

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 3, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 41

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

**THE SPEAKER (KEITH R. McCALL)  
PRESIDING**

#### PRAYER

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

Let us bow in prayer:

We come before You, O Lord, today with thankful hearts, as Your Word admonishes us not to be anxious about anything, but in everything, by prayer and supplication, with thanksgiving present our requests to You, O Lord.

We are reminded that even in these turbulent times we live in, we must focus on Your strength and Your power. Keep us from the temptation to give in to the fears of the world. We realize that nothing is too big for You, and ultimately, You are in control of all things.

O Lord, give us a steady spirit, a mind of reason, and wisdom to accomplish the duties that are set before us in this chamber today. We offer gratitude that You have a purpose for each of us, and that purpose is to serve You and serve the people of Pennsylvania.

You are in control, and Yours is the power and the glory forever. Amen.

#### PLEDGE OF ALLEGIANCE

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

The SPEAKER. Members will please report to the floor of the House.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, June 2, 2009, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1243** By Representatives GALLOWAY, BARRAR, BEYER, BRENNAN, DiGIROLAMO, HARHAI,

HENNESSEY, HORNAMAN, MELIO, MURPHY, MURT, MYERS, PALLONE, PASHINSKI, READSHAW, SANTARSIERO, SCAVELLO, SIPTROTH, YOUNGBLOOD and J. TAYLOR

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for construction of article relating to dangerous dogs.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 3, 2009.

**No. 1582** By Representatives DENLINGER, MILLER, REICHLEY, ADOLPH, BARRAR, BOYD, CLYMER, CREIGHTON, CUTLER, EVERETT, FLECK, GABLER, GROVE, HARPER, HENNESSEY, HICKERNELL, HORNAMAN, KAUFFMAN, M. KELLER, KOTIK, MARSICO, MICOZZIE, MURT, O'NEILL, PEIFER, PETRI, PICKETT, PYLE, RAPP, ROAE, ROHRER, ROSS, SAYLOR, SCAVELLO, STEVENSON, SWANGER, TALLMAN, VULAKOVICH, WATSON, BENNINGHOFF and BEYER

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 limitations on certain unreserved fund balances.

Referred to Committee on EDUCATION, June 3, 2009.

**No. 1583** By Representatives MILLER, DENLINGER, REICHLEY, ADOLPH, BARRAR, BOYD, CLYMER, CREIGHTON, CUTLER, EVERETT, FLECK, GABLER, GROVE, HARPER, HENNESSEY, HICKERNELL, HORNAMAN, KAUFFMAN, M. KELLER, KOTIK, MARSICO, MICOZZIE, MURT, O'NEILL, PEIFER, PETRI, PICKETT, PYLE, RAPP, ROAE, ROHRER, ROSS, SAYLOR, SCAVELLO, STEVENSON, SWANGER, TALLMAN, VULAKOVICH, WATSON and BEYER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the employer contribution rates on behalf of active members.

Referred to Committee on FINANCE, June 3, 2009.

**No. 1584** By Representatives REICHLEY, DENLINGER, MILLER, ADOLPH, BARRAR, BOYD, CLYMER, CREIGHTON, CUTLER, DAY, EVERETT, FLECK, GABLER, GROVE, HARPER, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. KELLER, KOTIK, MARSICO, MICOZZIE, MURT, O'NEILL, PEIFER, PETRI, PICKETT, PYLE, RAPP, ROAE, ROHRER, SAYLOR, SCAVELLO, STEVENSON, SWANGER, TALLMAN, VULAKOVICH, WATSON and BEYER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for increase in school entity payments.

Referred to Committee on FINANCE, June 3, 2009.

**No. 1595** By Representatives JOSEPHS, BENNINGHOFF, BRENNAN, BROWN, CALTAGIRONE, COHEN, CRUZ, DeLUCA, DENLINGER, DePASQUALE, DERMODY, DiGIROLAMO, FABRIZIO, FRANKEL, FREEMAN, GABIG, HELM, HORNAMAN, HUTCHINSON, JOHNSON, KOTIK, MANDERINO, MELIO, MURT, M. O'BRIEN, O'NEILL, OLIVER, PARKER, PAYTON, QUINN, ROSS, SIPTROTH, SOLOBAY, SWANGER, J. TAYLOR, THOMAS, WALKO, WANSACZ, WATERS and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for statement of financial interests to be filed.

Referred to Committee on STATE GOVERNMENT, June 3, 2009.

**No. 1596** By Representative JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

Referred to Committee on STATE GOVERNMENT, June 3, 2009.

**No. 1597** By Representatives MIRABITO, DALEY, HESS, BRADFORD, CALTAGIRONE, CARROLL, GIBBONS, HOUGHTON, JOSEPHS, LONGIETTI, SIPTROTH and STURLA

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for indebtedness and for the Second Stage Loan Program.

Referred to Committee on COMMERCE, June 3, 2009.

**No. 1598** By Representatives PAYNE, BARRAR, CARROLL, D. COSTA, CREIGHTON, DALLY, GIBBONS, GROVE, GRUCELA, HENNESSEY, KAUFFMAN, KILLION, MILLER, MUNDY, MURT, OBERLANDER, O'NEILL, PETRARCA, PYLE, READSHAW, REICHLEY, ROHRER, SCAVELLO, SIPTROTH, K. SMITH, SWANGER, VULAKOVICH, WATSON and YUDICHAK

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for the definition of "income"; and providing for the definition of "Social Security substitute pension."

Referred to Committee on FINANCE, June 3, 2009.

**No. 1599** By Representatives PAYNE, BARRAR, BOYD, CREIGHTON, DeLUCA, GINGRICH, MILLARD, MILLER, READSHAW, STEVENSON and VULAKOVICH

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for summons and service and for appeal by tenant to common pleas court.

Referred to Committee on JUDICIARY, June 3, 2009.

**No. 1600** By Representatives BURNS, BENNINGHOFF, BOYD, BRADFORD, CUTLER, HOUGHTON, LEVDANSKY, MELIO, SANTARSIERO and VULAKOVICH

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for restricted activities.

Referred to Committee on STATE GOVERNMENT, June 3, 2009.

**No. 1601** By Representatives ROEBUCK, COHEN, GRUCELA, HARKINS, LONGIETTI, M. O'BRIEN, BISHOP, BRENNAN, BROWN, CALTAGIRONE, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, KOTIK, McGEEHAN, MUNDY, READSHAW, SIPTROTH, WATERS, YOUNGBLOOD and JOSEPHS

An Act establishing and providing for the implementation and administration of the Beginning Educator Support and Training (BEST) Program; and providing for powers and duties of the Department of Education.

Referred to Committee on EDUCATION, June 3, 2009.

**No. 1602** By Representatives ROEBUCK, COHEN, GRUCELA, HARKINS, PALLONE, BISHOP, BROWN, CALTAGIRONE, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GOODMAN, HORNAMAN, KOTIK, MANN, McGEEHAN, MUNDY, M. O'BRIEN, PARKER, PASHINSKI, PAYTON, READSHAW, SIPTROTH, K. SMITH, VULAKOVICH, WATERS, YOUNGBLOOD, BRADFORD, JOSEPHS and HESS

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

Referred to Committee on EDUCATION, June 3, 2009.

**No. 1603** By Representatives READSHAW, SOLOBAY, BRADFORD, CARROLL, EVERETT, FABRIZIO, FRANKEL, GERGELY, HORNAMAN, W. KELLER, LEVDANSKY, McGEEHAN, MUSTIO, PRESTON, SIPTROTH, VULAKOVICH, WHITE, GIBBONS and HOUGHTON

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for definitions; and providing for additional use of funds for financial assistance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 3, 2009.

**No. 1604** By Representatives READSHAW, SOLOBAY, BRADFORD, CARROLL, EVERETT, FABRIZIO, FRANKEL, GERGELY, HORNAMAN, W. KELLER, LEVDANSKY, McGEEHAN, MUSTIO, PRESTON, SIPTROTH, VULAKOVICH, WHITE, GIBBONS and HOUGHTON

An Act amending the act of April 8, 1949 (P.L.418, No.58), entitled, "An act to provide for and regulate the accumulation,

investment, and expenditure of funds by cities, boroughs, incorporated towns and townships for preparing plans for sewage disposal systems, and for the construction, improvement or replacement of sewage disposal systems for which plans have been approved by the Sanitary Water Board of the Commonwealth," further providing for definitions and for expenditure of fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 3, 2009.

**No. 1605** By Representatives HARHAI, BEYER, BRENNAN, BROWN, D. COSTA, CREIGHTON, DeLUCA, FABRIZIO, FREEMAN, GEIST, GRUCELA, HALUSKA, HENNESSEY, HORNAMAN, HOUGHTON, W. KELLER, KORTZ, KOTIK, McGEEHAN, MELIO, MURT, K. SMITH, J. TAYLOR and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for school police and security officer training.

Referred to Committee on EDUCATION, June 3, 2009.

**No. 1606** By Representatives YUDICHAK, DeLUCA, MURPHY, BOYD, ADOLPH, BELFANTI, BEYER, BRENNAN, CALTAGIRONE, CARROLL, CASORIO, COHEN, DEASY, DONATUCCI, FABRIZIO, FREEMAN, GEORGE, GIBBONS, GRUCELA, HARKINS, HENNESSEY, HORNAMAN, JOSEPHS, W. KELLER, KULA, MANDERINO, McGEEHAN, MELIO, MOUL, MUNDY, MURT, M. O'BRIEN, PALLONE, READSHAW, SANTONI, SEIP, SIPTROTH, K. SMITH, SOLOBAY, J. TAYLOR, VULAKOVICH, WALKO and WHITE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Office of Consumer Advocate for Health Insurance as an office within the Office of Consumer Advocate and prescribing its powers and duties; establishing the Consumer Advocate for Health Insurance Fund; and making editorial changes.

Referred to Committee on INSURANCE, June 3, 2009.

**No. 1607** By Representatives CALTAGIRONE, BRENNAN, DALLY, W. KELLER, BEYER, BRADFORD, CASORIO, CLYMER, CREIGHTON, DALEY, DAY, EACHUS, J. EVANS, GRELL, GROVE, KULA, MANN, MILNE, MOUL, MURT, PASHINSKI, PICKETT, READSHAW, SANTONI, SIPTROTH, SOLOBAY, STABACK, SWANGER, VULAKOVICH, WATSON, YOUNGBLOOD and WALKO

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; making editorial changes; and making related repeals.

Referred to Committee on JUDICIARY, June 3, 2009.

**No. 1608** By Representatives DALEY, CURRY and MAHONEY

An Act providing for menu labeling in restaurants; and providing for powers and duties of the Department of Health.

Referred to Committee on COMMERCE, June 3, 2009.

**No. 1609** By Representatives FREEMAN, HENNESSEY, HOUGHTON, SANTARSIERO, BOYD, BRENNAN, COHEN, CREIGHTON, CUTLER, DALLY, DERMODY, FABRIZIO, GEIST, GINGRICH, GRUCELA, HARKINS, HORNAMAN, KORTZ, MAHONEY, McGEEHAN, MILNE, MURT, O'NEILL, REICHLEY, SCAVELLO, SIPTROTH, K. SMITH, STURLA, SWANGER, YOUNGBLOOD and YUDICHAK

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

Referred to Committee on LOCAL GOVERNMENT, June 3, 2009.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 6, PN 995

Referred to Committee on STATE GOVERNMENT, June 3, 2009.

#### SB 45, PN 30

Referred to Committee on PROFESSIONAL LICENSURE, June 3, 2009.

#### SB 101, PN 178

Referred to Committee on STATE GOVERNMENT, June 3, 2009.

#### SB 105, PN 1005

Referred to Committee on FINANCE, June 3, 2009.

#### SB 110, PN 181

Referred to Committee on TRANSPORTATION, June 3, 2009.

#### SB 531, PN 538

Referred to Committee on JUDICIARY, June 3, 2009.

### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests leaves of absence for Representative LENTZ from Delaware for the day; Representative GERBER from Montgomery for the day; Representative MURPHY from Lackawanna for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests leaves of absence for Representative ADOLPH from Delaware for the day, Representative MARSICO from Dauphin for the day, and Representative TRUE from Lancaster for the day. Without objection, the leaves 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—191**

Baker	Everett	Longietti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Matzie	Sainato
Boyle	Galloway	McGeehan	Samuelson
Bradford	Geist	McI. Smith	Santarsiero
Brennan	George	Melio	Santoni
Brooks	Gergely	Mensch	Saylor
Brown	Gibbons	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro
Carroll	Goodman	Miller	Siptroth
Casorio	Grell	Milne	Smith, K.
Causar	Grove	Mirabito	Smith, M.
Christiana	Grucela	Moul	Smith, S.
Civera	Haluska	Mundy	Solobay
Clymer	Hanna	Murt	Sonney
Cohen	Harhai	Mustio	Staback
Conklin	Harhart	Myers	Stern
Costa, D.	Harkins	O'Brien, D.	Stevenson
Costa, P.	Harper	O'Brien, M.	Sturla
Cox	Harris	O'Neill	Swanger
Creighton	Helm	Oberlander	Tallman
Cruz	Hennessey	Oliver	Taylor, J.
Curry	Hess	Pallone	Taylor, R.
Cutler	Hickernell	Parker	Thomas
Daley	Hornaman	Pashinski	Turzai
Dally	Houghton	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Johnson	Peifer	Vulakovich
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Kortz	Quigley	Youngblood
Drucker	Kotik	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—11**

Adolph	Gerber	Miccarelli	True
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico	Perry	

**LEAVES ADDED—10**

Costa, P.	Galloway	Manderino	Yudichak
Cutler	Harhai	Micozzie	
Frankel	Keller, W.	Perzel	

**LEAVES CANCELED—4**

Cutler	Gerber	Murphy	True
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 841, PN 948**

By Rep. THOMAS

An Act authorizing the Commonwealth of Pennsylvania to join the Agreement Among the States to Elect the President by National Popular Vote; and providing for the form of the agreement.

**INTERGOVERNMENTAL AFFAIRS.**

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 148, PN 1068**

By Rep. THOMAS

A Resolution directing the Legislative Budget and Finance Committee to conduct a study on how the General Assembly may provide input into proposed international trade agreements.

**INTERGOVERNMENTAL AFFAIRS.**

The SPEAKER. The resolution will be placed on the House calendar.

**CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Ms. PICKETT called up **HR 169, PN 1122**, entitled:

A Resolution designating June 7, 2009, as "Veterans Appreciation Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentledady from Bradford County, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

The SPEAKER. The gentledady will yield. The gentledady will yield.

The House will come to order. Members will please take their seats. The House will come to order.

The Chair recognizes the gentlelady from Bradford, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I rise today to encourage the support of HR 169, which designates June 7, 2009, as "Veterans Appreciation Day."

Despite the numerous challenges facing our State and our country, we remain a nation that has been blessed. Now more than ever it is important to remember our freedoms and ensure that we do not take our way of life for granted.

Throughout our nation's history, there has been one group of people who have consistently stood ready to defend that way of life – the men and women of our Armed Forces. These men and women have made countless sacrifices. Whether by leaving families behind, placing private lives on hold, or enduring life-altering injuries, their actions are evidence of an overwhelming moral fiber and of lives dedicated to the greater good.

In recent years, 192 Pennsylvanians have made the ultimate sacrifice in Iraq. More than 1.1 million veterans currently reside in Pennsylvania. HR 169 is just another reminder of the truth of Winston Churchill's famous words: "Never in the field of human conflict was so much owed by so many to so few."

I would just like to urge my colleagues one more time to join with me in honoring this important group of people. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—191

Baker	Everett	Longietti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Matzie	Sainato
Boyle	Galloway	McGeehan	Samuelson
Bradford	Geist	McI. Smith	Santarsiero
Brennan	George	Melio	Santoni
Brooks	Gergely	Mensch	Saylor
Brown	Gibbons	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro
Carroll	Goodman	Miller	Siptroth
Casorio	Grell	Milne	Smith, K.
Causar	Grove	Mirabito	Smith, M.
Christiana	Grucela	Moul	Smith, S.
Civera	Haluska	Mundy	Solobay
Clymer	Hanna	Murt	Sonney
Cohen	Harhai	Mustio	Staback
Conklin	Harhart	Myers	Stern
Costa, D.	Harkins	O'Brien, D.	Stevenson
Costa, P.	Harper	O'Brien, M.	Sturla
Cox	Harris	O'Neill	Swanger
Creighton	Helm	Oberlander	Tallman
Cruz	Hennessey	Oliver	Taylor, J.
Curry	Hess	Pallone	Taylor, R.
Cutler	Hickernell	Parker	Thomas

Daley	Hornaman	Pashinski	Turzai
Dally	Houghton	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Johnson	Peifer	Vulakovich
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Kortz	Quigley	Youngblood
Drucker	Kotik	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—11

Adolph	Gerber	Miccarelli	True
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico	Perry	

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

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Mr. BOYLE called up **HR 328, PN 1946**, entitled:

A Resolution proclaiming the week of June 7 through 13, 2009, as "State Veterans' Home Week."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Baker	Everett	Longietti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Matzie	Sainato
Boyle	Galloway	McGeehan	Samuelson
Bradford	Geist	McI. Smith	Santarsiero
Brennan	George	Melio	Santoni
Brooks	Gergely	Mensch	Saylor
Brown	Gibbons	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro
Carroll	Goodman	Miller	Siptroth
Casorio	Grell	Milne	Smith, K.
Causar	Grove	Mirabito	Smith, M.
Christiana	Grucela	Moul	Smith, S.
Civera	Haluska	Mundy	Solobay
Clymer	Hanna	Murt	Sonney
Cohen	Harhai	Mustio	Staback
Conklin	Harhart	Myers	Stern

Costa, D.	Harkins	O'Brien, D.	Stevenson
Costa, P.	Harper	O'Brien, M.	Sturla
Cox	Harris	O'Neill	Swanger
Creighton	Helm	Oberlander	Tallman
Cruz	Hennessey	Oliver	Taylor, J.
Curry	Hess	Pallone	Taylor, R.
Cutler	Hickernell	Parker	Thomas
Daley	Hornaman	Pashinski	Turzai
Dally	Houghton	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Johnson	Peifer	Vulakovich
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Kortz	Quigley	Youngblood
Drucker	Kotik	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-11

Adolph	Gerber	Miccarelli	True
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico	Perry	

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

**RESOLUTION**

Miss PARKER called up **HR 203, PN 1321**, entitled:

A Resolution directing the Joint State Government Commission to establish an advisory committee to study the effects of parental incarceration on children of incarcerated parents; to recommend a system for determining and assessing the needs of children of incarcerated parents, services available to them, and barriers to accessing those services; and making a report with recommendations to the House of Representatives by November 30, 2010.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentledady from Philadelphia, Representative Parker.

Miss PARKER. Thank you, Mr. Speaker.

I just want to take this opportunity to thank both Chairwoman Bishop along with Chairman O'Brien and members of the Children and Youth Committee for unanimously reporting this resolution from committee yesterday.

For the record, I wanted to note that this is a companion resolution, an agreed resolution with the majority Judiciary Committee chairman on the Senate side, Senator Greenleaf, also having his committee pass a similar resolution yesterday.

This is an issue that I introduced in the form of a bill last year, and it is to study the unique needs of children who have parents who are incarcerated.

During our Appropriations Committee hearings, we heard from the Department of Corrections, along with Probation and Parole, that the issue of incarceration is very much cyclical and generational, and if we can find a way to support the needs of this constituency very early on, it is our hope that the results of this resolution will help the Commonwealth of Pennsylvania save money by investing early and not later on in investing in our criminal justice system.

So I thank you, Mr. Speaker and my colleagues, and I ask for a favorable vote.

The SPEAKER. The Chair thanks the lady.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentledady from Lancaster, Representative True, on the floor of the House. Her name will be added to the master roll.

**CONSIDERATION OF HR 203 CONTINUED**

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

The following roll call was recorded:

YEAS-192

Baker	Everett	Maher	Reichley
Barbin	Fabrizio	Mahoney	Roae
Barrar	Fairchild	Major	Rock
Bear	Farry	Manderino	Roebuck
Benninghoff	Fleck	Mann	Rohrer
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabig	Matzie	Sainato
Boyd	Gabler	McGeehan	Samuelson
Boyle	Galloway	McI. Smith	Santarsiero
Bradford	Geist	Melio	Santoni
Brennan	George	Mensch	Saylor
Brooks	Gergely	Metcalfe	Scavello
Brown	Gibbons	Metzgar	Schroder
Burns	Gillespie	Micozzie	Seip
Buxton	Gingrich	Millard	Shapiro
Caltagirone	Godshall	Miller	Siptroth
Carroll	Goodman	Milne	Smith, K.
Casorio	Grell	Mirabito	Smith, M.
Causser	Grove	Moul	Smith, S.
Christiana	Grucela	Mundy	Solobay
Civera	Haluska	Murt	Sonney
Clymer	Hanna	Mustio	Staback
Cohen	Harhai	Myers	Stern
Conklin	Harhart	O'Brien, D.	Stevenson
Costa, D.	Harkins	O'Brien, M.	Sturla
Costa, P.	Harper	O'Neill	Swanger
Cox	Harris	Oberlander	Tallman
Creighton	Helm	Oliver	Taylor, J.
Cruz	Hennessey	Pallone	Taylor, R.
Curry	Hess	Parker	Thomas
Cutler	Hickernell	Pashinski	True
Daley	Hornaman	Payne	Turzai
Dally	Houghton	Payton	Vereb
Day	Hutchinson	Peifer	Vitali
Deasy	Johnson	Perzel	Vulakovich

DeLozier	Josephs	Petrarca	Walko
DeLuca	Kauffman	Petri	Wansacz
Denlinger	Keller, M.K.	Phillips	Waters
DePasquale	Keller, W.	Pickett	Watson
Dermody	Kessler	Preston	Wheatley
DeWeese	Killion	Pyle	White
DiGirolamo	Kirkland	Quigley	Williams
Donatucci	Kortz	Quinn	Youngblood
Drucker	Kotik	Rapp	Yudichak
Eachus	Krieger	Readshaw	
Ellis	Kula	Reed	McCall,
Evans, D.	Levdansky	Reese	Speaker
Evans, J.	Longietti		

NAYS—0

NOT VOTING—0

EXCUSED—10

Adolph	Gerber	Miccarelli	Perry
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico		

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

**REMARKS SUBMITTED FOR THE RECORD**

Mr. PETRI 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 Peter L. Ciarlante and David J. Dwyer, who have recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Peter L. Ciarlante and David J. Dwyer.

Whereas, Peter L. Ciarlante and David J. Dwyer have earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 145.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Peter L. Ciarlante and David J. Dwyer.

**RESOLUTION PURSUANT TO RULE 35**

Mr. R. TAYLOR called up **HR 326, PN 1919**, entitled:

A Resolution honoring the memory of the victims of the terrorist attacks in Mumbai, India, which took place November 26 through 29, 2008.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Taylor, on the resolution.

The House will come to order. Members will please take their seats.

We have some very special guests with us today. I would appreciate the respect and decorum of the House for this resolution. The Chair would appreciate the attention of the members.

The Chair recognizes the gentleman from Montgomery County, Representative Taylor.

Mr. R. TAYLOR. Thank you, Mr. Speaker.

Today we solemnly remember those who died in the tragic events of last November in Mumbai, India. We acknowledge and share in the pain of the victims and the families.

HR 326 is meant to honor their memories, celebrate those who heroically brought an end to those horrific attacks, and finally, condemn those who have no regard for the value of life.

The costs of the brutal attacks between November 26 and 29 in Mumbai are immeasurable. It has been called by some India's September 11. Recalling how we felt when we were attacked in our homeland gives us a good idea and understanding of what the attacks mean to our brothers and sisters in India, the citizens of India.

One hundred seventy-three people died. Over 300 were injured. Citizens of India and tourists were targeted alike. American lives were lost. A Jewish center was targeted, and in cold blood, the rabbi and his pregnant wife were murdered.

India's sense of tranquility was shattered. It is in our support and friendship towards India, the largest democracy in the world, that this resolution is being brought forward.

This resolution also celebrates the brave men and women who successfully ended the rampage in Mumbai. There is no doubt that if the terrorists achieved all of their aims, a multitude of more people would have been murdered. Those who stopped the terrorists deserve to be praised.

I am going to take a moment to say it is truly an honor to have Ambassador Shankar, Consul General Dayal, and the Indian delegation here in the hall of the House.

We have a number of honorable guests from the Indian community, including Mr. Nick Shenoy, president of the Council of Indian Organizations of Greater Philadelphia; Mr. Shah, chairman of the Hersha Group; and Mr. Deep Gupta, president of the Asian Indian Americans association in Harrisburg.

In closing, Mr. Speaker, I want to say this: We must stand up with the innocent victims who were attacked by the brutal terrorists and join in a unitary voice saying we will never tolerate those who have no regard for the sanctity of human life.

The targeting of innocent civilian lives to further a political or religious agenda is never justified and must be condemned in the strongest and most certain terms. This resolution adds Pennsylvania's voice to that chorus.

I ask my colleagues to cast their votes affirmatively and unanimously for HR 326. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

Baker	Everett	Maher	Reichley
Barbin	Fabrizio	Mahoney	Roae
Barrar	Fairchild	Major	Rock

Bear	Farry	Manderino	Roebuck
Benninghoff	Fleck	Mann	Rohrer
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabig	Matzie	Sainato
Boyd	Gabler	McGeehan	Samuelson
Boyle	Galloway	McI. Smith	Santarsiero
Bradford	Geist	Melio	Santoni
Brennan	George	Mensch	Saylor
Brooks	Gergely	Metcalfe	Scavello
Brown	Gibbons	Metzgar	Schroder
Burns	Gillespie	Micozzie	Seip
Buxton	Gingrich	Millard	Shapiro
Caltagirone	Godshall	Miller	Siptroth
Carroll	Goodman	Milne	Smith, K.
Casorio	Grell	Mirabito	Smith, M.
Causser	Grove	Moul	Smith, S.
Christiana	Grucela	Mundy	Solobay
Civera	Haluska	Murt	Sonney
Clymer	Hanna	Mustio	Staback
Cohen	Harhai	Myers	Stern
Conklin	Harhart	O'Brien, D.	Stevenson
Costa, D.	Harkins	O'Brien, M.	Sturla
Costa, P.	Harper	O'Neill	Swanger
Cox	Harris	Oberlander	Tallman
Creighton	Helm	Oliver	Taylor, J.
Cruz	Hennessey	Pallone	Taylor, R.
Curry	Hess	Parker	Thomas
Cutler	Hickernell	Pashinski	True
Daley	Hornaman	Payne	Turzai
Dally	Houghton	Payton	Vereb
Day	Hutchinson	Peifer	Vitali
Deasy	Johnson	Perzel	Vulakovich
DeLozier	Josephs	Petrarca	Walko
DeLuca	Kauffman	Petri	Wansacz
Denlinger	Keller, M.K.	Phillips	Waters
DePasquale	Keller, W.	Pickett	Watson
Dermody	Kessler	Preston	Wheatley
DeWeese	Killion	Pyle	White
DiGirolamo	Kirkland	Quigley	Williams
Donatucci	Kortz	Quinn	Youngblood
Drucker	Kotik	Rapp	Yudichak
Eachus	Krieger	Readshaw	
Ellis	Kula	Reed	McCall,
Evans, D.	Levdansky	Reese	Speaker
Evans, J.	Longietti		

NAYS—0

NOT VOTING—0

EXCUSED—10

Adolph	Gerber	Miccarelli	Perry
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico		

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

### GUESTS INTRODUCED

The SPEAKER. As duly noted by the gentleman from Montgomery, Representative Taylor, we are honored to have in our presence the Indian Ambassador to the United States, Meera Shankar.

Ambassador Shankar joined the Indian Foreign Service in 1973 and served as Minister of Commerce in Washington, DC, from 1991 to 1995 before serving as Ambassador to Germany. Now she is India's Ambassador to the United States of America.

With the Ambassador is the Consul General of India, Prabhu Dayal. Prabhu, will you please rise. Prabhu is the Consul General. He joined the Indian Foreign Service in 1976 and held several key diplomatic positions prior to being named Consul General in New York in September of 2008.

As Representative Taylor mentioned – and I would like the guests to please rise – they are accompanied by the executive director of the Asian American Chamber of Commerce of Greater Philadelphia, Mr. Nick Shenoy. Nick, will you please rise. The chairman of the Hersha Group, Mr. Hasu Shah. Hasu. And a local community worker, Deep Gupta. Deep.

### INDIAN AMBASSADOR MEERA SHANKAR PRESENTED

The SPEAKER. The delegation arrived here to witness the passage of HR 326, and it is with great pleasure that I ask the Ambassador to the United States to come to the rostrum and address the House. Ambassador Meera Shankar.

AMBASSADOR SHANKAR. Honorable Speaker, honorable members of the Pennsylvania Assembly, let me, on behalf of the Indian government, express my deep appreciation for the resolution that you have just adopted honoring the memory of the victims of Mumbai.

For India, Mumbai is its most dynamic city, a melting pot of economic activity, of diversity, of the film industry. And for us, the attack by the terrorists on Mumbai on that fateful day of November 26 last year sought to shatter the peace, the dynamism, and the spirit of Mumbai.

One hundred seventy-three people died in that incident, 300 people were injured, but the terrorists could not break the spirit of Mumbai, and people gathered up their lives and were back again – active, enthusiastic, and lively. I think that is the biggest resistance that we can offer to terrorism, that we do not allow it to cower us down, to change the tenor of our lives, to force us to be afraid. That is the answer which the people of Mumbai have given, and that is the answer which India has given.

I think most remarkable was the fact that the communities in India were peaceful, because one of the objectives was clearly to shatter peace and engender violence between communities. The Muslim community in India condemned the terrorist acts, and the Muslim leaders undertook or vowed that they would not allow the terrorists who had come from another country to be buried in Muslim graveyards, because they said we do not accept that anybody who undertakes this kind of violence against innocent civilians can be a true Muslim.

India has just had a demonstration of the largest democratic exercise in the world. We are a lively, vibrant, and sometimes noisy democracy, because we speak to each other in over 22 languages. Our elections have seen a clear political mandate given by the people in favor of continuity, stability, and inclusive economic growth.

So India now stands as a very good interlocutor for the United States of America, with which country our relations have developed substantially and have undergone a significant transformation in recent years.

With the Indian economy witnessing very high rates of growth in the last 5, 6 years, averaging 9 percent, we were hoping that we would be able to sustain this growth for a decade and beyond at 8 to 10 percent so that we could overcome the challenges of poverty and social development. Of course, the global and financial economic crisis has affected us and our growth has moderated, but we still continue to grow at 6.7 percent for the year 2008-2009, and for 2009-2010, the projection is of 6-percent growth, though independent analysts, not as cautious as the government, are predicting closer to 7 percent.

So in the years to come, given our shared democratic values which place a premium on human liberty, individual rights, religious freedoms, and gender equality, and given our growing economy, the opportunities for productive engagement between India and the United States have never been higher.

During my tenure, I look forward to realizing the potential of our relations and with the support of the Indian-American community, which has emerged as a strong bridge between our two countries, and with the support of the American people, this objective can be achieved.

I thank you all once again for the honor you have done us by adopting this resolution. Thank you.

### GUEST INTRODUCED

The SPEAKER. To the left of the Speaker as well, as part of the delegation, is Harry Kao, who is the executive director of the Governor's Advisory Commission on Asian American Affairs. Harry, welcome to the hall of the House.

The House will come to order.

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

**SB 170, PN 140**

By Rep. DALEY

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for mortgage loan business prohibitions.

COMMERCE.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 1493, PN 1857**

By Rep. ROEBUCK

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 basic education funding for student achievement and for accountability to Commonwealth taxpayers.

EDUCATION.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 592, PN 649**, entitled:

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

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

#### YEAS—192

Baker	Everett	Maher	Reichley
Barbin	Fabrizio	Mahoney	Roae
Barrar	Fairchild	Major	Rock
Bear	Farry	Manderino	Roebuck
Benninghoff	Fleck	Mann	Rohrer
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabig	Matzie	Sainato
Boyd	Gabler	McGeehan	Samuelson
Boyle	Galloway	McI. Smith	Santarsiero
Bradford	Geist	Melio	Santoni
Brennan	George	Mensch	Saylor
Brooks	Gergely	Metcalfe	Scavello
Brown	Gibbons	Metzgar	Schroder
Burns	Gillespie	Micozzie	Seip
Buxton	Gingrich	Millard	Shapiro
Caltagirone	Godshall	Miller	Siptroth
Carroll	Goodman	Milne	Smith, K.
Casorio	Grell	Mirabito	Smith, M.
Causer	Grove	Moul	Smith, S.
Christiana	Grucela	Mundy	Solobay
Civera	Haluska	Murt	Sonney
Clymer	Hanna	Mustio	Staback
Cohen	Harhai	Myers	Stern
Conklin	Harhart	O'Brien, D.	Stevenson
Costa, D.	Harkins	O'Brien, M.	Sturla
Costa, P.	Harper	O'Neill	Swanger
Cox	Harris	Oberlander	Tallman
Creighton	Helm	Oliver	Taylor, J.
Cruz	Hennessey	Pallone	Taylor, R.
Curry	Hess	Parker	Thomas
Cutler	Hickernell	Pashinski	True
Daley	Hornaman	Payne	Turzai
Dally	Houghton	Payton	Vereb
Day	Hutchinson	Peifer	Vitali
Deasy	Johnson	Perzel	Vulakovich
Delozier	Josephs	Petrarca	Walko
DeLuca	Kauffman	Petri	Wansacz
Denlinger	Keller, M.K.	Phillips	Waters
DePasquale	Keller, W.	Pickett	Watson
Dermody	Kessler	Preston	Wheatley
DeWeese	Killion	Pyle	White
DiGirolamo	Kirkland	Quigley	Williams

Donatucci	Kortz	Quinn	Youngblood
Drucker	Kotik	Rapp	Yudichak
Eachus	Krieger	Readshaw	
Ellis	Kula	Reed	McCall,
Evans, D.	Levdansky	Reese	Speaker
Evans, J.	Longietti		

NAYS-0

NOT VOTING-0

EXCUSED-10

Adolph	Gerber	Miccarelli	Perry
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1145, PN 1360**, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for the Pennsylvania Commission on Crime and Delinquency.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS-192

Baker	Everett	Maher	Reichley
Barbin	Fabrizio	Mahoney	Roae
Barrar	Fairchild	Major	Rock
Bear	Farry	Manderino	Roebuck
Benninghoff	Fleck	Mann	Rohrer
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabig	Matzie	Sainato
Boyd	Gabler	McGeehan	Samuelson
Boyle	Galloway	McI. Smith	Santarsiero
Bradford	Geist	Melio	Santoni
Brennan	George	Mensch	Saylor
Brooks	Gergely	Metcalfe	Scavello
Brown	Gibbons	Metzgar	Schroder
Burns	Gillespie	Micozzie	Seip
Buxton	Gingrich	Millard	Shapiro
Caltagirone	Godshall	Miller	Siptroth

Carroll	Goodman	Milne	Smith, K.
Casorio	Grell	Mirabito	Smith, M.
Causer	Grove	Moul	Smith, S.
Christiana	Grucela	Mundy	Solobay
Civera	Haluska	Murt	Sonney
Clymer	Hanna	Mustio	Staback
Cohen	Harhai	Myers	Stern
Conklin	Harhart	O'Brien, D.	Stevenson
Costa, D.	Harkins	O'Brien, M.	Sturla
Costa, P.	Harper	O'Neill	Swanger
Cox	Harris	Oberlander	Tallman
Creighton	Helm	Oliver	Taylor, J.
Cruz	Hennessey	Pallone	Taylor, R.
Curry	Hess	Parker	Thomas
Cutler	Hickernell	Pashinski	True
Daley	Hornaman	Payne	Turzai
Dally	Houghton	Payton	Vereb
Day	Hutchinson	Peifer	Vitali
Deasy	Johnson	Perzel	Vulakovich
Delozier	Josephs	Petrarca	Walko
DeLuca	Kauffman	Petri	Wansacz
Denlinger	Keller, M.K.	Phillips	Waters
DePasquale	Keller, W.	Pickett	Watson
Dermody	Kessler	Preston	Wheatley
DeWeese	Killion	Pyle	White
DiGirolamo	Kirkland	Quigley	Williams
Donatucci	Kortz	Quinn	Youngblood
Drucker	Kotik	Rapp	Yudichak
Eachus	Krieger	Readshaw	
Ellis	Kula	Reed	McCall,
Evans, D.	Levdansky	Reese	Speaker
Evans, J.	Longietti		

NAYS-0

NOT VOTING-0

EXCUSED-10

Adolph	Gerber	Miccarelli	Perry
Belfanti	Lentz	Murphy	Wagner
Briggs	Marsico		

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.

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes John Vargo, associate State director of Community Outreach of AARP; Edward Ryan, Office of Internal Affairs, United Nations representative for AARP; and Barbara Parsells, who, by the way, is the mother of my chief of staff, Paul Parsells. She is the president of AARP, Camp Hill Chapter. Will the guests please rise. Welcome to the hall of the House. They are the guests of Representative Glen Grell.

In the rear of the House, there is a group from Northern Lehigh School District, 20 students in the honors civics class and their teacher, Jon DeFrain. They are the guests of Representative Julie Harhart. Will the guests please rise.

To the left of the Speaker, the Chair welcomes Kim Bowman, director of Chester County's Department of Drug and Alcohol Services. Ms. Bowman is the guest of Representative Gene DiGirolamo and Representative Duane Milne. Welcome to the hall of the House.

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1051, PN 1221**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports and for investigation of reports of suspected child abuse by county agencies.

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

Mr. **STURLA** offered the following amendment No. **A01351**:

Amend Bill, page 1, line 1, by inserting after "Amending" the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for background checks of prospective employees and specific convictions of employees; and amending

Amend Bill, page 1, by inserting between lines 6 and 7

Section 1. Section 111 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a subsection to read:

Section 111. Background Checks of Prospective Employees; Conviction of Employees of Certain Offenses.—\* \* \*

(e.1) An individual may not be employed in a public or private school, intermediate unit or area vocational-technical school if the individual has been identified, within five (5) years immediately preceding the date of application for employment, as the perpetrator of a founded report under 23 Pa.C.S. § 6368 (relating to investigation of reports). As used in this subsection, the term "founded report" means a child abuse report under 23 Pa.C.S. Ch. 63 (relating to child protective services) upon which there has been a judicial adjudication based on a finding that the child who is the subject of the report has been abused. As used in this definition, the term "finding" includes a plea of guilty or no contest and a conviction, for an offense involving the same factual circumstances as the child abuse report.

\* \* \*

Amend Bill, page 1, line 7, by striking out "1" and inserting 1.1

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

The **SPEAKER**. On the amendment, the Chair recognizes the gentleman from Lancaster County, Representative Sturla.

Mr. **STURLA**. Thank you, Mr. Speaker.

Mr. Speaker, this is just pretty much a technical amendment to try and make sure we covered all the bases as it relates to child-care workers and school employees. Thank you.

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

The following roll call was recorded:

**YEAS—192**

- |        |           |           |          |
|--------|-----------|-----------|----------|
| Baker  | Everett   | Maher     | Reichley |
| Barbin | Fabrizio  | Mahoney   | Roae     |
| Barrar | Fairchild | Major     | Rock     |
| Bear   | Farry     | Manderino | Roebuck  |

- |             |              |             |             |
|-------------|--------------|-------------|-------------|
| Benninghoff | Fleck        | Mann        | Rohrer      |
| Beyer       | Frankel      | Markosek    | Ross        |
| Bishop      | Freeman      | Marshall    | Sabatina    |
| Boback      | Gabig        | Matzie      | Sainato     |
| Boyd        | Gabler       | McGeehan    | Samuelson   |
| Boyle       | Galloway     | McI. Smith  | Santarsiero |
| Bradford    | Geist        | Melio       | Santoni     |
| Brennan     | George       | Mensch      | Saylor      |
| Brooks      | Gergely      | Metcalfe    | Scavello    |
| Brown       | Gibbons      | Metzgar     | Schroder    |
| Burns       | Gillespie    | Micozzie    | Seip        |
| Buxton      | Gingrich     | Millard     | Shapiro     |
| Caltagirone | Godshall     | Miller      | Siproth     |
| Carroll     | Goodman      | Milne       | Smith, K.   |
| Casorio     | Grell        | Mirabito    | Smith, M.   |
| Causer      | Grove        | Moul        | Smith, S.   |
| Christiana  | Grucela      | Mundy       | Solobay     |
| Civera      | Haluska      | Murt        | Sonney      |
| Clymer      | Hanna        | Mustio      | Staback     |
| Cohen       | Harhai       | Myers       | Stern       |
| Conklin     | Harhart      | O'Brien, D. | Stevenson   |
| Costa, D.   | Harkins      | O'Brien, M. | Sturla      |
| Costa, P.   | Harper       | O'Neill     | Swanger     |
| Cox         | Harris       | Oberlander  | Tallman     |
| Creighton   | Helm         | Oliver      | Taylor, J.  |
| Cruz        | Hennessey    | Pallone     | Taylor, R.  |
| Curry       | Hess         | Parker      | Thomas      |
| Cutler      | Hickernell   | Pashinski   | True        |
| Daley       | Hornaman     | Payne       | Turzai      |
| Dally       | Houghton     | Payton      | Vereb       |
| Day         | Hutchinson   | Peifer      | Vitali      |
| Deasy       | Johnson      | Perzel      | Vulakovich  |
| Delozier    | Josephs      | Petrarca    | Walko       |
| DeLuca      | Kauffman     | Petri       | Wansacz     |
| Denlinger   | Keller, M.K. | Phillips    | Waters      |
| DePasquale  | Keller, W.   | Pickett     | Watson      |
| Dermody     | Kessler      | Preston     | Wheatley    |
| DeWeese     | Killion      | Pyle        | White       |
| DiGirolo    | Kirkland     | Quigley     | Williams    |
| Donatucci   | Kortz        | Quinn       | Youngblood  |
| Drucker     | Kotik        | Rapp        | Yudichak    |
| Eachus      | Krieger      | Readshaw    |             |
| Ellis       | Kula         | Reed        | McCall,     |
| Evans, D.   | Levdansky    | Reese       | Speaker     |
| Evans, J.   | Longiotti    |             |             |

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—10**

- |          |         |            |        |
|----------|---------|------------|--------|
| Adolph   | Gerber  | Miccarelli | Perry  |
| Belfanti | Lentz   | Murphy     | Wagner |
| Briggs   | Marsico |            |        |

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 second consideration as amended?

The **SPEAKER**. Will the gentlelady from Montgomery, Representative Harper, come to the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair thanks the gentlelady from Montgomery County, Representative Harper, who is withdrawing amendment A00628.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### STATEMENT BY MR. PAYNE

The SPEAKER. The gentleman, Representative Payne, would you like to be recognized under unanimous consent? Without objection— The House will come to order.

Mr. PAYNE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin, Representative Payne, is recognized under unanimous consent.

Mr. PAYNE. Thank you, Mr. Speaker, and thank you to the majority and minority leaders.

Not to be remiss, this Saturday, June 6, marks the 65th anniversary of the landings at Normandy beaches in France in 1944. Over 3,000 landing craft, 2500 other ships, 500 naval vessels, escorts, left the English ports to land in France. That night over 800 aircraft carrying parachutes and towing gliders headed toward Normandy beach. That day over 13,000 aircraft were used.

The airborne troops, of which the 82d and 101st Airborne were part of, were also led by my good friend, Maj. Dick Winters, from the Band of Brothers fame. They landed that night behind enemy lines.

At 6:30 a.m. on June 6, the British and Canadians landed on Gold, Juno, and Sword, and the Americans landed at Utah with little or light opposition. However, that was not true on Omaha Beach, where heavy resistance was encountered by the Germans, and in fact the beachhead was in question throughout the day. On that day alone, the United States suffered over 2,000 casualties.

I would like to take a moment this Saturday, June 6, on the 65th anniversary of D-day, for all of us to think about the veterans who paid the ultimate sacrifice and never came home and those veterans who served and returned, and keep them in our thoughts and our prayers on Saturday in honor of the 65th anniversary.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### STATEMENT BY MAJORITY WHIP

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

Mr. DeWEESE. Thank you, Mr. Speaker.

I would like to laud Representative Payne for bringing this to the attention of Floor Leader Eachus and our side of the aisle.

Just a quick personal note: I was privileged in the 1980s and 1990s to develop a close, personal acquaintanceship with Matthew B. Ridgway, who led the 82d Airborne at Normandy. He was Dick Winters's commanding officer. Dick Winters, your

friend and one whom many of us who have an interest in military history have read about, was one of Pennsylvania's most dauntless and selfless young warriors in that contest.

But the picture of Matthew Ridgway that hangs in my log cabin, autographed personally, with a 50-caliber machine gun bullet underneath it, reminds me on a daily basis when I am in Greene County that the sacrifices that were enumerated by Representative Payne are still quite poignant.

We still have tens and tens and tens and tens of thousands of young American men, and some women at that time, who are now in their eighties and nineties and over 100 years of age, who served in the European Theater. And as long as our military history resonates among the younger generations and indeed among those of us who are privileged to serve in this setting, D-day, June 6, 1944, whether it was a general, Matthew B. Ridgway, or whether it was a young lieutenant or a captain, Dick Winters, or whether it was the countless privates and corporals and staff sergeants that stormed ashore, will always resonate in the history of the United States and be a day that we should remember. And as June 6 approaches, once again I thank Representative Payne for bringing it to the attention of our chamber.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

## RULES AND APPROPRIATIONS COMMITTEE MEETINGS

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Cohen, for the purpose of an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Rules Committee meeting in the majority caucus room at the break. That will be followed immediately by an Appropriations Committee meeting in the majority caucus room.

The Democrats will caucus after the Appropriations meeting at 12:30 p.m.

The SPEAKER. The Rules Committee will meet in the majority caucus room at the break, followed immediately by a meeting of the Appropriations Committee.

Mr. COHEN. Thank you.

In response to questions, I am pleased to announce that we will be back on the floor at 2 p.m.

### INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative DeLuca, for the purpose of an announcement.

Mr. DeLUCA. Thank you, Mr. Speaker.

Immediately upon the break, the Insurance Committee will be meeting in room 50 of the Irvis Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Insurance Committee will meet in room 50 of the Irvis Building at the break.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, the Republican caucus chair, Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentlelady.

**RECESS**

The SPEAKER. This House stands in recess until 2 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

The SPEAKER. Members will report to the floor of the House.

**BILL REREPORTED FROM COMMITTEE**

**HB 1376, PN 1677**

By Rep. D. EVANS

An Act amending the act of June 18, 1984 (P.L.391, No.82), known as the Continuing-Care Provider Registration and Disclosure Act, further providing for investigations and subpoenas and for audits.

**APPROPRIATIONS.**

The SPEAKER. That bill will go to the supplemental calendar.

**BILLS REREPORTED FROM COMMITTEE**

**HB 1431, PN 1977**

By Rep. EACHUS

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions and for unlawful acts or practices and exclusions; and providing for unsafe children's products.

**RULES.**

**HB 1480, PN 1842**

By Rep. EACHUS

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income."

**RULES.**

The SPEAKER. The bills will be placed on the House calendar.

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 84, PN 1955**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1089, PN 1573**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE**

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 89, PN 1006**.

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 1089, PN 1573**

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

**SB 89, PN 1006**

An Act reenacting and amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for policy declaration, for definitions, for the Health Care Cost Containment Council and its powers and duties, for data submission and collection and for access to council data; providing for the establishment of a Health Care Cost Containment Council Act Review Committee; and further providing for sunset of act.

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Lackawanna County, Representative Murphy, on the floor of the House. His name will be added to the master roll.

### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests the following leaves of absence.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman from Allegheny, Mr. FRANKEL; the gentleman from Westmoreland, Mr. HARHAI; and the gentleman from Bucks, Mr. GALLOWAY, to be put on leave for the remainder of the afternoon.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Thank you.

The SPEAKER. Without objection, the leaves will be granted.

### SUPPLEMENTAL CALENDAR A

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1376, PN 1677**, entitled:

An Act amending the act of June 18, 1984 (P.L.391, No.82), known as the Continuing-Care Provider Registration and Disclosure Act, further providing for investigations and subpoenas and for audits.

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

### CALENDAR CONTINUED

#### RESOLUTION PURSUANT TO RULE 35

Mr. PAYNE called up **HR 116, PN 804**, entitled:

A Resolution memorializing the Congress of the United States to award the Medal of Honor to Major Richard D. Winters without further delay.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Dauphin County, Representative Payne.

The gentleman will yield.

Will the House come to order. Members will please take their seats. The House will come to order.

The Chair recognizes the gentleman from Dauphin County, Representative Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, HR 116 asks Congress to award, without delay, the Medal of Honor to Maj. Richard D. Winters. As many of us in this chamber know, Major Winters was in fact the key role-play person in "Band of Brothers." That was not a movie that was fictitious; it was based on fact.

Major Winters and the 101st Airborne parachuted into France the night and the morning of D-day, and through his actions, they attacked and took out a German gun emplacement which was firing on the beaches of Normandy, killing our troops.

Unfortunately at that time, there was an Army regulation that only one Medal of Honor could be awarded per division. So regardless of his actions, he was not able to obtain this award. He deserves the Medal of Honor. He has earned the Medal of Honor. The men that came home with him, if they were here today, would tell you they would not have come home if it was not for Major Winters.

So this resolution asks Congress to move without delay and award the Medal of Honor to Maj. Richard D. Winters. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority whip, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I rise briefly in support of the honorable gentleman from Dauphin.

If anybody has read the masterful narrative of Stephen Ambrose and digested the actions of Dick Winters at D-day, this will be a very easy vote and we can convey it swiftly to our brothers and sisters in the Federal legislature in Washington.

Mr. Winters is up in years. His health is frail. His bride of many decades would be a marvelous beneficiary of our vote today and could convey our best wishes and strong intentions for this award to be granted.

It is difficult to add too much to what the honorable gentleman from Dauphin just observed, but picture, if you will, America's finest and that generation of youngsters going through parachute infantry training in the southern United States, launching off to North Africa, to Sicily, and then as far as this week goes, to the D-day beachhead where Winters and his group leaped out of airplanes at 1 or 2 o'clock in the morning and landed on the beach. And as was depicted just a few moments ago, under very serious numerical disadvantages, lean, audacious, and honorable soldiers took care of German machine gun positions, one after another made their way to this fortified artillery site and dominated the Germans on the ground.

As we cast our affirmative votes, I think it should be recollected that the reason we won in Europe, and ultimately in World War II, was because of small unit tactics – groups of 4 in fire teams or groups of 12 in squads or groups of 35 or 40 in platoons. And Winters was a master tactician. His intrepidity on the battlefields of Normandy merits the Medal of Honor.

Before he is carried off this globe, it is highly appropriate that the Pennsylvania House pass this resolution honoring Dick Winters, major, United States Army, already a beneficiary of the Distinguished Service Cross, the highest award granted by the United States Army. He should now be granted the highest award for valor that the nation has to share – the Medal of Honor.

I rise to support the gentleman from Dauphin.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

## LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for the gentleman from Lancaster, Representative CUTLER. Without objection, the leave will be granted.

## CONSIDERATION OF HR 116 CONTINUED

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

The following roll call was recorded:

## YEAS—189

Baker	Everett	Major	Roae
Barbin	Fabrizio	Manderino	Rock
Barrar	Fairchild	Mann	Roebuck
Bear	Farry	Markosek	Rohrer
Benninghoff	Fleck	Marshall	Ross
Beyer	Freeman	Matzie	Sabatina
Bishop	Gabig	McGeehan	Sainato
Boback	Gabler	McI. Smith	Samuelson
Boyd	Geist	Melio	Santarsiero
Boyle	George	Mensch	Santoni
Bradford	Gergely	Metcalfe	Saylor
Brennan	Gibbons	Metzgar	Scavello
Brooks	Gillespie	Micozzie	Schroder
Brown	Gingrich	Millard	Seip
Burns	Godshall	Miller	Shapiro
Buxton	Goodman	Milne	Siptroth
Caltagirone	Grell	Mirabito	Smith, K.
Carroll	Grove	Moul	Smith, M.
Casorio	Grucela	Mundy	Smith, S.
Causar	Haluska	Murphy	Solobay
Christiana	Hanna	Murt	Sonney
Civera	Harhart	Mustio	Staback
Clymer	Harkins	Myers	Stern
Cohen	Harper	O'Brien, D.	Stevenson
Conklin	Harris	O'Brien, M.	Sturla
Costa, D.	Helm	O'Neill	Swanger
Costa, P.	Hennessey	Oberlander	Tallman
Cox	Hess	Oliver	Taylor, J.
Creighton	Hickernell	Pallone	Taylor, R.
Cruz	Hornaman	Parker	Thomas
Curry	Houghton	Pashinski	True
Daley	Hutchinson	Payne	Turzai
Dally	Johnson	Payton	Vereb
Day	Josephs	Peifer	Vitali
Deasy	Kauffman	Perzel	Vulakovich
Delozier	Keller, M.K.	Petrarca	Walko
DeLuca	Keller, W.	Petri	Wansacz
Denlinger	Kessler	Phillips	Waters
DePasquale	Killion	Pickett	Watson
Dermody	Kirkland	Preston	Wheatley
DeWeese	Kortz	Pyle	White
DiGirolamo	Kotik	Quigley	Williams
Donatucci	Krieger	Quinn	Youngblood
Drucker	Kula	Rapp	Yudichak
Eachus	Levdansky	Readshaw	
Ellis	Longietti	Reed	McCall,
Evans, D.	Maher	Reese	Speaker
Evans, J.	Mahoney	Reichley	

NAYS—0

NOT VOTING—0

## EXCUSED—13

Adolph	Frankel	Harhai	Miccarelli
Belfanti	Galloway	Lentz	Perry
Briggs	Gerber	Marsico	Wagner
Cutler			

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

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 373, PN 1792**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person.

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?

(Bill analysis was read.)

## PARLIAMENTARY INQUIRY

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

Mr. S. SMITH. Mr. Speaker, I would like to make a parliamentary inquiry relative to this legislation.

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

Mr. S. SMITH. Mr. Speaker, this bill was given second consideration on March 25, and once this body gives it second consideration, then it is no longer amendable. However, it was then recommitted to Aging and Older Adult Services on March 30, where it was amended on May 6.

Mr. Speaker, I would like to ask, that seems to be out of order in that this bill was amended on third consideration or after it had received second consideration, and I would like to ask a parliamentary inquiry as to whether or not this bill has been improperly amended in terms of the timing and the rules under which we normally amend.

The SPEAKER. Mr. Smith, can you restate the question?

Mr. S. SMITH. I am asking, Mr. Speaker, I am asking if this bill was not improperly amended, that it was amended outside of our rules. It was amended after the bill was given second consideration.

If you look at the bill history, the actions, second consideration was given on March 25, 2009. Our rules say that there could be a technical amendment on third, but this bill was recommitted to Aging and Older Adult Services after given second consideration and was subsequently amended in that committee.

I am asking, does not that mean that it was amended improperly on third consideration by this committee?

The SPEAKER. It is the opinion of the Chair that when the committee obtained control of the legislation, under rule 49, that the committee has the ability to amend the bill. However, it cannot amend the bill with language that was amended into it by the House. As long as the amendments did not conflict with any amendment that was placed in it by the body of the whole, the amendment would have been in order.

Mr. S. SMITH. One minute, Mr. Speaker, please.

Mr. Speaker, does not that rule that you just cited, 49, does it not specifically say a bill "referred by the Speaker"? That is a qualifier. This bill was referred by the body as a whole.

The SPEAKER. If you read further in the rule, "If it is retained, such standing committee shall have full power and control over such bill, resolution or other matter, except that such committee shall not change the subject nor any amendments adopted by the House. Where the chair of the standing committee refers such bill, resolution, or matter to a subcommittee, such subcommittee, except as hereinafter provided, shall have full power over the same."

The rule, in one instance, refers to the Speaker referring the bill as the Speaker to a standing committee, but when you read further in the rule, it also provides the ability of the standing committee to do a number of different actions, which assumes that not just referrals by the Speaker but bills that are recommitted or referred also come under the auspices of the rule.

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

Is that not in conflict— I do not agree with your interpretation, but I am not going to take great issue with it because it really is sort of secondary to the concern.

The concern I have and what I think is violating the rules is had that bill still been on second consideration, we might argue whether or not that committee could amend.

My problem is that if you are going to allow a standing committee to amend a bill that has already been given second consideration, then bring it back to the floor, the body as a whole has been precluded from amending that bill, and especially in a situation where— And we do not have a disagreement with the substance of this bill. That is not at issue. It is the process, Mr. Speaker.

This bill was amended substantially, though. So you have now created a situation where every standing committee could be doing what the Rules Committee is not allowed to do.

Even if you want to say that they can— I apologize; I do not mean to be sounding argumentative to the Speaker. I apologize.

My position is, Mr. Speaker, that even if we were to agree on your interpretation as to the ability of that committee to amend under the rule that you cited, it has already been given second consideration, and the House rules do not allow us, with the modest exception of a technical amendment, to amend on third. This bill was on third consideration; therefore, it should not be allowed to be amended.

The SPEAKER. Well, I would agree that the bill would have been ready to receive third consideration on the next day's calendar. I would agree with that. But there are certain conditions that have to be met for that bill to receive third consideration, and any member at that point would have the ability to object to the bill going to third consideration. But we need the next calendar day just by virtue of the Constitution for that bill to receive third consideration.

So certain conditions would have to be met: that the bill remained on the calendar for it to get third consideration; the

bill had been listed for third consideration on the House voting schedule; and that the bill had been marked on the calendar to receive third consideration by the full House. Those conditions were not met, because the bill was rereferred to committee. So none of those, none of those parameters were met for the bill to receive third consideration.

Mr. S. SMITH. Mr. Speaker, I guess I will have to ask you to make a ruling that once a bill is given second consideration and the body agrees to it having second consideration, it is no longer amendable unless we reconsider the vote by which it was given second consideration.

Therefore, we can debate about when it is technically on third, but the fact is, once it has been given second consideration and the Chair says, will the members agree to second consideration, it is no longer amendable. Therefore, are you ruling, Mr. Speaker, that a bill can be amended on third consideration by a standing committee, and that bill comes back to the floor of the House and is no longer amendable by this House?

Mr. EACHUS. Mr. Speaker, if I may?

The SPEAKER. For what purpose does the gentleman rise?

Mr. EACHUS. Mr. Speaker, I would like to— I know that this is debatable between— I would like to have a moment to have some comments on the gentleman's inquiry to the Speaker, if that would be appropriate in the framework of this discussion.

The SPEAKER. If the leader would yield the floor.

Mr. EACHUS. Would there be any objection?

Mr. S. SMITH. I asked a question of the Chair. I am willing to yield, but I am asking the Chair to make a ruling on this, on my question.

Mr. EACHUS. Thank you for yielding— So you are willing to yield, Mr. Speaker, just for a moment of—

The SPEAKER. The gentleman will yield.

We have debated this among ourselves ad infinitum. We feel very strongly that under rule 49, the committee does in fact have the ability to take that action as long as they do not take action contrary to action taken by the House of Representatives.

Furthermore, for the bill to actually be on third consideration, those parameters would have to be met: that the bill has to be posted on the next day's calendar; it would have to be on the House voting schedule; and thirdly, that the bill, after being marked on the calendar to receive third consideration by the full House of Representatives, for it to move to third consideration and final passage.

Mr. S. SMITH. So, Mr. Speaker, you are saying that even after the House gives a bill second consideration and it is referred back to committee, and that committee guts it and replaces it with entirely new language, which happens to be the case with this bill, and then that bill comes back on the floor, that it is still open to amendments on the floor of the House if we do not agree to give it third consideration or recognize it on third?

I disagree, Mr. Speaker. I respectfully disagree. Once it is given second, we can only go back to that bill and amend it if we reconsider that vote, that vote that gave it second. Therefore, that is the line of demarcation. That is when the bill is no longer amendable with the one little exception.

The SPEAKER. The Chair has made his ruling and believes that rule 49 does apply and that that action can occur.

Mr. EACHUS. Mr. Speaker, I would really like to add some part of the narrative to—

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

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

It is no surprise, most likely, that I would agree with the interpretation that the Speaker has made.

Our belief, in our review from legal counsel as it relates to this moment, is that we are in full compliance with House rules in that the gentleman's objection would be relevant if in fact the committee had impacted something that was an action by this House. So I believe that we are in full compliance of the House rules.

The other component of this that was not brought up by the gentleman was that HB 373 was seconded by the Republican chairman of that committee when it was rereferred and unanimously amended in a bipartisan way in the House. So I am not sure that the committee itself, at least at that moment, saw any problem as it related to our rules.

I would also say that, just to repeat, number one, I do not believe that we are out of adherence with any of our House rules on this, and that if in fact the amendment in committee had impacted some action taken by the House of Representatives, then I believe the gentleman's argument would be sound.

But, Mr. Speaker, I would like to just make sure that those points were made.

And, Mr. Speaker, if I might just add one more thing. Is the gentleman— If I might make a moment of inquiry to the gentleman? May I do that, make an inquiry to the gentleman?

The SPEAKER. The gentleman will stand for interrogation.

Mr. EACHUS. Thank you.

I know that there has been a lot of interpreting, but is there a motion on the table?

Mr. S. SMITH. Mr. Speaker, I have been attempting to ask for a ruling of the Chair, because in my parliamentary inquiry, I was not satisfied or not agreeable to what the Speaker had ruled. I will be glad, at the Speaker's direction, to make that challenge more directly as I clarify his ruling.

The SPEAKER. Will the majority leader repeat his last statement?

Mr. EACHUS. Yes. Thank you, Mr. Speaker.

I know that you were focused somewhere else, but I had asked the gentleman from Jefferson whether there was a motion or a request of the Speaker in the inquiry, and he clarified that for me.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Mr. Speaker, I would ask you to clarify: Did you make a ruling relative to how you interpret rule No. 49 to apply to this situation? And if you did, would you please restate that for me?

The SPEAKER. The Chair did in fact make that ruling, that under rule 49, the committee does in fact have the ability to amend once that bill is in control of the committee, with the caveat that it cannot change anything that has been done by the body of the whole, by the House of Representatives.

Secondarily, if the bill would have remained on the calendar – which it did not because it was referred to the committee – if it would have remained on the calendar, it would be in position to be on third. The fact that it was rereferred, it never received third consideration; therefore, under rule 49, the committee has the ability to amend. That would be the ruling of the Chair.

Mr. S. SMITH. Mr. Speaker, I would respectfully suggest that you have kind of made two rulings, both of which are debatable.

First, I will take the latter point you just made, and I will put it in the form of a rhetorical question: If a bill has been given second consideration, a vote by this entire House, and the next day it is on the calendar but it has not been stated by the Speaker as receiving third, I cannot offer an amendment; I cannot call that bill up and amend it, because it has already been given second consideration. Therefore, de facto, it is on third. Once it has been given second, it is on third. And I would ask the members to pull up HB 373, pull up the history of the bill, because it states it very clearly – given second consideration on March 25.

Secondly, Mr. Speaker, the suggestion that this bill was allowed to be amended on what I will call third consideration – I understand we are not in agreement – if it only did not affect what the House did, is just on the surface incorrect in the case of this specific bill. The penalty was actually changed.

The House considered this bill on first and second consideration. That is an action of this House. It then was given second consideration, was referred back to committee. They changed the penalty section in the bill, among other things. To me, that constitutes changing something this body as a whole has done, and the net effect of this action, Mr. Speaker, is that we are going to now allow standing committees to amend bills that then come back on the floor of the House and it is unamendable by the members of the House. It has been given second consideration. Therefore, it is no longer available for amendments by this House.

And so, Mr. Speaker, the second part of your ruling absolutely confounds me, because past practice has been once it is given second consideration, we are done amending it. We are done amending it – period. So I have to challenge that ruling of the Chair, Mr. Speaker, as to the first part of your ruling referencing specifically rule 49.

I would also note in the record that – this is from the Legislative Journal – the Speaker says, "The Chair recognizes the majority leader, who moves that HB 373 be removed from the active calendar and recommitted to the Committee on..." Appropriations.

"On the question,

"Will the House agree to the motion?"

I may have gotten the wrong one; did the same thing on the reconsideration to the Aging and Older Adult Services Committee.

The fact is, Mr. Speaker, that was a motion and an action of this House. Rule 49 specifically states, "Whenever a bill, resolution or other matter has been referred by the Speaker of the House...." That becomes a qualifier which dictates the rest of rule 49. This bill was not referred by the Speaker; it was referred by the House.

### **RULING OF CHAIR APPEALED**

Mr. S. SMITH. So, Mr. Speaker, you can sort out how you want to handle the challenges. I really think there are two separate challenges, but I have to challenge the ruling of the Chair, Mr. Speaker.

Mr. EACHUS. Mr. Speaker, I would like to just correct one thing that the gentleman stated in his analysis.

The SPEAKER. The gentleman will yield.

The gentleman, Representative Smith, has appealed the decision of the Chair, and the decision is that under rule 49, the committee does in fact have the ability to amend bills, that the legislation never received third consideration. It would have been in a position for third consideration if it would have remained on the calendar. The fact that the bill was referred back to committee after second consideration does in fact allow and give the committee the ability to amend the legislation.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the appeal, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Mr. Speaker, my only point of clarification to the gentleman is that in fact in last session, last session's HB 83 was referred back to a committee and amended, just as this bill was, without objection in last session. So I am happy to provide the information to the gentleman or the Speaker.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, a parliamentary inquiry.

Where are we in the— Are we now debating my appeal of your ruling?

The SPEAKER. We are now debating— The question before the House is the motion to appeal the ruling of the Chair.

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

On that point.

The SPEAKER. On that question.

Mr. S. SMITH. In response to the majority leader's comments, that may be, and if you did that last session, I guess you pulled one, got one past us. I was not aware of that, but that does not change the fact of today. Just if it was done before, it was not right.

The fact is, Mr. Speaker, look at the bill history. Once a bill is given second consideration, it is no longer open to amendments by the members of this House. The whole debate over the Rules Committee's actions of years gone by was that they should not be able to amend a bill and bring it to the floor for final consideration without the ability of the House to at least allow individual members to amend it. That was the core of that debate. That is the nuts and bolts of it.

This ruling, Mr. Speaker, would allow bills to be given second consideration, where we have all been a party to it. Then we give it second consideration, meaning it is no longer amendable, and kick it back to any committee in this House. They can do anything they want to that bill, because clearly, on the bill in question, the changes were significant. Not necessarily that I disagree with them, but they were significant. It changed the penalty, including the addition of the words "OR DEATH." Read the bill. It is only two pages. It is not a tough one to look at even. Most of us can actually read this bill.

The bottom line is, Mr. Speaker, we are totally subverting the intent of the rules. Rule 49 speaks to when a bill is referred by the Speaker, point one. Point two, you are allowing a committee to amend a bill when the full House no longer has open access to that bill, and that, Mr. Speaker, is contrary to the

whole intent of the rules and the process, the point being that once it has been given second consideration, it is no longer amendable. Members should be able to look at that bill and say, I have to deal with it up or down the way it is. Now you are changing that, Mr. Speaker, and it is not the rule's intent and it is not what the rules say.

Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. S. SMITH. Would it be possible – I have a copy of it here – but would it be possible for someone to read the Legislative Journal from March 30, 2009? It is page 489 in the Legislative Journal, about two-thirds of the way down, on the left-hand column.

The SPEAKER. Page 4—

Mr. S. SMITH. 489, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Smith, have a parliamentary inquiry?

Mr. S. SMITH. Mr. Speaker, I had asked if the Chair would instruct the clerk to read from page 489 of the Legislative Journal from March 30, 2009, about two-thirds of the way down, the left-hand column, "BILL ON THIRD CONSIDERATION." I was asking if the clerk would read from the Journal to refresh our memories as to what took place that day.

The SPEAKER. The gentleman, Mr. Smith, may read from the Journal if he so desires.

Mr. S. SMITH. Thank you, Mr. Speaker. Then I will read from the Journal.

Mr. Speaker, I would ask you to bring the House to order.

The SPEAKER. The House will come to order. Members will please take their seats. Will the House come to order.

The House will come to order. Members will please take their seats. Conversations, please take them off the floor of the House.

The Chair recognizes the minority leader, Representative Smith.

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

I am reading from the Legislative Journal of the House, March 30, 2009. It is page 489 in the Journal. The title is "BILL ON THIRD CONSIDERATION": "The House proceeded to third consideration of HB 373, PN 391,..." and then it gives the title of the bill. Subsequent to that, the bill is recommitted.

So, Mr. Speaker, the Journal reflects that the House proceeded to third consideration of HB 373. It had been given second consideration on a previous day. The Speaker identified the bill on third consideration, and then subsequent to that, the bill was recommitted by the House to the Aging and Older Adult Services Committee.

Mr. Speaker, to me, it cannot be any more plain than what the Journal reflects. This bill had been given second. We are no longer able to amend the bill. It was identified as third on a subsequent legislative day. It was rereferred to a committee, and it was amended substantively. That, Mr. Speaker, is contrary to the rules of the House, and I would ask the members to support my motion to appeal the ruling of the Chair, which would in essence sustain my argument that this bill has been improperly amended by the committee, because it has precluded the actions of the House, because it was on third consideration.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This prior session was littered with occasions to have ongoing debates about the rules on the House floor. This session, with your leadership, Mr. Speaker, has distinguished itself, I think, by calling balls and strikes as they should be called, but— As I was saying, Mr. Speaker, I think you have distinguished yourself thus far in this session by calling balls and strikes with integrity.

In this instance, I think you are simply mistaken, and I would ask you to take one more look at these rules. When you enunciated your decision, it sounded as though it was a relatively important consideration, that perhaps HB 373, although having had second consideration, maybe notionally had advanced to third but had not in fact formally advanced to third.

We now understand from the House Journal and from the calendar of March 30 that HB 373 was on third consideration.

We have a specific rule about bills on third consideration, and that rule says, is "...subject to amendment only when an amendment is necessary..." for technical reasons. House rule 24 does not grant authority to anyone to amend a bill on third consideration for any other purpose, yet that is substantively what is being attempted here. And I know that when you look at rule 49, I understand that clearly the guidance you received skipped over the very critical factor in the first sentence, that "Whenever a bill, resolution or other matter has been referred by the Speaker...to a standing committee...." Rule 49 empowers committees to act on matters referred by the Speaker. Rule 49 does not empower committees to act on anything else, and anything else includes bills referred by this body.

You might say, well, why does a bill go to committee if it is not going to be further amended? I think we all know, on a commonsense level, sometimes bills are referred to a committee for a quiet burial. So that is not inconsistent, but rule 49 does not grant any authority to committees to amend bills that have been on third consideration. In fact, our rules are crystal clear: On third consideration, there can be no amendments but for technical purposes. This bill was on third consideration, is on third consideration, and actions to amend it quite clearly violate rule 24, and the permission granted to committees under rule 49 does not apply because this bill was not referred by the Speaker.

So I genuinely ask you, Mr. Speaker, in good faith – and it is rather ironic because the Speaker and I had an opportunity yesterday for a brief conversation commenting on how infrequently we needed to have these sorts of discussions on the House floor and how good that was. But in this case, Mr. Speaker, I think you just got it wrong and I would ask you to take another look and see if we can get it right. I support the motion to appeal the ruling of the Chair, but hope perhaps the Chair will have an opportunity to remedy this of its own volition.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Chester, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I do not normally get involved in these kinds of discussions, but since I was mentioned by a prior speaker, I do want to say

that the question I have, as a parliamentary inquiry, does not deal with the substance of the bill. I agree with the substance of the bill as it was amended on May 6 by our committee. The question that I would have for you is the first reading, the reporting out of that bill by the committee on May 6 as it was amended on that date I believe complies with the first reading or first consideration by the House. Since that time I think it has been listed 2 or 3 days for third consideration, and the parliamentary inquiry I would have is, could anyone indicate to me when the bill as it was amended on May 6 by our committee ever was posted for second consideration, allowing a further amendment by the full House to the bill as it was amended in our committee?

While you are looking for that, might I just suggest that if the bill were simply to be listed on our calendar for second consideration, either today or next week on Monday or Tuesday, and then could it not move quickly to third consideration after that? By doing so, we would give the full House the ability to offer amendments to the bill as it was amended by our committee. It seems to me that resolves our problem.

Mr. EACHUS. Mr. Speaker, point of order.

The SPEAKER. The legislation never received third consideration. When the bill was placed on the calendar, it was still technically in limbo. When the Chair called up the legislation, as he does in all cases when the bill goes to third, you will hear the Chair announce, "Has the House agreed to the bill? Agreed to." When the Chair indicates that, that is the third reading of the legislation. At any point, a member can stand and object to the bill receiving third consideration and ask for a vote on third consideration. So on May 6, when the bill came out, it would receive third consideration when the Speaker calls it up and says, "Will the House agree to the bill? Agreed to." That is its third reading.

Mr. HENNESSEY. Mr. Speaker, if I may add. The bill was not being considered for the third time at that point, as it was amended. It had just been amended that day in committee. So it would seem to me that the bill, after it was amended on May 6, has to go to second consideration again. The reporting out would be first consideration. We simply need to post it for second consideration to resolve our problem here. I might add, I intend to vote for the bill when we get a chance.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. S. SMITH. If I follow your ruling, you have said that a bill is still amendable up until you make the procedural statement, "Does the House agree to the bill on third consideration? The House agrees to the bill." You have just argued or ruled that that bill is still amendable up to that point. The fact is, Mr. Speaker, once it is given second, it is no longer amendable unless we reconsider the motion by which we gave it second. You have just ruled that a bill is amendable up until the point that the House agrees to it on third, and that is clearly not the rules of this House, Mr. Speaker, and I would urge the members to override the ruling of the Chair.

The SPEAKER. The Chair recognizes the gentleman from Chester, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I think that my colleague from Chester County introduced some of the concerns that I have about this process, and I, too, am quite sympathetic with the text of the bill and to some

degree probably the changes that were suggested in the Aging and Older Adults Committee. But I would point out that I, unlike my colleague from Chester County, am not a member of the Aging and Older Adults Committee. There was material that was added in that committee that I have not had a chance to review or potentially amend on the floor of the House because it was not offered back on second.

Now, if the ruling of the Chair is that until it is formally read over the desk on third that we can insert new amendments which will then somehow be in order, then I think we are opening up a Pandora's box because then we will never stop having second. The whole point that I understood of the process of when we take amendments is that they be on second, that they be timely filed, that they have their consideration. Once they are considered, then they are done. If we are not going to follow that rule and we are going to open up the possibility of running amendments after we normally have expected second to have occurred, then there is no end to the amendment process and I do not think that was in any way the intent of the House.

So therefore, what we have done is we have suggested that after we have had the discussion on second, that the amendments are to stop. Now, given the fact that this went back into committee and then came back out again, there was no opportunity for those of us who are not on the committee to actually amend the new matter that was placed there. So that winds up being a terrible precedent for us to introduce here. It essentially keeps a piece of the bill unamendable and unreviewable for the House members as a whole. We are left with an up-or-down vote on it exclusively.

I think it is a very bad and very dangerous precedent for us to be contemplating here, and I strongly urge the Chair to consider the alternative of placing this back on second and actually allowing the system to operate correctly as I think the rules intend.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Like many of my colleagues, I have no particular issue with HB 373 nor the amendments that were added to the bill in committee. However, I rise in support of the overruling of the Chair, because if this ruling is allowed to stand, we will be taking yet another incremental step back to the old days, which were so uniformly criticized and which were so positively advanced through reforms adopted in the last session. The only difference is in the old days, bills were referred either to the Rules Committee or to the Appropriations Committee for possible mischief, mischievous amendments. If this ruling stands, the only difference will be that the referral will be back to a standing committee for possible mischief, but the result will be the same. Bills will be amended in committee and the members at large on the floor will have no further opportunity— They will have no further recourse against the bill other than to vote up or down against the bill.

To those on both sides of the aisle who have worked so hard to reform the procedures of the House, this ruling should be objectionable, and I would call on all members to support the motion and overrule the ruling of the Chair. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I rise with difficulty today because I support the ruling of the Speaker in that while we all stand for openness and integrity and enforcement of our rules, I believe where we are right now is a situation where we are in a position that is an unintended or unanticipated consequence of our rules. And you, as the Speaker – and if I am improper for designating you, I apologize – but the ruling of the Chair has to follow the rules and the plain language of the rules is what we must look at. The plain language of the rule clearly indicates that the Speaker, in this case, referred a bill to committee. It in fact was amended properly in committee pursuant to the plain language of the rule, not interpretations. And unfortunately, we do not have the ability to be able to amend the rule today, but I think where we are is a proper ruling based on the plain language of the rule as it exists, as we of a body approved.

If anything, we may need to look at the rule and redraft it so that the plain language of the rule says otherwise, but where we are today is a proper interpretation by the Chair based on the plain language of the rule as it exists today before us. For those reasons alone, we need to absolutely support the Speaker in his ruling because it is based on the plain language of the rule, not some vague or interpretive opinion of the rule. We do not have the luxury of a court system today for that. We certainly are not all lawyers with judicial review in our mind. We are looking at plain language, layman's terms. And when you look at the rule, clearly what has occurred in this case, it is proper within the confines of the plain language of the rule and the Speaker must in fact engage the ruling that he did.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the majority leader would answer a question or two for me.

The SPEAKER. The majority leader indicates he will stand for interrogation. The gentleman may proceed.

Mr. BOYD. Thank you, Mr. Speaker.

I wanted to clarify something. I did not intend to get up, but I wanted to clarify something I thought I heard you say earlier. I do not want to put words in your mouth, but it was something to the effect of that if the amendment that was put into this bill had changed an action of this House, you would be in agreement with the position of the minority leader. Did I hear you correctly with that statement that you made?

Mr. EACHUS. I am happy to review the facts of my earlier statement. Let me be clear about the pattern of why I agree with the Speaker, again: Number one, I have a copy of the Journal from that day. This shows very clearly that the bill was committed to Aging. The bill had remained on the calendar. The bill had then been listed for third consideration on the House voting schedule and the bill had been marked on the calendar to receive third consideration by the full House. Those conditions were not met.

My point in this, Mr. Speaker, is exactly what I said earlier, that I can say very clearly, as I agree with the gentleman from Westmoreland, that we are in full compliance with the rules, that if the amendment were adopted on second and went back to the committee and the committee's action, when the committee received it, substantively changed the content that we had adopted in the House, I would be in agreement with the

gentleman; it did not. It was a technical adjustment as the gentleman, the chairman, your Republican chairman said. There is no debate over the content, but I can tell you this, that we feel strongly that the ruling of the Speaker is very clear. It sustains the rule in the spirit of the rule, and I do not believe that it is out of compliance at all.

Mr. BOYD. Thank you, Mr. Speaker.

If I may follow up on that?

The SPEAKER. Interrogation?

Mr. BOYD. Yes.

The SPEAKER. The gentleman may proceed.

Mr. BOYD. I guess I feel like the discussion changed there a little as to whether the amendment now is substantive or—I thought I heard you very clearly, and I do not want to prolong the debate, but I guess we could ask for the Journal to be read from your statements earlier. I thought I heard you say very clearly that if the action by the committee changed an action that this body had already taken, that in fact you would be in agreement with the position of the minority leader. But now I hear you saying something different and that is that the amendment that was introduced in or taken up in committee was not a substantive amendment, it was a technical amendment. So those are two different debates.

So I want to make sure that I heard what you said earlier clearly, because I think it is substantive to the discussion that we are having right now.

Mr. EACHUS. Let me be declarative. Once again, when the committee took action, the amendment that changed HB 373 did not change anything that we had done on the House floor. So once again, I hope that is clear for you.

Mr. BOYD. Thank you, Mr. Speaker.

If I may comment on that specific comment in relation to this issue – interrogation.

The SPEAKER. On the question.

Mr. BOYD. Thank you, Mr. Speaker.

In relation to what the majority leader just said, I believe when we move a bill on second consideration, it is an official action of this House. Every person in here, by voice vote, acclaims to move a bill on second consideration. After all the amendment processes, whether they exist or not, are done, there is a motion that is specifically done and we vote by voice vote to move the bill on second consideration. That is an official action of this House, and I believe that what the majority leader just said is that this amendment has now changed that action. Something that I did as a member, in voting to move the bill on second consideration, has been changed by the committee action. And what I would suggest is that if this is the procedure that we are going to go, then I think we should have an acclamation voice vote on every bill at second consideration, making absolutely certain that it is documented that there will be no more substantive changes, because at this point, I, like the gentleman from Chester County, do not sit on this committee. I understand that the changes to this bill, while I would probably support them, they are substantive. There are penalty changes. There are things that were done that are of substance, and I believe that this would be a problematic precedent that we would be setting for future committee action that would really be outside the bounds of what many of us who feel strongly about the reforms and the transparency and the openness of the process of this House have sought after and have embraced in this current legislative session.

So as much as I hate to say it, I would argue that we would overrule the ruling of the Chair at this point in time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRIES

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

A parliamentary inquiry, if I may?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CUTLER. Just so I am clear on the ruling of the Chair, Mr. Speaker: May a bill be amended during that time period after second consideration but before third consideration before the House?

The SPEAKER. On the floor, they cannot, unless there is a suspension of the rules requested.

Mr. CUTLER. Thank you, Mr. Speaker.

A further inquiry, if I may?

The SPEAKER. The gentleman may proceed.

Mr. CUTLER. How does that not conflict with rule 24 where it says that "Bills on third consideration shall be considered in their calendar order and shall be subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar...?"

The SPEAKER. They are considered technical amendments and allowed under our rules.

Mr. CUTLER. Mr. Speaker, another question, if I may?

The SPEAKER. Parliamentary inquiry?

Mr. CUTLER. Yes, sir.

The SPEAKER. The gentleman may proceed.

Mr. CUTLER. How would this affect prior amendments that were filed on second consideration but they were not timely filed? For example, the 2 p.m. deadline comes along, and there were multiple amendments, say, filed after the 2 p.m. deadline, 3 o'clock, 4 o'clock, or whatever, and were in this – I believe the term was used previously – this state of "limbo." And if we do not have a very clear time period of when something was timely filed or not, what would the status of those amendments be, given their untimely filed status prior to the 2 p.m. deadline, however, we have this amendability, if you will, going forward?

The SPEAKER. If the bill is recommitted, it would go with all its amendments. There were no amendments posted to the bill, so it was only the bill that was recommitted.

Mr. CUTLER. I understand, Mr. Speaker. I am merely inquiring for future bills and amendments going forward, how that ruling might impact it.

The SPEAKER. The bill and the amendments generally would be rereferred back to the committee.

Mr. CUTLER. Mr. Speaker, would those be considered in the committee at that time and be considered timely filed at that time for consideration in the committee?

The SPEAKER. Can the gentleman restate the question?

Mr. CUTLER. Certainly, Mr. Speaker; I apologize.

If you had previously filed amendments that were untimely that would require a suspension of the rules and we had a similar situation such as this where the bill would go from being on second consideration to being referred to committee, any

untimely filed amendments would then go with the bill into the committee, and would those amendments then be considered in committee and would they be timely filed at that time and appropriately considered?

The SPEAKER. Certainly. It would be up to the committee to consider those amendments, but at that point, those amendments would be up for consideration by the committee.

Mr. CUTLER. Mr. Speaker, parliamentary inquiry, if I may? The phraseology of "up to the committee" – it is not up to their discretion of whether or not to consider it, but they would have to vote them either up or down, correct?

The SPEAKER. No; it would be up to the gentleman who proffered the amendment to offer it in committee.

Mr. CUTLER. All right. Thank you, Mr. Speaker.

May I speak on the motion?

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

Mr. CUTLER. All right. Thank you, Mr. Speaker.

Mr. Speaker, my main concern regarding this ruling of the Chair that we have before us here today is we have simply created a very creative way to work around the 24-hour rule. We have before us the opportunity to amend the bill to whatever extent we wish, to perhaps put up whatever political votes we wish, and we can say we voted something before we voted against it or vice versa, and then we can merely ship it off to committee to clean it up, and then we can send it back out in whatever form we wish to have final passage on, always saying that we somehow followed our rules.

I think that is a farce. I do not think that we should support it. I think that our rules and the intent of the rules are very clear. Second consideration is a time by which amendments need to be filed. We have a 2 p.m. deadline that is very clear. We need to follow that accordingly. I would urge my colleagues here to support the motion to overturn the ruling of the Chair simply because otherwise we have a creative way to get around the 24-hour rule. We have this ability to work around and really manipulate bills without public input afterwards simply in the committee. Once we have already ruled on an item here before the House, as my colleague from Lancaster County pointed out so eloquently before, we have assented to something by voice consent. We have said, this is what we want to do. We approve this. It has gone forward. The House has taken action on it. The items are finished. We have ruled whether or not amendments are timely filed. The action is done. While we might want to say that it is in a time of limbo and it is inappropriate, I think it is wholly unacceptable to say that something can then go to committee and then be altered substantively thereafter.

While I might support the underlying issues in the bill, I cannot support the process by which it got there. I would urge my fellow colleagues to support the motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, shall the decision of the Chair stand as the decision of the House?

Mr. S. SMITH. Mr. Speaker?

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

Mr. S. SMITH. Mr. Speaker, once again, I will not prolong it, but I just wanted to respond to one or two things. Formerly there was a statement made that the clear, plain language of the rules allows the Speaker's ruling to be as it is even though it may be contrary to the intent of the rules. Looking at rule 49, Mr. Speaker, "Committee Action," the clear language of the rules says, "Whenever a bill, resolution or other matter has been

referred by the Speaker of the House to a standing committee...." Then it goes on to say that "...the chair of the standing committee may..." be able to do this, this, or other things.

Number one, Mr. Speaker, this bill was not referred by the Speaker. There is a difference there. It was referred by the full House. Number two, Mr. Speaker, the rules, rule 24, "Third Consideration and Final Passage of Bills," states that "Bills on third consideration shall be considered in their calendar order and shall be subject to amendment only when an amendment is necessary to make the document internally consistent,..." and it leads to a couple other technical exceptions to that rule.

The committees must follow the rules of the House, Mr. Speaker. This bill, once it was given second consideration, can be nowhere else but on third consideration. It has been given second. It goes to third. Did the House consent to the final elements of third consideration? No; that is the period of time in which we normally would be debating the merits of that bill as it was amended on second or previously in a committee. The sum and substance though, Mr. Speaker, of the ruling of this Chair means that when a bill has been given second consideration, it is still open to amendment up until the time the House says, we agree to third consideration. That is what the Speaker's ruling is saying, and whether you want to look at the plain language or the intent, clearly on both fronts, the intent and the plain language of the rules was to say that we will do amendments on second so that then a bill is published in its final form so the public, so that we all have a chance to see what it is before we vote up or down on third consideration.

The effect of this ruling of the Chair, Mr. Speaker, allows that whole process to be subverted, and that is clearly not the intent or the language of the rules, Mr. Speaker. I would respectfully ask the members to vote to overrule the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks—

Mr. S. SMITH. Would you please also – excuse me, Mr. Speaker – restate who is voting which way for members, just in the mix-up of this?

The SPEAKER. The Chair will in fact do that.

## LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the minority whip, Representative Turzai, who requests the following leaves: the gentleman from Delaware, Representative MICOZZIE; the gentleman from Philadelphia, Representative PERZEL. Without objection, those leaves will be granted.

The Chair recognizes the majority whip, who requests leaves of absence for the gentleman from Luzerne, Mr. YUDICHAK; the gentleman from Philadelphia, Representative Bill KELLER; the gentleman from Allegheny, Representative Paul COSTA; the gentelady from Philadelphia, Representative MANDERINO. Without objection, those leaves will be granted.

## LEAVE OF ABSENCE CANCELED

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

## CONSIDERATION OF HB 373 CONTINUED

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House?

Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

## YEAS—93

Barbin	Eachus	Mahoney	Santarsiero
Bishop	Evans, D.	Mann	Santoni
Boyle	Fabrizio	Markosek	Seip
Bradford	Freeman	Matzie	Shapiro
Brennan	George	McGeehan	Siptroth
Brown	Gerber	McI. Smith	Smith, K.
Burns	Gergely	Melio	Smith, M.
Buxton	Gibbons	Mirabito	Solobay
Caltagirone	Goodman	Mundy	Staback
Carroll	Grucela	Murphy	Sturla
Casorio	Haluska	Myers	Taylor, R.
Cohen	Hanna	O'Brien, M.	Thomas
Conklin	Harkins	Oliver	Vitali
Costa, D.	Hornaman	Pallone	Walko
Cruz	Houghton	Parker	Wansacz
Curry	Johnson	Pashinski	Waters
Daley	Josephs	Payton	Wheatley
Deasy	Kessler	Petrarca	White
DeLuca	Kirkland	Preston	Williams
DePasquale	Kortz	Readshaw	Youngblood
Dermody	Kotik	Roebuck	
DeWeese	Kula	Sabatina	McCall,
Donatucci	Levdansky	Sainato	Speaker
Drucker	Longietti	Samuelson	

## NAYS—92

Baker	Fairchild	Maher	Rapp
Barrar	Farry	Major	Reed
Bear	Fleck	Marshall	Reese
Benninghoff	Gabig	Mensch	Reichley
Beyer	Gabler	Metcalfe	Roae
Boback	Geist	Metzgar	Rock
Boyd	Gillespie	Millard	Rohrer
Brooks	Gingrich	Miller	Ross
Causar	Godshall	Milne	Saylor
Christiana	Grell	Moul	Scavello
Civera	Grove	Murt	Schroder
Clymer	Harhart	Mustio	Smith, S.
Cox	Harper	O'Brien, D.	Sonney
Creighton	Harris	O'Neill	Stern
Cutler	Helm	Oberlander	Stevenson
Dally	Hennessey	Payne	Swanger
Day	Hess	Peifer	Tallman
DeLozier	Hickernell	Petri	Taylor, J.
Denlinger	Hutchinson	Phillips	True
DiGirolamo	Kauffman	Pickett	Turzai
Ellis	Keller, M.K.	Pyle	Vereb
Evans, J.	Killion	Quigley	Vulakovich
Everett	Krieger	Quinn	Watson

## NOT VOTING—0

## EXCUSED—17

Adolph	Galloway	Manderino	Perry
Belfanti	Harhai	Marsico	Perzel
Briggs	Keller, W.	Miccarelli	Wagner
Costa, P.	Lentz	Micozzie	Yudichak
Frankel			

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

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—185

Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Mann	Rohrer
Benninghoff	Farry	Markosek	Ross
Beyer	Fleck	Marshall	Sabatina
Bishop	Freeman	Matzie	Sainato
Boback	Gabig	McGeehan	Samuelson
Boyd	Gabler	McI. Smith	Santarsiero
Boyle	Geist	Melio	Santoni
Bradford	George	Mensch	Saylor
Brennan	Gerber	Metcalfe	Scavello
Brooks	Gergely	Metzgar	Schroder
Brown	Gibbons	Millard	Seip
Burns	Gillespie	Miller	Shapiro
Buxton	Gingrich	Milne	Siptroth
Caltagirone	Godshall	Mirabito	Smith, K.
Carroll	Goodman	Moul	Smith, M.
Casorio	Grell	Mundy	Smith, S.
Causar	Grove	Murphy	Solobay
Christiana	Grucela	Murt	Sonney
Civera	Haluska	Mustio	Staback
Clymer	Hanna	Myers	Stern
Cohen	Harhart	O'Brien, D.	Stevenson
Conklin	Harkins	O'Brien, M.	Sturla
Costa, D.	Harper	O'Neill	Swanger
Cox	Harris	Oberlander	Tallman
Creighton	Helm	Oliver	Taylor, J.
Cruz	Hennessey	Pallone	Taylor, R.
Curry	Hess	Parker	Thomas
Cutler	Hickernell	Pashinski	True
Daley	Hornaman	Payne	Turzai
Dally	Houghton	Payton	Vereb
Day	Hutchinson	Peifer	Vitali
Deasy	Johnson	Petrarca	Vulakovich
DeLozier	Josephs	Petri	Walko
DeLuca	Kauffman	Phillips	Wansacz
Denlinger	Keller, M.K.	Pickett	Waters
DePasquale	Kessler	Preston	Watson
Dermody	Killion	Pyle	Wheatley
DeWeese	Kirkland	Quigley	White
DiGirolamo	Kortz	Quinn	Williams
Donatucci	Kotik	Rapp	Youngblood
Drucker	Krieger	Readshaw	
Eachus	Kula	Reed	McCall,
Ellis	Levdansky	Reese	Speaker
Evans, D.	Longietti	Reichley	

## NAYS—0

NOT VOTING—0

EXCUSED—17

Adolph	Galloway	Manderino	Perry
Belfanti	Harhai	Marsico	Perzel
Briggs	Keller, W.	Miccarelli	Wagner
Costa, P.	Lentz	Micozzie	Yudichak
Frankel			

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

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

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES**

**HB 250, PN 2003** (Amended) By Rep. MELIO

An Act providing for municipal volunteer fire service incentives.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 933, PN 1057** By Rep. MELIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the offense of violation of Fort Indiantown Gap regulations and for the powers and duties of police officers employed at State military installations.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 1531, PN 1898** By Rep. MELIO

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 continuation of the Military Family Relief Assistance Program.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 1533, PN 1900** By Rep. MELIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for military family relief assistance.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 136, PN 923** By Rep. MELIO

A Resolution expressing opposition of the House of Representatives to the closing of the Scotland School for Veterans' Children.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

The SPEAKER. The resolution will be placed on the House calendar.

**ANNOUNCEMENTS BY SPEAKER**

The SPEAKER. For the information of the members, tomorrow will be a nonvoting session day.

I would also like to remind the members that on Monday we will be swearing in a new member. If the members can promptly come to the floor at 1 p.m. on Monday for that swearing-in ceremony, the Chair would appreciate that. So we will try to start as promptly as possible; 1 o'clock on Monday for the swearing-in of a new member.

Are there any announcements?

**ANNOUNCEMENT BY MR. DALEY**

The SPEAKER. The Chair recognizes the gentleman from Washington County, Representative Daley, for the purpose of an announcement.

Mr. DALEY. Mr. Speaker, just a reminder. The House Commerce Committee will be meeting in Philadelphia tomorrow starting at 9 o'clock in Judge Rizzo's chambers, which are in the Municipal Building in City Hall in Philadelphia, and at 1 o'clock the committee will have a hearing.

Thank you, Mr. Speaker.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, for the purpose of the announcement of an Appropriations Committee meeting.

Mr. COHEN. Mr. Speaker, I would like to announce a meeting of the House Appropriations Committee in the Democratic caucus room immediately upon the call of the recess.

The SPEAKER. There will be an immediate meeting of the House Appropriations Committee in the Democratic caucus room.

Any further announcements?

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Deasy, who moves that this House do now adjourn until Thursday, June 4, 2009, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:38 p.m., e.d.t., the House adjourned.