how far such endeavors are going to go, but I think it is worth your consideration to consider not doing anything to this body that would disturb a tradition of really representing the people, and I believe this body does represent the people of this Commonwealth, and I think you represent them very well. One of the problems is, the people of this Commonwealth, in my own mind and I will say it now, they want too much; they want too much and they expect too much from an elected body.

I had a senior citizen write me over the summer, and when I say a senior citizen, he was a senior citizen probably around I think in his eighties, and I would never say this; even now as not being an elected official, I would not say it, but I will repeat his words, and he said, “Dennis, I am sorry you are leaving. You were a good Representative, but,” he said, “the people of this Commonwealth, both old and young, have become too darn spoiled.” He did not use the word “darn,” but they want everything and they want it now, and they want things that this body or any body of government was never capable or created capable to accomplish. And I think we have to ask ourselves, when constituents want things from us, when special interests want things from us, is this really what we think government should be doing?

But I will not digress anymore. I will simply wish you well and wish you the best, and I hope to get back here from time to time if, for nothing else, just to see my buddies back there, and I do not see my buddy, Harry Readshaw, but I see Ed Wojnaroski here. There is Harry. Okay. Harry, take care of Ed for us. Will you?

Anyway, I want to thank you very much, and I wish you the best and Godspeed.

Thank you.

The SPEAKER. Dennis, I do not know about you, but those were the reasons I like this job, not to do the yard work.

## LEAVE OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence, and the gentleman from Lancaster, Mr. ARMSTRONG, requests a leave of absence for the remainder of the day. Without objection, that will be granted.

## MOTION TO ADJOURN SINE DIE

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

Mr. HUTCHINSON. I rise to make a motion, Mr. Speaker.

The SPEAKER. The gentleman will state the motion.

Mr. HUTCHINSON. Mr. Speaker, I would like to make a motion that we do adjourn sine die at this moment.

The SPEAKER. The Chair thanks the gentleman.

## MOTION RULED OUT OF ORDER

The SPEAKER. The gentleman is out of order under rule 38. That must be done by a resolution in concurrence with the Senate, unless the gentleman has the resolution drafted and in the chamber.

Mr. HUTCHINSON. I do not, Mr. Speaker. Thank you.  
The SPEAKER. The gentleman would have deprived another 30 members of their farewell remarks also.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, for the purpose of an announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, at the declaration of the recess, the Appropriations Committee will meet in the Appropriations conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at the declaration of the recess in the Appropriations conference room.

### RULES COMMITTEE MEETING

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

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

**SB 1368, PN 2154**

By Rep. S. SMITH

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

RULES.

### BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

**SB 845, PN 2100**

By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for court-appointed child custody health care or behavioral health practitioners.

### RESOLUTION ON CONCURRENCE REPORTED FROM COMMITTEE

**SR 337, PN 2067**

By Rep. S. SMITH

A Concurrent Resolution resolving that it is the intent of the Pennsylvania General Assembly to appropriate no additional funds for the construction of the North Shore Connector, the twin tunnels which are slated to be built under the Allegheny River in Pittsburgh.

RULES.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentelady from Crawford, Mrs. Forcier, rise?

Mrs. FORCIER. I wish to correct the record, Mr. Speaker.

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

Mrs. FORCIER. On October 24, HB 2699, I was recorded in the affirmative, and I intended to cast my vote in the negative.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady. The gentelady's remarks will be spread across the record.

### REPUBLICAN CAUCUS

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, at the declaration of the recess, the Republicans will caucus immediately at that time.

### DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Democratic Caucus to go over the calendar for the rest of the week immediately upon the call of the recess.

I remind the members also that there will be caucus elections for both caucuses tomorrow at noon.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MR. PETRARCA

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

Mr. PETRARCA. Thank you, Mr. Speaker.

To make an announcement.

The SPEAKER. The gentleman is in order.

Mr. PETRARCA. At the declaration of recess, the Southwest Caucus will meet in 302 of the Irvis Office Building to discuss leadership elections.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

### RECESS

The SPEAKER. We expect to reconvene at 4 p.m.

This House stands in recess until 4 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

**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 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 1209, PN 2047**

By Rep. FEESE

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

#### APPROPRIATIONS.

##### **SB 1235, PN 2213**

By Rep. FEESE

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, expanding the scope of the act to include Chinese herbal therapy; further providing for definitions; regulating the practice of Chinese herbal therapy; further providing for regulation of the practice of acupuncture and for penalties; and imposing duties on the State Board of Medicine and the State Board of Osteopathic Medicine.

#### APPROPRIATIONS.

##### **SB 1331, PN 2166**

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 1332, PN 2115**

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school health services definitions, for health services, for dental examinations and dental hygiene services, for facilities, for examinations and for recommendations of health professionals; deleting provisions relating to examination by family physician or dentist; and further providing for care and treatment of school-age children, for precautions against spread of certain diseases and for medical examination of school personnel.

#### APPROPRIATIONS.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The Chair recognizes the minority whip, who moves for a leave of absence for the gentlelady from Philadelphia, Ms. YOUNGBLOOD, for the week, and the gentleman from Philadelphia, Mr. DONATUCCI, for the day. Without objection, those leaves will be granted.

#### CALENDAR CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 198, PN 787**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

#### LEAVE OF ABSENCE CANCELED

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

#### CONSIDERATION OF SB 198 CONTINUED

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—194

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubley
Argall	Flaherty	Major	Sabatina
Baker	Fleagle	Manderino	Sainato
Baldwin	Flick	Mann	Samuelson
Barrar	Forcier	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shaner
Bianucci	Gerber	McNaughton	Shapiro
Birmelin	Gergely	Melio	Siptroth
Bishop	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	Gruitza	Myers	Stern
Casorio	Haluska	Nailor	Stevenson, R.
Causer	Hanna	Nickol	Stevenson, T.
Cawley	Harhai	O'Brien	Sturla
Civera	Harhart	O'Neill	Surra
Clymer	Harper	Oliver	Tangretti
Cohen	Harris	Pallone	Taylor, J.
Cornell	Hasay	Parker	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	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	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Eachus	Leach	Reed	Yewcic
Ellis	Lederer	Reichley	Yudichak
Evans, D.	Leh	Roberts	Zug
Evans, J.	Lescovitz	Roebuck	
Fabrizio	Levdansky	Rohrer	Perzel,
Fairchild	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-7

Armstrong	Killion	Rieger	Youngblood
Donatucci	LaGrotta	Taylor, E.Z.	

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

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

\* \* \*

The House proceeded to third consideration of **SB 860, PN 2091**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubley
Argall	Flaherty	Major	Sabatina
Baker	Fleagle	Manderino	Sainato
Baldwin	Flick	Mann	Samuelson
Barrar	Forcier	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shaner
Biancucci	Gerber	McNaughton	Shapiro
Birmelin	Gergely	Melio	Siptroth
Bishop	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	Gruitza	Myers	Stern
Casorio	Haluska	Nailor	Stevenson, R.
Causer	Hanna	Nickol	Stevenson, T.
Cawley	Harhai	O'Brien	Sturla
Civera	Harhart	O'Neill	Surra
Clymer	Harper	Oliver	Tangretti
Cohen	Harris	Pallone	Taylor, J.
Cornell	Hasay	Parker	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	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	Kirkland	Raymond	Wojnaroski
Diven	Kotik	Readshaw	Wright
Eachus	Leach	Reed	Yewcic
Ellis	Lederer	Reichley	Yudichak
Evans, D.	Leh	Roberts	Zug
Evans, J.	Lescovitz	Roebuck	
Fabrizio	Levdansky	Rohrer	Perzel,
Fairchild	Mackereth	Rooney	Speaker

NAYS-0

NOT VOTING-1

Ruffing

EXCUSED-7

Armstrong	Killion	Rieger	Youngblood
Donatucci	LaGrotta	Taylor, E.Z.	

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

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

**LEAVE OF ABSENCE**

The SPEAKER. The Chair returns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Adams County, Mr. MAITLAND. Without objection, that leave will be granted.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1218, PN 1945**, entitled:

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.”

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

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

**MEMBER’S PRESENCE RECORDED**

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

**CONSIDERATION OF SB 1218 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—194**

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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.

**HARRISBURG LEGISLATIVE LEAVE**

The SPEAKER. The Chair recognizes the majority whip, who moves for a Capitol leave for the gentleman from Lehigh, Mr. SEMMEL. Without objection, that leave will be granted.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 922, PN 2046**, entitled:

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.

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

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

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **SB 513, PN 1717**, entitled:

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.

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

Mr. **GEORGE** offered the following amendment No. **A10254**:

Amend Title, page 1, line 5, by removing the period after "assessors" and inserting

; and further providing for liens for assessments.

Amend Sec. 3, page 8, line 26, by striking out "SECTION 1902" and inserting

Sections 1902 and 2510

Amend Sec. 3, page 8, line 27, by striking out "IS" and inserting are

Amend Sec. 3, page 9, by inserting between lines 8 and 9

Section 2510. Liens for Assessments; Costs of Proceedings.— After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to section 2508 or by confirmation of any report of viewers, in whole or in part, the amounts of all assessments are payable to the township treasurer for the use of the sanitary sewer district or districts or the township in which they are assessed. The board of supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will be served by the sanitary sewer system. If the assessment is not paid within [sixty] ninety days after the mailing of a bill therefor, the board of supervisors shall collect it by action of assumpsit or under law for the filing and recovery of municipal claims.

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

The **SPEAKER**. The Chair recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Mr. Speaker, am I recognized for this amendment, Mr. Speaker?

The **SPEAKER**. Mr. George, anytime.

Mr. **GEORGE**. Mr. Speaker, this amendment, A10254, addresses the problem that many people in our area have in regard to the sewerage tap-on fees. They are always a surprising expense in that one is difficult to fit into the family budget. This amendment simply allows individuals an extra 60 days in which to pay their tap-on fees.

I think this tiny little amendment could make a very big difference to many middle-class families. I would ask that we support it.

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

The Chair recognizes the gentlelady, Ms. Harper.

Ms. **HARPER**. Mr. Speaker, may I ask the maker of the amendment a question?

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

Ms. **HARPER**. Thank you, Mr. Speaker.

It has been several years since I practiced law in this area, but it used to be that you had to file the municipal lien within

4 months. If you have to file the municipal lien within 4 months and the residents get 3 months to pay the bill, I think we are going to create a problem for all of our local water and sewer authorities in not having enough time to get the liens filed, and I am wondering whether the gentleman has considered that.

Mr. GEORGE. Mr. Speaker, I am sure to some extent that happens, but being on the PENNVEST (Pennsylvania Infrastructure Investment Authority) Board, I see many times where these engineering firms have not included a lot of matters that should be considered and extended to come in on the original loans or grants, but the fact remains that during the construction and everything included, the tap-in fee is always there on the original class 1 excavation. All this does is – it is no different than someone not paying their fee – this simply just gives them an extra 30 days to consider it. That is all it does.

Ms. HARPER. Thank you, Mr. Speaker.

I appreciate the gentleman's concern, and he is on to a good idea.

It would be my request that the gentleman withdraw the amendment and in the new session file this as a separate bill, which then gives the authorities an extra 30 days to file the municipal lien. Otherwise, I am afraid his very good idea about extending the date will actually result in higher sewer rates and higher water rates, because the authorities will not be able to get the liens filed on people who do not pay.

I would respectfully request that the gentleman consider withdrawing his amendment now and reintroducing it in the new session, balancing both of these very important concerns.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Mr. George.

Mr. GEORGE. Mr. Speaker, I believe the municipalities were in and have the knowledge, and the working relationship with the engineering firms is there, and we have another member of this House on the PENNVEST committee.

This thing will not hurt them at all. The fact remains that the moneys that they borrow or the moneys that they get through the grants from PENNVEST go a long way, and it is just as easy for them to accept just a little bit of the burden than to put the burden on the middle-class or lower-class families that simply are working. It is very difficult to make ends meet as it is. Giving them a little extra time is no different than what would happen, if you allow me, if the bill was not paid. The fact remains, under the law, if a bill is not paid, the authority has the right to shut them off.

So I just think this hurts the authority. It is just a little something to help those that are our constituents.

The SPEAKER. The Chair thanks the gentleman.

### MOTION TO TABLE AMENDMENT

The SPEAKER. The gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Recognizing that embracing this amendment is effectively at this late stage in the legislative session killing this legislation, I, for the reasons enunciated so well by the gentlelady, Ms. Harper, would move to table this amendment so we can proceed with the bill in a fashion that expects it will reach the Governor's desk to become law.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman moves to table the amendment, amendment No. A10254.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, only the floor leaders may speak. It is going to be the assumption of the Chair that the floor leader will yield his time to the gentleman, Mr. George.

### AMENDMENT WITHDRAWN

The SPEAKER. On the motion to table, Mr. George.

Mr. GEORGE. Mr. Speaker, rather than play this game of table rather than face the matters we should do down here – it is a little late to start doing something new; we should have been doing this – I will remove the amendment so that the sponsor of the bill does not have to suffer for a table motion. We have done a lot of tabling. That is why we are thought of as the people think of us today, unfortunately.

I will remove the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

### YEAS—193

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

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

NAYS—0

NOT VOTING—1

Marsico

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **SB 944, PN 2099**, entitled:

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.

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

The SPEAKER. It is the information of the Chair that the amendments to this bill have all been withdrawn. If that is to the contrary, please rise and be recognized.

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

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

The question is, shall the bill pass finally?

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will someone, perhaps the appropriate committee chair, stand for brief interrogation?

The SPEAKER. The gentleman, Mr. O'Brien, indicates he will stand for interrogation. The gentleman, Mr. Vitali, is in order.

Mr. O'Brien. On interrogation, Mr. O'Brien.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted an outline of the bill with a focus perhaps on the changes or imposition of minimum mandatory sentencing from the bill. This is SB 944 by Senator Orie.

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

What we are doing is, for the sex offenses against children—Is your specific issue—

Mr. VITALI. Minimum mandatory sentencing. If you can just focus on how this imposes new or increases minimum mandatory sentencing.

Mr. O'BRIEN. Yes. It will double the mandatory minimum sentences as follows: Rape against victim under 16, you get a 10-year mandatory, which is up from 5 years; involuntary deviate sexual intercourse against a victim under 16, that is a 10-year mandatory, up from 5 years; aggravated indecent assault against a victim under 13 using force or threat of force or where the victim is impaired or unconscious, that is 10 years, up from 5 years; and aggravated indecent assault against a victim under 16, that is 5 years, up from 2 1/2 years.

Mr. VITALI. Do you have any idea how these lengths of time were chosen, what the basis for choosing these lengths of times was?

Mr. O'BRIEN. Yes. Very simply, this is a response to Jessica's Law. In other States what they are looking at is having a 25-year mandatory for a first offense. What we are doing in Pennsylvania is we are doubling those jail terms for those enumerated offenses that I just suggested, and for a second offense, you will get 25 years, and for a third offense, you get life.

Mr. VITALI. But is it that we are just going to double them just so we will make them tough? Let us just, whatever they are, we will just double them. Was that the thinking, or did the analysis go deeper into some sort of examination of the impact, the imposition these are on recidivism rates or other factors? Was there any thought as to how we got these lengths, or it is just, let us make it tougher, let us just double them?

Mr. O'BRIEN. Well, Mr. Speaker, I do not think that I would ever be accused of just making it tougher for the sake of making it tougher. There was a lot of thought that went into this, a lot of negotiation between the Senate and the House, and what we looked at was, with the concurrence of Senator Orie, that we want to make this as victim-friendly as possible.

On a first offense, often because of the select number of crimes that were identified in the original bill, the likelihood of getting a conviction for those crimes and because of the imposition of a 25-year mandatory – and that is the current trend – we elected to go with these enumerated offenses and then go with the 25-year sentence for a second or a new offense under Megan's Law. So what we did is we added the

Megan’s Law offenses into the Orie bill in the Senate. So it is a very thoughtful process and—

Mr. VITALI. I do not want to beat a dead horse here, but the analysis of choosing these lengths, I mean, was there scientific or sociological or empirical or how did we choose these lengths?

Mr. O’BRIEN. It is a choice that we are making tonight. You can choose to vote for them or you can choose to vote against them, Mr. Speaker.

Mr. VITALI. Well, these are being offered to us for us to choose or not, but I am trying to think, what is the basis for this being put in the bill and offered to us?

Mr. O’BRIEN. Because the national trend is to punish these offenders more seriously, and we think we are doing this in a thoughtful way.

Mr. VITALI. I understand more seriously, but when you just pull these figures out, what is the basis of figuring out the length?

Mr. O’BRIEN. Because this bill, Mr. Speaker, if you have not heard me, it started out at 25 years. We have now changed it for a first offense to the offenses that I have just enumerated.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Feese	Maher	Rubley
Allen	Fichter	Major	Ruffing
Argall	Flaherty	Manderino	Sabatina
Baker	Fleagle	Mann	Sainato
Baldwin	Flick	Markosek	Samuelson
Barrar	Forcier	Marsico	Santoni
Bastian	Frankel	McCall	Sather
Bebko-Jones	Freeman	McGeehan	Saylor
Belardi	Gabig	McGill	Scavello
Belfanti	Gannon	McIlhattan	Schroder
Benninghoff	Geist	McIlhinney	Semmel
Beyer	George	McNaughton	Shaner
Bianucci	Gerber	Melio	Shapiro
Birmelin	Gergely	Metcalfe	Siptroth
Bishop	Gillespie	Micozzie	Smith, B.
Blackwell	Gingrich	Millard	Smith, S.
Blaum	Godshall	Miller, R.	Solobay
Boyd	Good	Miller, S.	Sonney
Bunt	Goodman	Mundy	Staback
Buxton	Grell	Mustio	Stairs
Caltagirone	Grucela	Myers	Steil
Cappelli	Gruitza	Nailor	Stern
Casorio	Haluska	Nickol	Stevenson, R.
Causer	Hanna	O’Brien	Stevenson, T.
Cawley	Harhai	O’Neill	Sturla
Civera	Harhart	Oliver	Surra
Clymer	Harper	Pallone	Tangretti
Cohen	Harris	Parker	Taylor, J.
Cornell	Hasay	Payne	Thomas
Corrigan	Hennessey	Petrarca	Tigue
Costa	Herman	Petri	True
Crahalla	Hershey	Petrone	Turzai
Creighton	Hess	Phillips	Veon
Cruz	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	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild	Mackereth	Ross	

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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.

REMARKS SUBMITTED FOR THE RECORD

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

Last year I introduced HB 1966, which deals with people who are required to register as sex offenders or sexually violent predators under Megan’s Law. Under current law, such offenders must report any change in address, employment, or student status to the PA State Police within 10 days. My bill changed this reporting time to 48 hours.

HB 1966 had strong bipartisan support and 52 cosponsors, and in February 2006, this chamber unanimously approved the bill. About 6 weeks ago the language of HB 1966 was amended into SB 944, and yesterday this House again approved my measure, with only one dissenting vote. I want to thank all of you – my colleagues – for your overwhelming support of this initiative.

I believe, and recent events in the South and the Midwest have proven, that it is vital to maintain the tightest possible controls on the location of sex offenders and sexually violent predators in order to best protect our citizens, our neighborhoods, our schools, and our precious children. We need to ensure that parents, communities, and law enforcement personnel have timely, up-to-date information about these offenders.

It is time to close the loopholes that give sexual offenders and sexually violent predators far too much leeway in our society. This reporting change is reasonable and will impose no undue hardship, as PA State Police locations are manned 24 hours a day and 7 days a week by trained law enforcement officers.

Again, I thank you for your strong support of this commonsense measure and your continued efforts to protect our children and our communities. I look forward to working with members from both sides of the aisle in the upcoming 2007-2008 legislative session to further improve and expand PA’s Megan’s Law.

**FAREWELL ADDRESS  
BY MR. TIGUE**

The SPEAKER. The Chair at this time would like to bring Representative Tommy Tigue to the rostrum.

Mr. TIGUE. Thank you, Mr. Speaker.

I have got good news and bad news. The good news is, I am not going to deliver the speech that Linda Bebko-Jones wrote for me. The bad news is, all of you who are canvassing and trying to get votes for tomorrow are going to have to hold off for just a few minutes.

People said, what are you going to say? Are you going to talk about good things? bad things? And I said, well, I do not know how many of you are Seinfeld fans, but if you remember, Frank Costanza did the “Airing of Grievances” with the Festivus. But I do not have the aluminum pole, so we are not going to do that.

First and foremost, as all of us do, I would like to thank my wife, Dianne, and my family, because they made, as someone mentioned earlier today in one of the speeches, they made the sacrifice, and they provided the loving support to allow me to do this job, and I am forever grateful.

I would also like to thank my staff – Sandy and Kim and Maxine and Pat and all the other people who worked for me, and another Sandy. I actually used to refer to them as the two Sandys. But also to the people here who make this Capitol and make this institution work – the pages, the clerks, the Parliamentarian, the Sergeants at Arms, the committee staffs, the leadership staffs, the Comptroller. We can go on and on. Those people work so hard and are not given the credit they deserve. They allow us to do the things we do by providing us the information, the knowledge, and the assistance that we require.

As Gaynor would say, it has been a wonderful but frightful experience. Twenty-six years. When I came here, my waist was thinner and my hair was thicker and lighter. I have seen a lot of changes in 26 years, but it has been a wonderful experience. It has been a great education. You could not get this education anywhere else.

Over the past few weeks, as I was cleaning out my office, I was trying to remember things that occurred here on the floor, and over and over I kept thinking of people. Probably there is still a number of people here that came in with my class. More than 50 are now dead; they have passed. I started thinking of speeches, and there are only a couple of speeches I can honestly say I recall. Ironically, most of them, three out of the four I recall, were from people who were quiet most of the time. So maybe there is a lesson in there for some of you.

The first person I remember was our first term, and those of us who were here then probably remember an African-American gentleman named Arthur Earley, who stood up on the floor and talked about welfare reform and how difficult it was for him to cast a vote. Unfortunately, Art Earley passed that session, I believe. And I remember Gerry McMonagle from Philadelphia. Most people do not even recall him, rarely if ever spoke on the floor, and he stood at the well of the House and he talked about right-to-know and the effect that chemicals had on people he had known. I remember that like it was yesterday. I remember a gentleman, an attorney, named Russell Kowalshyn, a quiet man, a wonderful gentleman, who stood up and spoke about being a young

soldier, an officer, when they liberated the Nazi concentration camp at Auschwitz. And I remember Matt Ryan, my friend Matt Ryan, leaving the podium and going down there to speak on my behalf.

They are the things I remember, and I guess as we get older we think more about memories; we cherish them more. Perhaps we become more sensitive, if that is the correct word. But I remember people. Some of them are friends whom we have lost, like Italo Cappabianca and Benny Dombrowski and a gentleman, Steve Seventy. Those of us who reside at 1616 Green Street, his picture is on the wall at the apartment where we live.

People asked me, what are you going to say? And I said, I do not know. All of us, I guess, have observations or advice, if you want to call it, and I would offer a few observations. One of the things we have to do is to change the way we run campaigns. Collectively we talk about the negative media. We generate some of that negativism by the campaigns that are run, with the character assassinations that are done. Hopefully, someday we will show that you do not need to do that. The money that is used in campaigns is obscene. Those are the things we should change.

If there are any new members or new members-elect or some of you younger members, extend your hand across the aisle. Socialize with members from the other party. Get to know each other. We can disagree philosophically. We do not have to be enemies. We can have civility, which I think is one of the things we have, I do not want to say we lost it, but there is less civility than there was when we were first elected.

Do not underestimate the intelligence of your constituents. I think my voters are very intelligent – 13 times in a row. Do not be afraid to say no to people. When someone says, well, you are criticized by a certain group or individual within my district, I tell them, I cannot please everyone. I cannot please everyone in my house; ask my wife, kids, and my grandkids. There are times when we are expected to say no. Constituents, voters, understand that. They respect it. They may not agree with you, but they will respect you.

And so in sum, I do not know how to put this, I have met great friends down here. Gaynor Cawley and I are probably closer than any two individuals here. I did not know Gaynor Cawley until after I was elected. He and I have spent more time with each other, as he tells people, than his wife and my wife have spent with us. My wife is going to have a problem now that I am going to be home all the time. Someone stood up here earlier and said, oh, my wife wants me home. No, she does not. My wife, when I said I was not running, said, I am going to get a full-time job.

Let me sum it up with two phrases. One is from Bob Hope’s theme, his theme song, and the other is from Matt Ryan’s favorite song: Thanks for the memories, and we will meet again. God bless.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 514, PN 2124**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, expanding the scope of the act; further providing for the short title, for definitions, for applicability and for subjects of taxation; eliminating

the office of elected assessor in townships of the second class; providing for valuation of real property used for wind energy generation; and making a related repeal.

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

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **SB 811, PN 1814**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—185

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

Curry	Hutchinson	Pyle	Waters
Daley	James	Quigley	Watson
Dally	Josephs	Ramaley	Wheatley
DeLuca	Kauffman	Rapp	Williams
Denlinger	Keller, M.	Raymond	Wilt
Dermody	Keller, W.	Readshaw	Wojnaroski
DeWeese	Kenney	Reed	Wright
DiGirolamo	Kirkland	Reichley	Yewcic
Diven	Kotik	Roberts	Yudichak
Eachus	Leach	Roebuck	Zug
Ellis	Lederer	Rooney	
Evans, D.	Leh	Ross	Perzel,
Evans, J.	Lescovitz	Rubley	Speaker
Fabrizio	Levdansky	Ruffing	

NAYS-9

Benninghoff	Mackereth	Nailor	Rohrer
Gabig	Miller, R.	Nickol	Saylor
Gillespie			

NOT VOTING-0

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **HB 1491, PN 1808**, entitled:

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

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

Mr. **GEORGE** offered the following amendment No. **A10065**:

Amend Title, page 1, line 3, by removing the period after "plates" and inserting  
and for traffic and engineering investigations.

Amend Sec. 1, page 1, lines 7 and 8, by striking out "1359(a) and 1360" and inserting  
1359(a), 1360 and 6105

Amend Sec. 1, page 8, by inserting between lines 2 and 3 § 6105. Department to prescribe traffic and engineering investigations.

(a) Regulation by department.—The department may establish by regulation the manner in which traffic and engineering investigations shall be carried out. The department may specify particular actions which require traffic and engineering investigations. No action shall become effective until the investigation has been properly completed.

(b) Petition.—A member of the General Assembly may petition the department to conduct a traffic and engineering investigation within the member's legislative district by submitting a written request to the

department. The department shall conduct the investigation provided that the request includes:

(1) A letter of support from a local authority.

(2) A letter of support signed by 20 residents of the legislative district.

(3) A detailed description of the safety concerns giving rise to the request.

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

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

Mr. GEORGE. Mr. Speaker, I am sure there is not a legislator who has not heard from constituents about the safe walking areas in which their children have to walk in order to catch a bus or go to school. Now, I know years ago if you had a complaint, you could ask the school to consider looking into it, and then sometime later you could ask the Department of Transportation for a traffic survey. Then all at once somebody changed something, and now, according to what I am told, there is no use going to the school board, because they are the ones that deemed that it was not necessary. But the law insists that if the young students are walking or traveling on a road surface where more than three multiwheeled vehicles are operating within that time that the school bus arrives, then you can ask for a survey.

What this amendment does, it allows the constituency, after a certain number, to have the legislator request a traffic survey to see, in order to save a life, why it might be proper to make some changes in the area where the children embark or disembark, and I think we should pass this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-92

Bebko-Jones	Fabrizio	Mann	Sainato
Belardi	Flaherty	Markosek	Samuelson
Belfanti	Frankel	McCall	Santoni
Beyer	Freeman	McGeehan	Shaner
Biancucci	George	McIlhattan	Shapiro
Bishop	Gerber	Melio	Siptroth
Blackwell	Gergely	Mundy	Solobay
Blaum	Goodman	Myers	Staback
Buxton	Grucela	Oliver	Sturla
Caltagirone	Gruitza	Pallone	Surra
Casorio	Haluska	Parker	Tangretti
Cawley	Hanna	Petrarca	Thomas
Cohen	Harhai	Petrone	Tigue
Corrigan	James	Pistella	Veon
Costa	Josephs	Preston	Vitali
Cruz	Keller, W.	Ramaley	Walko
Curry	Kirkland	Readshaw	Wansacz
Daley	Kotik	Roberts	Waters
DeLuca	Leach	Roebuck	Wheatley
Dermody	Lederer	Rooney	Williams
DeWeese	Lescovitz	Rubley	Wojnaroski
Eachus	Levdansky	Ruffing	Yewcic
Evans, D.	Manderino	Sabatina	Yudichak

NAYS-101

Adolph	Fichter	Mackereth	Reichley
Allen	Fleagle	Maher	Rohrer
Argall	Flick	Major	Ross
Baker	Forcier	Marsico	Sather
Baldwin	Gabig	McGill	Saylor
Barrar	Gannon	McIlhinney	Scavello
Bastian	Geist	McNaughton	Schroder
Benninghoff	Gillespie	Metcalfe	Semmel
Birmelin	Gingrich	Micozzie	Smith, B.
Boyd	Godshall	Millard	Smith, S.
Bunt	Good	Miller, R.	Sonney
Cappelli	Grell	Miller, S.	Steil
Causer	Harhart	Mustio	Stern
Civera	Harper	Nailor	Stevenson, R.
Clymer	Harris	Nickol	Stevenson, T.
Cornell	Hasay	O'Brien	Taylor, J.
Crahalla	Hennessey	O'Neill	True
Creighton	Herman	Payne	Turzai
Dally	Hershey	Petri	Watson
Denlinger	Hess	Phillips	Wilt
DiGirolamo	Hickernell	Pickett	Wright
Diven	Hutchinson	Pyle	Zug
Ellis	Kauffman	Quigley	
Evans, J.	Keller, M.	Rapp	Perzel,
Fairchild	Kenney	Raymond	Speaker
Feese	Leh	Reed	

NOT VOTING-1

Stairs

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

Mr. **FLEAGLE** offered the following amendment No. **A10131**:

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

and for use and display of illuminated signs.

Amend Bill, page 8, by inserting between lines 2 and 3

Section 2. Section 4307 of Title 75 is amended by adding subsections to read:

§ 4307. Use and display of illuminated signs.

\* \* \*

(f) Food delivery vehicle.—A food delivery vehicle may display an illuminated sign which shall be of a department-approved size and type designed not to interfere with or unduly distract the drivers of other vehicles on the highway. The department shall promulgate regulations setting forth the size, type and placement of signs approved for use under this subsection.

(g) Definition.—As used in this section, the term "food delivery vehicle" means a vehicle engaged in the transportation or conveyance of food products or items from their place of origin or production to a place of delivery, which vehicle may make intermittent stops that are customary in the routine conduct of the business for which the transportation occurs.

Amend Sec. 2, page 8, line 3, by striking out "2" and inserting  
3

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

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

Mr. **McCALL** offered the following amendment No. **A10219**:

Amend Sec 1, page 1, line 6, by inserting after "Sections" 1338(a), 1341,

Amend Sec. 1, page 1, lines 7 and 8, by striking out "and 1360" and inserting

, 1360, 1362, 1363 and 1364

Amend Sec. 1, page 1, by inserting between lines 9 and 10 § 1338. Person with disability plate and placard.

(a) Person with disability plate.—On the application of any person who:

- (1) is blind;
- (2) does not have full use of an arm or both arms;
- (3) cannot walk 200 feet without stopping to rest;
- (4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (6) uses portable oxygen;
- (7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;
- (8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or
- (9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds, designating the vehicle so licensed as being used by a person with a disability. Special plates for persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities for display on the registration plate.

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§ 1341. Special registration plates generally.

Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. Special groups may charge a fee for authorization to request a registration plate bearing the name of the group. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees. The department is authorized to reissue a combination of numbers or letters for a personal plate if the department records reveal that no activity, such as renewal or transfer of the personal registration plate, has occurred for a period of five or more consecutive years and provided that the personal registration plate was never reported as lost or stolen. Whenever the department reissues an inactive personal plate, the department may purge its records of all references to the previous owners of that personal plate. The department shall, however, note upon its records the reissuance of the personal plate and to whom the plate was issued. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

Amend Sec. 1, page 8, by inserting between lines 2 and 3 § 1362. Operation Iraqi Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

§ 1363. Operation Enduring Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

§ 1364. Special plates for veterans.

Upon application of any person who is an honorably discharged veteran of the armed forces of the United States or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

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

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

Mr. **McCALL**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a technical amendment. It increases the weight limit for five additional license plates from 9,000 to 10,000, gross vehicle weight.

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

The following roll call was recorded:

YEAS—193

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

Caltagirone	Grucela	Myers	Steil
Cappelli	Gruitza	Nailor	Stern
Casorio	Haluska	Nickol	Stevenson, R.
Causer	Hanna	O'Brien	Stevenson, T.
Cawley	Harhai	O'Neill	Sturla
Civera	Harhart	Oliver	Surra
Clymer	Harper	Pallone	Tangretti
Cohen	Harris	Parker	Taylor, J.
Cornell	Hasay	Payne	Thomas
Corrigan	Hennessey	Petrarca	Tigue
Costa	Herman	Petri	True
Crahalla	Hershey	Petrone	Turzai
Creighton	Hess	Phillips	Vitali
Cruz	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	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Levdansky	Rooney	Speaker
Fairchild	Mackereth	Ross	

NAYS-0

NOT VOTING-1

Veon

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
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	Rubley
Allen	Fichter	Major	Ruffing
Argall	Flaherty	Manderino	Sabatina
Baker	Fleagle	Mann	Sainato
Baldwin	Flick	Markosek	Samuelson
Barrar	Forcier	Marsico	Santoni
Bastian	Frankel	McCall	Sather
Bebko-Jones	Freeman	McGeehan	Saylor
Belardi	Gabig	McGill	Scavello

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **SB 180, PN 2090**, entitled:

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.

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

Mr. **FLICK** offered the following amendment No. **A10333**:

Amend Sec. 7, page 7, line 28, by striking out “Clear and proper” and inserting

Proper

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

On the question,

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

The **SPEAKER**. It is the understanding of the Chair that all the other amendments have been withdrawn. The Chair sees no one standing.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

Eachus	Leach	Reichley	Yewcic
Ellis	Lederer	Roberts	Yudichak
Evans, D.	Leh	Roebuck	Zug
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	Perzel,
Fairchild	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

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

\* \* \*

The House proceeded to third consideration of **HB 906, PN 4165**, entitled:

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.

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

Mr. **HARHAI** offered the following amendment No. **A10044**:

Amend Title, page 1, line 21, by inserting after "PENALTIES," further providing, in neighborhood assistance tax credit, for definitions and for grant of tax credit; providing for Pennsylvania S corporation shareholder pass-through; and

Amend Bill, page 5, lines 28 through 30, by striking out all of said lines and inserting

Section 1. The definition of "business firm" in section 1902-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended May 7, 1997 (P.L.85, No.7), is amended to read:

Section 1902-A. Definitions.—The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Business firm." Any business entity authorized to do business in this Commonwealth and subject to taxes imposed by Article III, IV, VI, VII, VII-A, VIII, VIII-A, IX, X or XV of this act. The term shall include a shareholder of a Pennsylvania S corporation who is liable for taxes imposed under Article III.

\* \* \*

Section 2. Section 1905-A of the act, amended July 7, 2005 (P.L.149, No.40), is amended to read:

Section 1905-A. Grant of Tax Credit.—The Department of Revenue shall grant a tax credit against any tax due under Article III, IV, VI, VII, VII-A, VIII, VIII-A, IX, X or XV of this act, or any tax substituted in lieu thereof in an amount which shall not exceed fifty per cent of the total amount invested during the taxable year by the business firm or twenty per cent of qualified investments by a private company in programs approved pursuant to section 1904-A of

this act: Provided, That a tax credit of up to seventy per cent of the total amount invested during the taxable year by a business firm or up to thirty per cent of the amount of qualified investments by a private company may be allowed for investment in programs where activities fall within the scope of special program priorities as defined with the approval of the Governor in regulations promulgated by the secretary. Such credit shall not exceed two hundred fifty thousand dollars (\$250,000) annually, except in the case of comprehensive service projects which shall be allowed an additional credit equal to seventy per cent of the qualifying investments made in comprehensive service projects; however, such additional credit shall not exceed three hundred fifty thousand dollars (\$350,000) annually. No tax credit shall be granted to any bank, bank and trust company, insurance company, trust company, national bank, savings association, mutual savings bank or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the investment was made may be carried over for the next five succeeding calendar or fiscal years until the full credit has been allowed. The total amount of all tax credits allowed pursuant to this act shall not exceed eighteen million dollars (\$18,000,000) in any one fiscal year.

Section 3. The act is amended by adding a sections to read:

Section 1907-A. Pennsylvania S Corporation Shareholder Pass-Through.—(a) If a Pennsylvania S corporation does not have an eligible tax liability against which the neighborhood assistance tax credit may be applied, a shareholder of the Pennsylvania S corporation is entitled to a neighborhood assistance tax credit equal to the neighborhood assistance tax credit determined for the Pennsylvania S corporation for the taxable year multiplied by the percentage of the Pennsylvania S corporation's distributive income to which the shareholder is entitled.

(b) The credit provided under subsection (a) is in addition to any neighborhood assistance tax credit to which a shareholder of a Pennsylvania S corporation is otherwise entitled under this article. However, a Pennsylvania S corporation and a shareholder of a Pennsylvania S corporation may not claim a credit under this article for the same qualified neighborhood assistance expense.

(c) The tax credits under this section shall be granted by the department to Pennsylvania S corporations and shareholders of Pennsylvania S corporations only after the tax credits under section 1905-A have been granted to business entities authorized to do business in this Commonwealth and subject to taxes imposed by Article IV, VI, VII, VIII, VIII-A, IX or XV of this act.

Amend Sec. 2, page 6, line 4, by striking out "2" and inserting  
4

Amend Sec. 3, page 6, line 12, by striking out "3" and inserting  
5

Amend Sec. 4, page 8, line 23, by striking out "4" and inserting  
6

Amend Sec. 5, page 8, line 28, by striking out "5" and inserting  
7

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

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

Mr. HARHAI. Mr. Speaker, I offer this amendment, A10044, for neighborhood assistance tax credits for S corps. It is just designed to encourage businesses to invest capital to be used to provide eligible services and improve the quality of low-income individuals in distressed neighborhoods. This just gives them an opportunity to compete with the C corps money that is left over, and I would approve an affirmative vote. It is very good for the smaller communities that have a lot of S corps available but do not have the ability to take advantage of a tax credit.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.  
The gentelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, on this amendment, I would like my colleagues to understand that the total amount for this program is not going to be increased as a result of this amendment, that in fact this fund has not been used to its capacity in recent years, and this would just allow any of the unused dollars to be used for the subchapter S tax credit.

So therefore, Mr. Speaker, as prime sponsor of this legislation, I would be supportive of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentelady.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Armstrong  
Donatucci

Killion  
LaGrotta

Maitland  
Rieger

Taylor, E.Z.  
Youngblood

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

On the question,

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

The SPEAKER. The gentleman, Mr. McGeehan, offers the following amendment, which the clerk will read.

Mr. MCGEEHAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MCGEEHAN. Mr. Speaker, I respectfully withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SOLOBAY offered the following amendment No. **A10344**:

Amend Title, page 1, line 21, by inserting after "PENALTIES," " providing, in personal income tax, for contributions to lupus foundations; and

Amend Sec. 1, page 5, line 29, by striking out "A SECTION" and inserting

sections

Amend Sec. 1, page 5, by inserting after line 30

Section 315.10. Contributions for Lupus Foundations.—(a) The department shall provide a space on the Pennsylvania individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to the Lupus Foundation of Pennsylvania or the Lupus Foundation of America, Southeastern PA Chapter, Inc.

(b) The amount so designated by an individual on the income tax return form shall be deducted from the tax refund to which such individual is entitled and shall not constitute a charge against the income tax revenues due the Commonwealth.

(c) The department shall determine annually the total amount designated pursuant to this section, less reasonable administrative costs, and shall report such amount to the State Treasurer, who shall transfer such amount from the General Fund to the Lupus Foundation of Pennsylvania or the Lupus Foundation of America, Southeastern PA Chapter, Inc.

Amend Bill, page 8, by inserting between lines 27 and 28

Section 5. The addition of section 315.10 of the act shall apply to taxable years beginning after December 31, 2006.

Amend Sec. 5, page 8, line 28, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—193

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

## NAYS—0

## NOT VOTING—1

Petri

## EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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?

Mr. **GEORGE** offered the following amendment No. **A10066**:

Amend Title, page 1, line 21, by inserting after "PENALTIES," "

providing for graduated income tax study; and

Amend Sec. 1, page 5, line 29, by striking out "A SECTION" and inserting

sections

Amend Sec. 1, page 5, by inserting after line 30

Section 362. Graduated Income Tax Study.—(a) The Legislative Budget and Finance Committee in consultation and cooperation with the Local Government Commission shall study the potential fiscal effects of a graduated income tax on the people of this Commonwealth.

(b) Any proposed tax plan evaluated by the Legislative Budget and Finance Committee under this section shall consist of multiple tax brackets and require that each individual pay a uniform percent of tax on the income falling within each tax bracket. Any increased tax shall apply only to the income within that bracket, thereby ensuring that each individual is taxed at a uniform rate.

(c) The Legislative Budget and Finance Committee shall report its findings and recommendations to the General Assembly within ninety days of the effective date of this section. The report shall address the following:

(1) The amount of revenue created by the proposed tax plan.

(2) The potential tax consequences for the residents of this Commonwealth.

(3) Recommendations regarding the application of the graduated income tax on married individuals.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, for many years now, an equitable and fair tax structure has eluded us. Ideas from both sides are numerous, but nothing has been able to be voted out of the House. We must be serious about delivering our promises to the voters. This amendment simply authorizes a study to be conducted so that we all may gain the most pertinent and valuable information so that we can find which way to move forward, possibly with a graduated income tax. We are asking and instructing the legislative office of Budget and Finance in consultation with the Local Government Commission to conduct a study on a graduated income tax that I ask that you support.

We all talk about what we want to do back home. Some want to put tax on this; some want to put a tax on clothing. Everybody wants to tax. Now it is about time we look at the tax that should be laid on those that can most afford it. Thank you.

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

Mr. MAHER. Thank you, Mr. Speaker.

If the gentleman offering the amendment would receive a couple of inquiries?

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

Mr. George, the gentleman is asking for interrogation. The gentleman, Mr. Maher, is in order.

Mr. MAHER. Thank you, Mr. Speaker.

Could the gentleman explain, does he intend to be advancing the idea of a graduated income tax at a local level as well as a State level?

Mr. GEORGE. It is on the State level, Mr. Speaker.

Mr. MAHER. Just at the State level? Did I understand that?  
 Mr. GEORGE. That is all.  
 Mr. MAHER. Thank you, Mr. Speaker.

**AMENDMENT TABLED**

Mr. MAHER. On the amendment.  
 The SPEAKER. The gentleman is in order.

Mr. MAHER. The amendment is drafted to provide for a study by the Legislative Budget and Finance Committee and the Local Government Commission. Insofar as the gentleman just explained that his amendment is not intended to have anything to do with local government, I would suggest that it needs to be redrafted to embrace his actual intent and would move that we table the amendment, Mr. Speaker.

The SPEAKER. The gentleman has made a motion to table the amendment, George amendment No. A10066.

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

The following roll call was recorded:

**YEAS—127**

Adolph	Fichter	Mackereth	Reed
Allen	Fleagle	Maher	Reichley
Argall	Flick	Major	Rohrer
Baker	Forcier	Manderino	Ross
Baldwin	Gabig	Marsico	Rubley
Barrar	Gannon	McGeehan	Ruffing
Bastian	Geist	McGill	Sabatina
Benninghoff	Gerber	McIlhattan	Sather
Beyer	Gergely	McIlhinney	Saylor
Birmelin	Gillespie	McNaughton	Scavello
Blaum	Gingrich	Metcalfe	Schroder
Boyd	Godshall	Micozzie	Semmel
Bunt	Good	Millard	Smith, B.
Buxton	Grell	Miller, R.	Smith, S.
Cappelli	Haluska	Miller, S.	Sonney
Casorio	Harhart	Mustio	Stairs
Causer	Harper	Nailor	Steil
Civera	Harris	Nickol	Stern
Clymer	Hasay	O'Brien	Stevenson, R.
Cornell	Hennessey	O'Neill	Stevenson, T.
Corrigan	Herman	Payne	Sturla
Crahalla	Hershey	Petrarca	Taylor, J.
Creighton	Hess	Petri	True
Daley	Hickernell	Petrone	Turzai
Dally	Hutchinson	Phillips	Watson
Denlinger	Kauffman	Pickett	Wilt
Dermody	Keller, M.	Preston	Wojnaroski
DiGirolamo	Keller, W.	Pyle	Wright
Diven	Kenney	Quigley	Zug
Ellis	Kotik	Rapp	
Evans, J.	Lederer	Raymond	Perzel,
Fairchild	Leh	Readshaw	Speaker
Feese			

**NAYS—67**

Bebko-Jones	Flaherty	McCall	Siptroth
Belardi	Frankel	Melio	Solobay
Belfanti	Freeman	Mundy	Staback
Biancucci	George	Myers	Surra
Bishop	Goodman	Oliver	Tangretti
Blackwell	Grucela	Pallone	Thomas
Caltagirone	Gruitza	Parker	Tigue
Cawley	Hanna	Pistella	Veon
Cohen	Harhai	Ramaley	Vitali

Costa	James	Roberts	Walko
Cruz	Josephs	Roebuck	Wansacz
Curry	Kirkland	Rooney	Waters
DeLuca	Leach	Sainato	Wheatley
DeWeese	Lescovitz	Samuelson	Williams
Eachus	Levdansky	Santoni	Yewcic
Evans, D.	Mann	Shaner	Yudichak
Fabrizio	Markosek	Shapiro	

NOT VOTING—0

EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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 as amended?

Mr. LEACH offered the following amendment No. A10077:

Amend Title, page 1, line 21, by inserting after "PENALTIES," further providing for exclusions from tax; and  
 Amend Bill, page 5, lines 28 through 30, by striking out all of said lines and inserting

Section 1. Section 204 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon any of the following:

\*\*\*  
(66) The sale at retail or use of solar energy system equipment directly related to the installation, use or repair of an energy efficient solar energy system. Such equipment and systems must be compliant with applicable national and industry equipment, installation and performance standards. The Department of Revenue is authorized to promulgate regulations regarding the specific standards that solar energy systems must meet to qualify for the tax exclusion. For the purposes of this clause, "solar energy system equipment" means an arrangement or combination of components that utilizes solar radiation to produce energy designed to provide heating, cooling, hot water and/or electricity. Such arrangement or components shall not include equipment that is part of a non-solar energy system or which uses any sort of recreational facility or equipment as a storage medium.

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

Amend Sec. 2, page 6, line 4, by striking out "2" and inserting 3

Amend Sec. 3, page 6, line 12, by striking out "3" and inserting 4

Amend Sec. 4, page 8, line 23, by striking out "4" and inserting 5

Amend Sec. 5, page 8, line 28, by striking out "5" and inserting 6

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

The following roll call was recorded:

**YEAS—194**

Adolph	Feese	Maher	Rubley
Allen	Fichter	Major	Ruffing

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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?

Mr. **ROONEY** offered the following amendment No. **A10082**:

Amend Title, page 1, line 21, by inserting after "PENALTIES," further providing for exclusions from tax; and

Amend Bill, page 5, lines 28 through 30, by striking out all of said lines and inserting

Section 1. Section 204 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon any of the following:

\* \* \*

(66) The sale at retail or use of firearm storage vaults or trigger locks.

Section 1.1. The act is amended by adding a section to read:

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. It is the indication to the Chair, he has been told that that amendment is withdrawn.

On the question recurring,

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

Mr. **YUDICHAK** offered the following amendment No. **A10102**:

Amend Title, page 1, line 21, by inserting after "PENALTIES," providing for a small business health care tax credit; and

Amend Bill, page 5, lines 28 through 30, by striking out all of said lines and inserting

Section 1. The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding an article to read:

ARTICLE XVII-D

SMALL BUSINESS HEALTH CARE TAX CREDIT

Section 1701-D. Scope.

This article relates to health care tax credits.

Section 1702-D. Definitions.

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

"Department." The Department of Revenue of the Commonwealth.

"Health care benefits." An entitlement provided to an employee in accordance with a wage agreement that provides prevention, treatment and management of illness and the preservation of mental health and physical well-being through the services offered by the medical and allied health professions.

"Pass-through entity." Any of the following:

(1) A partnership, limited partnership, limited liability company, business trust or other unincorporated entity that for Federal income tax purposes is taxable as a partnership.

(2) A Pennsylvania S corporation.

"Qualified tax liability." The liability for taxes imposed under Article III, IV or VI. The term shall include the liability for taxes imposed under Article III on an owner of a pass-through entity.

"Secretary." The Secretary of Revenue of the Commonwealth.

"Small business." An employer who, on at least 50% of its working days during the taxable year, employed no more than 100 employees.

"Tax credit." The small business health care tax credit authorized under this article.

"Taxpayer." An entity subject to tax under Article III, IV or VI. The term shall include the shareholder, owner or member of a pass-through entity that receives a tax credit.

Section 1703-D. Credit for small business health care.

(a) Application.—A taxpayer who is a small business and provides health care benefits in a taxable year may apply for a tax credit as provided in this article. By September 15, a taxpayer must submit an application to the department for health care benefits incurred in the taxable year that ended in the prior calendar year.

(b) Amount.—A taxpayer that is qualified under subsection (a) shall receive a tax credit for the taxable year in the amount equal to 50% of the amount of expenses incurred by a small business for providing health care benefits to its employees, but no more than \$1,000 per employee receiving health care benefits.

(c) Notification.—By December 15 of the calendar year following the close of the taxable year during which the health care expense was incurred by the small business, the department shall notify the taxpayer of the amount of the taxpayer’s tax credit approved by the department.

Section 1704-D. Carryover, carryback, refund and assignment of credit.

(a) Carryover.—If the taxpayer cannot use the entire amount of the tax credit for the taxable year in which the tax credit is first approved, then the excess may be carried over to succeeding taxable years and used as a credit against the qualified tax liability of the taxpayer for those taxable years. Each time that the tax credit is carried over to a succeeding taxable year, it is to be reduced by the amount that was used as a credit during the immediately preceding taxable year. The tax credit may be carried over and applied to succeeding taxable years for no more than 15 taxable years following the first taxable year for which the taxpayer was entitled to claim the credit.

(b) Application.—A tax credit approved by the department for small business health care tax credit in a taxable year first shall be applied against the taxpayer’s qualified tax liability for the current taxable year as of the date on which the credit was approved before the tax credit is applied against any tax liability under subsection (a).

(c) Unused credit.—A taxpayer is not entitled to assign, carry back or obtain a refund of an unused tax credit.

Section 1705-D. Shareholder, owner or member pass-through.

(a) Shareholder credit.—If a Pennsylvania S corporation does not have an eligible tax liability against which the tax credit may be applied, a shareholder of the Pennsylvania S corporation is entitled to a tax credit equal to the tax credit determined for the Pennsylvania S corporation for the taxable year multiplied by the percentage of the Pennsylvania S corporation’s distributive income to which the shareholder is entitled.

(b) Pass-through entity credit.—If a pass-through entity other than a Pennsylvania S corporation does not have an eligible tax liability against which the tax credit may be applied, an owner or member of the pass-through entity is entitled to a tax credit equal to the tax credit determined for the pass-through entity for the taxable year multiplied by the percentage of the pass-through entities’ distributive income to which the owner or member is entitled.

(c) Additional credit.—The credit provided under subsection (a) or (b) is in addition to any tax credit to which a shareholder, owner or member of a pass-through entity is otherwise entitled under this article. However, a pass-through entity and a shareholder, owner or member of a pass-through entity may not claim a credit under this article for the same small business health care tax credit.

Section 1706-D. Report to General Assembly.

The secretary shall submit an annual report to the General Assembly indicating the effectiveness of the credit provided by this article no later than March 15 following the year in which the credits were approved. The report shall include the names of all taxpayers utilizing the credit as of the date of the report and the amount of credits approved and utilized by each taxpayer. Notwithstanding any law providing for the confidentiality of tax records, the information contained in the report shall be public information. The report may also include any recommendations for changes in the calculation or administration of the credit.

Section 1707-D. Regulations.

The secretary shall promulgate regulations necessary for the implementation and administration of this article.

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

Amend Sec. 2, page 6, line 4, by striking out “2” and inserting  
3

Amend Sec. 3, page 6, line 12, by striking out “3” and inserting  
4

Amend Sec. 4, page 8, line 23, by striking out “4” and inserting  
5

Amend Bill, page 8, by inserting between lines 27 and 28

Section 6. The addition of Article XVII-D of the act shall apply to taxable years beginning after December 31, 2006.

Amend Sec. 5, page 8, line 28, by striking out “5” and inserting  
7

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

NAYS—0

## NOT VOTING—5

Mundy                      Staback                      Veon                      Wansacz  
Siptroth

## EXCUSED—8

Armstrong                      Killion                      Maitland                      Taylor, E.Z.  
Donatucci                      LaGrotta                      Rieger                      Youngblood

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?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. One moment, Mr. Vitali; one moment.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. The gentelady, Mrs. Miller, indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Now, I just want to make sure I understand this. What your bill would do, if I am getting it right, is it would eliminate the Pennsylvania inheritance tax entirely, so that if a person in Pennsylvania dies and by will or through the laws of intestate succession gives real or personal property, passes, then you are totally eliminating the inheritance tax on that. Is that basically what it does?

Mrs. MILLER. Yes, Mr. Speaker. This is a phaseout of the inheritance tax, which would be done incrementally with a complete phaseout as of the year 2010.

Mr. VITALI. Okay. And I just want to double-check this figure. Once it is totally phased out, it will result in a decrease in revenue to the Commonwealth of about \$634 million a year?

Mrs. MILLER. Yes, Mr. Speaker. Whenever you eliminate taxes, you are going to see a reduction in revenues to the Commonwealth. However, when we are assisting small businesses, especially family-owned businesses, family-owned farms, the capability of staying in business, because they do not have to sell that business in order to pay the inheritance tax, Mr. Speaker, we are actually helping to enhance the revenue-generating capabilities of our Commonwealth. Therefore, while you may see a reduction to the Commonwealth

because of the elimination of the inheritance tax, I anticipate you are going to see a similar increase in revenues to the Commonwealth due to sales tax and income tax that would then be an investment by these businesses in our Commonwealth.

Mr. VITALI. Okay. So your position is even though you are eliminating a \$600 million revenue source, this will cause an additional \$600 million to come in from some other source. Is that what you are saying?

Mrs. MILLER. Mr. Speaker, it is hard for me to put on a fortune teller's hat and know exactly what we are going to see as far as total revenues. However, you have to remember that this is incremental, and the '07-'08 cost is considerably less than that. I am looking at this; it is \$210.2 million, and so what I am anticipating is that over the years that this is being phased out, it will give these businesses the chance to, number one, stay in business, and number two, then add to the revenues of our Commonwealth. But I cannot tell you that it will be a dollar-for-dollar exchange.

Mr. VITALI. Do you have any economic analysis of the increased revenues so that we can get a sense for what sort of budget hole it will actually be, because you seem to be saying it is not going to be a \$600 million budget hole but it will be somewhat less than that. Do you have any statistical or economic data to back up the actual net impact this will have on Pennsylvania revenues?

Mrs. MILLER. Mr. Speaker, the only thing that I can point to at this point in time is the fact that we continue to see the demise of small family-owned businesses and family-owned farms, and anything that we can do to make sure that these small businesses are able to pass from one generation to the next will allow us to continue those small neighborhood community businesses, and in fact, then they will be generating income. There has been, to my knowledge, no specific study done by anyone to project any kind of, if this happens, this will be the net result, Mr. Speaker. But we do know that because of the State's inheritance tax, which has not been eliminated at the State level but we are seeing the elimination of that at the Federal level, that it causes Pennsylvania's small businesses and farmers especially to have a disadvantage when it comes to passing on their family business to the next generation.

Mr. Speaker, anything that we can do to make sure that we give our number one industry, family farming, that opportunity to pass it on to the next generation, we need to do that. Mr. Speaker, it is becoming very critical, because the average age of Pennsylvania farmers—

Mr. VITALI. Excuse me. Mr. Speaker, this is interrogation now. I asked a narrow question, and I appreciate a thorough response, but I think you are using it as an opportunity, in all fairness, to make your case instead of answer questions.

The SPEAKER. Would the gentleman suspend.

If the gentleman has that concern, he should raise that point with the Chair and not directly with a member.

Mr. VITALI. Thank you, Mr. Speaker.

Mrs. MILLER. Mr. Speaker, if I could complete my sentence.

The SPEAKER. The gentelady has the floor.

Mrs. MILLER. What I was trying to point out is that our family farmers are now averaging in age 57 years old. If we do not address this concern in short order, we will not have the opportunity to assist them.

Mr. VITALI. Do you have any proposed tax increases to make up for this \$600 million tax loss? If you could answer that in a word, that would be great.

Mrs. MILLER. Mr. Speaker, I am not asking to increase taxes by doing this. What I am— And I cannot answer you in a word, Mr. Speaker.

Mr. VITALI. Okay. So you do not have a substitute for this.

Mrs. MILLER. As I said before, Mr. Speaker, when you keep a business in operation, that business pays personal income tax. As a result, there will be income coming into the Commonwealth. When a business no longer exists, it no longer pays personal income tax, whether it is a small family hardware store or whether it is a small family farm. Therefore, Mr. Speaker, by keeping these businesses in operation, they will continue to contribute and hopefully increase their total sales—

The SPEAKER. Would the gentledady suspend.

Mrs. MILLER. —and therefore we will—

The SPEAKER. The gentledady suspend.

The gentledady is falling a little far afield of the question that was asked. Would the gentledady try to make it a little more concise.

Mr. VITALI. Do you know if the administration has a position on HB 906?

Mrs. MILLER. I cannot answer that question.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

If I can just speak on the—

The SPEAKER. The gentleman is in order.

Mr. VITALI. And I salute the lady for this bill. I mean, who wants to pay taxes? So just eliminating a tax is great. I mean, I am all for it, but I think we have to be realistic and understand that taxes are a necessary part of running government.

My concern with this proposal is multifold. One, you are just eliminating \$600 million of revenue. Where is that going to come from? And I do not think we have a plan here. But two, it is not really tailored in any real sense to farms or economic development. I mean, you know, if I passed on tomorrow, there would be no tax, or in 10 years and left my property to my daughter, that would have no economic benefit. That would not help farms in any way. This is not tailored in such a way to deal with farms and their plight. I just have a lot of concerns with just flatly eliminating a tax without any plan to restore it, and this is not tailored to farmers generally. And especially if we support TABOR (Taxpayer's Bill of Rights)-type legislation, which puts increases on spending, because you couple eliminating this with that and you end up with cuts in programs, and that is problematic.

So just, as good as your thoughts are, just cutting a plank of our taxing system, I just think it really is fiscally irresponsible. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentledady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

And I will not repeat some of the arguments that I responded to the previous speaker with as far as why this is so important for our small family businesses and family farms. I do want to point out, however, that the total cost of this elimination of the State's inheritance tax, which will benefit every person and their families living in the Commonwealth of Pennsylvania, that the total cost of that as of 2010 is still less than what we saw in our surplus during the last budget cycle.

So, Mr. Speaker, yes, while there is a fiscal impact, because we are saying as we had when we eliminated taxes when we

passed the widow's tax repeal, the fact that, yes, we are eliminating the tax, I think that is a good thing for Pennsylvanians and for Pennsylvania small businesses, and I would encourage my colleagues to support this legislation.

Thank you.

The SPEAKER. The Chair thanks the gentledady.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I join in opposing this bill. This bill will probably be vetoed by Governor Rendell if it gets through the House and Senate. I heard Governor Rendell give a speech against it. This bill takes away billions of dollars from the Commonwealth of Pennsylvania over time. It does not distribute tax relief equally. A small percentage of the total population will get the vast majority of tax relief. If we cannot tax dead people, we have to tax living people, and increasing taxes on living people to make up for giving tax relief to dead people does not seem like really great fiscal policy. A very small percentage of the people have a very high percentage of the total wealth. Our average constituent will receive zero benefit, zero benefit from this legislation. Some people will receive minor benefits, only a few people will receive significant benefits.

I would join in urging a "no" vote on this bill.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease.

The Chair at this time recognizes the gentleman, Mr. DeWeese.

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

The gentledady who has been advocating on behalf of this measure historically has advocated on behalf of more State Police officers. A button has been worn on many occasions "More State Troopers," but the gentledady and many of her colleagues did not tell us in this chamber or the executive branch where we were going to pay for those State troopers. It is so easy, Mr. Speaker, to be for this and that and all of these wonderful things, but the tough, gut-wrenching reality of fiscal policy is that you have to pay for it.

It is so disappointing to see the lions of the Republican establishment wanting to cut something without having the money to pay for it. If you want to cut this – and it is probably not a bad idea – if you want to cut the programs, okay, but we are talking about \$600 million over the life of this process, and where does the gentledady want to take this money? From our fire companies? From our libraries? From our mental health and mental retardation facilities and operations? This just does not make good sense, especially when my honorable colleagues on the Republican side wanted to cap State spending. They wanted to put a cap on State spending without telling us what programs they were going to cut then. This is becoming a very, very unhappy and regular exercise. You cannot have it both ways. You are supposed to be the party of fiscal responsibility.

Now, because this is not going to be signed by Governor Rendell, the good political vote, I am sure, and it will pass with some degree of enthusiasm, will be in the affirmative. But a fiscally responsible vote would be to not cut the inheritance tax unless you tell us where we are going to pick up that \$600 million. I think that this risks the money cascading into our county courthouses. I think this risks our State Police operations, our Attorney General operations. This could risk all

kinds of things. This is not responsible. This is political gimcrackery, but it is not the first time.

I would ask for fiscally responsible votes to be in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease; one moment.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, apart from the implications on cutting programs that such a bill would have, I just want to make two relevant points. One is the fiscal impact of this legislation. In the present fiscal year, it would reduce available revenues by \$150 million. It would grow to \$210 million next year, \$345 million in year '08-'09, and in '09-'10 it would have a fiscal impact of \$635 million. So that is \$635 million of programmatic cuts that we would have to have. That is one other consideration.

Mr. Speaker, another consideration is this: If you do not like the inheritance tax and you want to phase it out over 4 years and eliminate it, I would argue that even if you want to do that, this is the wrong way to do it, because this bill as it is worded gives the most immediate reductions in the inheritance tax not to one's sons and daughters or their spouse, but it gives it to other people not necessarily related. It gives the second biggest inheritance tax cuts to transfers between siblings. It gives the least amount of an inheritance tax cut to transfers to a grandparent, mother, father, lineal decedent, wife or widow, husband or widower of a child. So, Mr. Speaker, even if you want to repeal the inheritance tax, this is the wrong way to do it and it is the wrong time to do it as well.

These kinds of bills need to be considered in the context of the State budget. This is sign and die. This bill is going nowhere, but I guess for public relations consumption this may have some value to some people. But it is absolutely totally irresponsible fiscally, and it is the wrong way to eliminate the inheritance tax, even if that is what you want to do.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

### MOTION TO RECOMMIT

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I rise for the purpose of making a motion.

The SPEAKER. The gentleman will state.

Mr. VITALI. Mr. Speaker, I would move to recommit this bill to the Finance Committee.

The SPEAKER. The gentleman has moved that HB 906 be recommitted to the Committee on Finance.

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

The SPEAKER. On that question—

Mr. VITALI. May I?

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. I think the lady's idea is a good one, but I think it needs more work in committee. Now, specifically I think the work it needs is, I think you have to tailor this tax cut so it is directed at the people she wants it directed at. Now it is much too broad. You have to get that savings right into the farmers,

and this bill just gives it to everyone and it is a waste. So that is one thing, I think, that has to be worked on in committee.

And I think that the second thing we have to work on, we have to do a little more study on exactly what the net revenue loss is going to be. The lady raises questions about there is going to be a gain and a loss but she has not really nailed that down, and we have to nail that down. And I think the third thing we have to do in this committee is, once we figure out what the revenue loss is going to be, is think in terms of how we are going to make that up.

So great concept, just needs a little work. That is why our committees are here. So let us get it back to the committee and roll up our sleeves and get back to work.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentledady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the motion to recommit. This legislation was studied by the Finance Committee, it was amended in the Finance Committee, and it was reported from the Finance Committee, Mr. Speaker. That vote was not a party-line vote. There were some, I will not say it was unanimous, but there were bipartisan votes to report that bill out of committee, and, Mr. Speaker, I would encourage a "no" vote on the motion to recommit.

The SPEAKER. The Chair thanks the gentledady.

On the motion for recommitment, those in favor— The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I would ask that it also be recommitted for the preminent reason that the Governor will veto it as it stands now. The gentleman, Mr. Vitali, made some sterling points. If we want to help farmers, we should craft the language specifically to help the men and women in agriculture who have family farms. This is too broad based.

And again, I cannot fathom why the Republicans in this chamber have not taken a lesson from their Federal brothers and sisters in the United States congressional establishment. You cannot spend, spend, spend and eliminate taxes and eliminate taxes and eliminate taxes. The mathematics does not work. The party of fiscal conservatism, the Republican Party of yesteryear, no longer exists, and this kind of measure is manifest evidence of that duplicity.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—79

Bebko-Jones	Evans, D.	Mann	Santoni
Belardi	Fabrizio	Markosek	Shaner
Belfanti	Flaherty	McCall	Shapiro
Biancucci	Frankel	McGeehan	Siptroth
Bishop	Freeman	Melio	Staback
Blackwell	George	Mundy	Sturla
Blaum	Gerber	Myers	Surra
Buxton	Gergely	Oliver	Tangretti
Caltagirone	Goodman	Pallone	Thomas
Cawley	Gruclera	Parker	Tigue
Cohen	Harhai	Petrone	Veon
Corrigan	James	Pistella	Vitali

Costa	Josephs	Preston	Walko
Cruz	Keller, W.	Ramaley	Wansacz
Curry	Kirkland	Readshaw	Waters
Daley	Leach	Roberts	Wheatley
DeLuca	Lederer	Roebuck	Williams
Dermody	Lescovitz	Ruffing	Wojnaroski
DeWeese	Levdansky	Sabatina	Yudichak
Eachus	Manderino	Samuelson	

## NAYS—115

Adolph	Flick	Maher	Rooney
Allen	Forcier	Major	Ross
Argall	Gabig	Marsico	Rubley
Baker	Gannon	McGill	Sainato
Baldwin	Geist	McIlhattan	Sather
Barrar	Gillespie	McIlhinney	Saylor
Bastian	Gingrich	McNaughton	Scavello
Benninghoff	Godshall	Metcalfe	Schroder
Beyer	Good	Micozzie	Semmel
Birmelin	Grell	Millard	Smith, B.
Boyd	Gruitza	Miller, R.	Smith, S.
Bunt	Haluska	Miller, S.	Solobay
Cappelli	Hanna	Mustio	Sonney
Casorio	Harhart	Nailor	Stairs
Causer	Harper	Nickol	Steil
Civera	Harris	O'Brien	Stern
Clymer	Hasay	O'Neill	Stevenson, R.
Cornell	Hennessey	Payne	Stevenson, T.
Crahalla	Herman	Petrarca	Taylor, J.
Creighton	Hershey	Petri	True
Dally	Hess	Phillips	Turzai
Denlinger	Hickernell	Pickett	Watson
DiGirolamo	Hutchinson	Pyle	Wilt
Diven	Kauffman	Quigley	Wright
Ellis	Keller, M.	Rapp	Yewcic
Evans, J.	Kenney	Raymond	Zug
Fairchild	Kotik	Reed	
Feese	Leh	Reichley	Perzel,
Fichter	Mackereth	Rohrer	Speaker
Fleagle			

## NOT VOTING—0

## EXCUSED—8

Armstrong	Killion	Maitland	Taylor, E.Z.
Donatucci	LaGrotta	Rieger	Youngblood

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The gentlelady, Ms. Mundy.  
Ms. MUNDY. Thank you, Mr. Speaker.

If this was said before, I apologize. I was trying to listen, but it was difficult to hear.

This bill takes effect immediately, so aside from the fact that we are not really targeting those who need to be targeted in terms of tax relief from the inheritance tax, we are also putting a big hole in our budget for this year. Just today we passed out of the Appropriations Committee another bill that spends \$3 1/2 billion, a Republican bill. Today Republicans want to cut the inheritance tax. I guess I am just not— I must be living in a parallel universe where this all balances out somehow, how you

can continually spend and spend, put a hole in the budget in November when the budget year is June 30 to July 1. I am just absolutely at a loss as to how this makes any sense at all.

So I am happy that I could put my reasons for voting against this bill on the record. We may need to look at the inheritance tax and preserve family farms and other small businesses where family members inherit. I would be more than willing to look at that, but it needs to be looked at in the context of the State budget, not halfway through the budget year.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—163

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

## NAYS—29

Bishop	Kirkland	Parker	Tigue
Blackwell	Leach	Roebuck	Veon
Cohen	Levdansky	Rooney	Vitali
Cruz	Manderino	Ruffing	Walko
Curry	Mundy	Sabatina	Wansacz

DeWeese  
Freeman  
Josephs

Myers  
Oliver

Sturla  
Thomas

Waters  
Williams

**NOT VOTING—2**

Blaum

Gruitza

**EXCUSED—8**

Armstrong  
Donatucci

Killion  
LaGrotta

Maitland  
Rieger

Taylor, E.Z.  
Youngblood

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. The Chair recognizes the gentleman, Mr. Siptroth.

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

Mr. Speaker, I rise to correct the record: HB 906, amendment No. 10102, the Yudichak amendment. My button failed to respond, and I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Mr. SIPTROTH. Thank you, Mr. Speaker.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Representative Michael Diven and his wife, Shannon, had a lovely baby boy on Friday night, Rory Diven. Congratulations.

**ANNOUNCEMENT BY MR. FAIRCHILD**

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

There will be a very short meeting of the Central Caucus in the majority leader's room, immediately following the termination of the session today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be no further votes on the floor.

This House is in recess—

**VOTE CORRECTION**

The SPEAKER. Does the gentleman, Mr. Marsico, seek recognition?

Mr. MARSICO. Yes, Mr. Speaker. I would like to correct the record.

The SPEAKER. The gentleman is in order.

Mr. MARSICO. On SB 513, I was not recorded. I would like to be recorded in the positive.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Are there any further announcements?

**RECESS**

The SPEAKER. This House is in recess until tomorrow at 11 a.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**RECESS**

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Mark Keller.

Mr. M. KELLER. Mr. Speaker, I move that this House do now recess until Tuesday, November 14, 2006, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 a.m., e.s.t., Tuesday, November 14, 2006, the House recessed.