

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 21, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 40

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

HON. GIBSON C. ARMSTRONG, member of the House of Representatives, offered the following prayer:

Let us pray:

Lord of all, as we meet today, members of the world's oldest continually functioning legislative body, may we remember the legacy that has been handed down from our founder, William Penn. May we remember not only his great vision but also his great faith.

As he began this very General Assembly, which is now entrusted to our care, he reminded us that "All human power is from God...to terrify evildoers [and] to cherish those who do well...[and that] Governments, like clocks, go from the motion that men give them. [As] governments are made and moved by men, so by them they are ruined too...governments...depend upon men, [rather] than men upon governments. Let men be good, and their government cannot be bad...."

Forgive us, Lord, for thinking that we can be good and wise apart from Your grace. Forgive us for thinking that we can govern without regard to Your laws and precepts. Forgive us for putting self-interests above service to You and to our fellow man, and forgive us for relegating Your presence in our lives and in our deliberations to the margins.

Lord, remind us that as governments are made by men, they can also be ruined by men, and may we be among those who sustain good and honest government, which leads to liberty and prosperity for its citizens, rather than those who ruin a government and its society for mere temporal personal gain.

Watch over our men and women who are this day in harm's way. Protect them. Fill their hearts with courage and their hands with strength. Bless them that they might expeditiously complete the task at hand and be reunited with those of us on this side of the ocean who pray for their safe and soon return.

In the name of Your Word we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, June 20, 2005, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER pro tempore. However, the Journal for Tuesday, March 15, 2005, is in print, and without objection, the Journal is approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1754 By Representatives DeLUCA, BEBKO-JONES, BIANCUCCI, BLACKWELL, CALTAGIRONE, CURRY, GINGRICH, JAMES, SIPTROTH, STABACK, WALKO, YOUNGBLOOD, KOTIK, PISTELLA, CASORIO and GRUCELA

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for registration, qualifications and supervision of pharmacy technicians.

Referred to Committee on PROFESSIONAL LICENSURE, June 21, 2005.

No. 1755 By Representatives COSTA, DeWEESE, GRUCELA, PISTELLA, BEBKO-JONES, BIANCUCCI, CALTAGIRONE, CRUZ, DALEY, FABRIZIO, GEIST, GOODMAN, KILLION, KOTIK, LEACH, MANN, RAMALEY, SCAVELLO, E. Z. TAYLOR, WHEATLEY and YOUNGBLOOD

An Act providing for automated external defibrillators at golf courses, for civil immunity and for a sales and use tax exemption.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2005.

No. 1756 By Representatives GEORGE, BELFANTI, DeWEESE, BELARDI, BIANCUCCI, BISHOP, CALTAGIRONE, CAWLEY, CRUZ, DeLUCA, DERMODY, FREEMAN, GOODMAN, HARHAI, JAMES, KOTIK, LaGROTTA, LEACH, MARKOSEK, McGEEHAN, PETRARCA, PHILLIPS, PISTELLA, RAMALEY, SHANER, THOMAS, TIGUE, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act authorizing payments to certain persons with occupational respiratory disease; establishing the Occupational Respiratory Disease Interim Coverage Fund; providing for the powers and duties of the Department of Health; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2005.

No. 1757 By Representatives GEORGE, ALLEN, BALDWIN, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BIANCUCCI, BUNT, BUXTON, CALTAGIRONE, CAWLEY, CLYMER, COHEN, CRAHALLA, CRUZ, DeLUCA, DENLINGER, DeWEESE, DONATUCCI, FABRIZIO, FAIRCHILD, FORCIER, FREEMAN, GEIST, GERGELY, GOODMAN, GRUCELA, HANNA, HASAY, HERMAN, HERSHEY, HESS, JAMES, KOTIK, LaGROTTA, LEDERER, LEH, MANDERINO, MARKOSEK, McCALL, NAILOR, PAYNE, PETRARCA, PETRONE, PHILLIPS, PISTELLA, ROEBUCK, SAINATO, SATHER, SHANER, B. SMITH, STABACK, SURRA, THOMAS, TIGUE, TRUE, WALKO, WANSACZ, WOJNAROSKI and YOUNGBLOOD

An Act designating the Fish Dam Wild Area in Clinton County as the Russell P. Letterman Wild Area.

Referred to Committee on GAME AND FISHERIES, June 21, 2005.

No. 1758 By Representatives GEORGE, BELARDI, BELFANTI, BIANCUCCI, BISHOP, BUNT, CALTAGIRONE, CASORIO, CAWLEY, CLYMER, COHEN, DALLY, DeWEESE, DONATUCCI, D. EVANS, FABRIZIO, FAIRCHILD, GERGELY, GOOD, GOODMAN, GRUCELA, HARHAI, KIRKLAND, KOTIK, LaGROTTA, LEDERER, LEVDANSKY, MANN, MARKOSEK, McCALL, McGEEHAN, McILHATTAN, PETRARCA, PISTELLA, READSHAW, SAINATO, SANTONI, SATHER, SCAVELLO, SHANER, SOLOBAY, THOMAS, TIGUE, WALKO, WANSACZ and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for companies that create new jobs in manufactured products in this Commonwealth and for a low-interest loan program; and making an appropriation.

Referred to Committee on COMMERCE, June 21, 2005.

No. 1759 By Representatives REICHLEY, BOYD, CAPPELLI, CLYMER, CREIGHTON, DALLY, FRANKEL, JAMES, MCGILL, McILHATTAN, R. MILLER, NICKOL, PICKETT, ROSS, STEIL, TURZAI and YOUNGBLOOD

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for a shared work program.

Referred to Committee on LABOR RELATIONS, June 21, 2005.

No. 1760 By Representatives SHAPIRO, MANN, CALTAGIRONE, FRANKEL, TANGRETTI, PYLE, WALKO, THOMAS, CURRY, CAPPELLI, YOUNGBLOOD and GOODMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting operation of motor vehicle equipped with nitrous oxide system.

Referred to Committee on TRANSPORTATION, June 21, 2005.

No. 1761 By Representatives MAITLAND, ARMSTRONG, BOYD, CALTAGIRONE, CAPPELLI, GINGRICH, McILHATTAN, O'NEILL, PAYNE, PYLE, RUBLEY, B. SMITH and WILT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for authority to arrest without warrant for violations of title.

Referred to Committee on TRANSPORTATION, June 21, 2005.

No. 1762 By Representatives MAITLAND, CALTAGIRONE, HARPER, BOYD, CAPPELLI, DeLUCA, GINGRICH, NAILOR, O'NEILL, SCAVELLO, THOMAS and YOUNGBLOOD

An Act amending the act of June 19, 2002 (P.L.377, No.56), known as the Interstate Compact for the Supervision of Adult Offenders Act, establishing the Interstate Compact for the Supervision of Adult Offenders Fund; imposing an application fee; providing for the collection of the application fee; imposing additional powers and duties on the State Council for Interstate Adult Offender Supervision, including the distribution of the moneys in the fund; and providing for definitions.

Referred to Committee on JUDICIARY, June 21, 2005.

No. 1763 By Representatives LEVDANSKY, ARGALL, BELARDI, CALTAGIRONE, CREIGHTON, DeWEESE, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, HUTCHINSON, JAMES, JOSEPHS, LEACH, McGEEHAN, PISTELLA, RUBLEY, SAINATO, TIGUE, WALKO, WANSACZ and YOUNGBLOOD

An Act amending the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act, further providing for limitation on General Fund money.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 2005.

No. 1764 By Representatives LEVDANSKY, BEBKO-JONES, BELARDI, BIANCUCCI, BLACKWELL, CALTAGIRONE, COHEN, CURRY, EACHUS, FABRIZIO, FRANKEL, FREEMAN, JAMES, JOSEPHS, LEDERER, PALLONE, PISTELLA, PRESTON, SHANER, SOLOBAY, STABACK, SURRA, THOMAS, WATERS, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act relating to family leave; and providing certain enhancements.

Referred to Committee on LABOR RELATIONS, June 21, 2005.

No. 1765 By Representatives LEVDANSKY, STABACK, SURRA, BOYD, CALTAGIRONE, CURRY, FABRIZIO, FREEMAN, GOODMAN, JAMES, JOSEPHS, McILHATTAN, PALLONE, PETRONE, SOLOBAY, THOMAS, TIGUE, WALKO and YOUNGBLOOD

An Act establishing by law an administrative investigative office for executive agencies and certain independent agencies under the Governor known as the Office of Inspector General for the Commonwealth of Pennsylvania; and imposing powers and duties on the Inspector General.

Referred to Committee on STATE GOVERNMENT, June 21, 2005.

No. 1766 By Representatives LEVDANSKY, CREIGHTON, SURRA, McILHATTAN, WOJNAROSKI, GERGELY and CALTAGIRONE

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Hunting, Fishing and Wildlife Conservation Heritage Account; and further providing for disposal fee for municipal waste landfills and for deposit of fee.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 2005.

No. 1767 By Representatives PAYNE, BALDWIN, BEBKO-JONES, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, CORRIGAN, CRAHALLA, CREIGHTON, DALLY, DONATUCCI, FAIRCHILD, FICHTER, FLEAGLE, FLICK, FORCIER, FRANKEL, GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, HERMAN, HERSHEY, HESS, HICKERNELL, JAMES, KOTIK, LEDERER, MAITLAND, MAJOR, MARKOSEK, MARSICO, McCALL, MCGILL, MUSTIO, MYERS, NAILOR, PALLONE, PHILLIPS, PYLE, RAYMOND, REED, REICHLEY, ROBERTS, ROHRER, SAINATO, SATHER, SCAVELLO, SHANER, SIPTROTH, STABACK, R. STEVENSON, SURRA, THOMAS, TIGUE, TURZAI, WALKO, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, TANGRETTI, B. SMITH and BOYD

An Act designating the SR 0322 bridge over the Swatara Creek between Derry and Swatara Townships in Dauphin County as the Major Richard D. Winters Bridge.

Referred to Committee on TRANSPORTATION, June 21, 2005.

No. 1768 By Representatives LEACH, BELFANTI, BLACKWELL, CALTAGIRONE, CRUZ, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GOOD, GOODMAN, HARHAI, JAMES, JOSEPHS, MANDERINO, MANN, ROEBUCK, STURLA, THOMAS and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing, in educational support and assistance, for definitions and for program.

Referred to Committee on EDUCATION, June 21, 2005.

No. 1769 By Representatives WANSACZ, BLAUM, BELARDI, BELFANTI, BEBKO-JONES, BIANCUCCI, CALTAGIRONE, CAWLEY, EACHUS, FABRIZIO, GANNON, GEORGE, GERGELY, GOODMAN, JAMES, JOSEPHS, MANN, McCALL, McGEEHAN, MUNDY, PRESTON, ROONEY, SIPTROTH, SHANER, STABACK, THOMAS, TIGUE and YUDICHAK

An Act mandating health insurance coverage for surgical removal of partial and complete bony impacted teeth and associated medical costs.

Referred to Committee on INSURANCE, June 21, 2005.

No. 1770 By Representatives McCALL, BELARDI, BLAUM, BOYD, CALTAGIRONE, CREIGHTON, DALEY, DALLY, DENLINGER, DONATUCCI, FABRIZIO, GEIST, GERGELY, GOODMAN, GRUCELA, HARHAI, JAMES, JOSEPHS, W. KELLER, KOTIK, LaGROTTA, O'NEILL, PHILLIPS, RAMALEY, SHANER, SOLOBAY, STABACK, STURLA, TANGRETTI, THOMAS, WALKO, WATSON, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions and for the responsible alcohol management program.

Referred to Committee on LIQUOR CONTROL, June 21, 2005.

No. 1771 By Representatives CRAHALLA, BELFANTI, CALTAGIRONE, CREIGHTON, CRUZ, DALEY, GEIST, GINGRICH, JAMES, LEH, MUNDY, PICKETT, SCHRODER, E. Z. TAYLOR and YOUNGBLOOD

An Act imposing certain safety standards on the operators of automated teller machines and night depositories; and providing for notice to customers, for exceptions and for compliance evidence of adequate safety standards.

Referred to Committee on COMMERCE, June 21, 2005.

No. 1772 By Representative REICHLEY

An Act providing for food purveyor immunity.

Referred to Committee on STATE GOVERNMENT, June 21, 2005.

No. 1773 By Representatives DiGIROLAMO, BROWNE, BEBKO-JONES, BELARDI, BLACKWELL, BOYD, BUXTON, CALTAGIRONE, CLYMER, CRAHALLA, DALEY, FAIRCHILD, GEORGE, GOODMAN, GRUCELA, HARHAI, HARHART, HARRIS, HENNESSEY, HERSHEY, HESS, JAMES, KILLION, LaGROTTA, MACKERETH, MANN, MARSICO, McCALL, McILHINNEY, MELIO, NAILOR, O'NEILL, PETRONE, PHILLIPS, READSHAW, REICHLEY, ROSS, RUBLEY, SATHER, SHAPIRO, STABACK, E. Z. TAYLOR, THOMAS, WALKO, WILT, YOUNGBLOOD and YUDICHAK

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

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2005.

No. 1774 By Representatives DeLUCA, BIANCUCCI, CALTAGIRONE, FABRIZIO, GEORGE, GERGELY, GOODMAN, JAMES, JOSEPHS, LaGROTTA, MUNDY, PALLONE, SHANER, STABACK, TANGRETTI, THOMAS, WALKO and YOUNGBLOOD

An Act prohibiting certain referrals of patients by health care providers for health care services; providing for powers and duties of the Department of Health; and imposing penalties.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 21, 2005.

No. 1775 By Representatives T. STEVENSON, BALDWIN, CALTAGIRONE, CORRIGAN, CRAHALLA, CREIGHTON, DeWEESE, FABRIZIO, GEIST, GILLESPIE, GOODMAN, HENNESSEY, HESS, KILLION, KOTIK, LaGROTTA, McGILL, MUSTIO, ROHRER, SCAVELLO, SHANER, TIGUE, WALKO, WASHINGTON, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prohibitions relating to sun screening and other materials.

Referred to Committee on TRANSPORTATION, June 21, 2005.

No. 1776 By Representatives DALLY, BARRAR, BLACKWELL, CALTAGIRONE, CRAHALLA, DONATUCCI, FABRIZIO, HARRIS, MARSICO, O'NEILL, RUBLEY, SCAVELLO, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting certain drivers from using mobile phones.

Referred to Committee on TRANSPORTATION, June 21, 2005.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 351 By Representatives FLICK, PRESTON, S. H. SMITH, BAKER, PETRARCA, ADOLPH, ARMSTRONG, BALDWIN, BARRAR, BEBKO-JONES, BIANCUCCI, BLAUM, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CASORIO, CIVERA, CLYMER, CORNELL, CRAHALLA, CRUZ, CURRY, DeLUCA, DENLINGER, DeWEESE, J. EVANS, FAIRCHILD, FICHTER, FRANKEL, FREEMAN, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN, GRUCELA, HARHAI, HARRIS, HERMAN, HERSHEY, HESS, HICKERNELL, JAMES, JOSEPHS, KAUFFMAN, KENNEY, KILLION, KOTIK, LaGROTTA,

LEDERER, LEH, MAITLAND, MANDERINO, MARKOSEK, MARSICO, McCALL, McGEEHAN, MICOZZIE, MILLARD, S. MILLER, MUNDY, MUSTIO, MYERS, NAILOR, O'NEILL, PALLONE, PAYNE, PETRI, PETRONE, PHILLIPS, PICKETT, PISTELLA, PYLE, QUIGLEY, RAYMOND, READSHAW, ROBERTS, ROHRER, ROSS, RUBLEY, SAINATO, SANTONI, SCAVELLO, SEMMEL, SHANER, SHAPIRO, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, T. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRUE, TURZAI, WALKO, WANSACZ, WATSON, WHEATLEY, WOJNAROSKI, WRIGHT, YOUNGBLOOD, ZUG and ROONEY

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

Referred to Committee on CONSUMER AFFAIRS, June 21, 2005.

No. 357 By Representatives SHAPIRO and BIRMELIN

A Concurrent Resolution establishing the Katie Elise Lambert Commission on Child Safety in this Commonwealth.

Referred to Committee on CHILDREN AND YOUTH, June 21, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 251, PN 899

Referred to Committee on PROFESSIONAL LICENSURE, June 21, 2005.

SB 386, PN 677

Referred to Committee on JUDICIARY, June 21, 2005.

SB 410, PN 933

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 2005.

SB 509, PN 806

Referred to Committee on JUDICIARY, June 21, 2005.

SB 539, PN 872

Referred to Committee on GAME AND FISHERIES, June 21, 2005.

SB 651, PN 748

Referred to Committee on EDUCATION, June 21, 2005.

SB 679, PN 781

Referred to Committee on EDUCATION, June 21, 2005.

SB 688, PN 969

Referred to Committee on STATE GOVERNMENT, June 21, 2005.

SB 697, PN 970

Referred to Committee on STATE GOVERNMENT, June 21, 2005.

SB 706, PN 928

Referred to Committee on TRANSPORTATION, June 21, 2005.

SB 721, PN 865

Referred to Committee on TRANSPORTATION, June 21, 2005.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken off the table: HB 954.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be placed on the table: HB 954.

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

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
June 20, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 27, 2005, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 27, 2005, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON CHILDREN AND YOUTH****HB 558, PN 606**

By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for adoption definitions; and establishing the Pennsylvania Adoption Information Retrieval System.

JUDICIARY.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 659, PN 752**

By Rep. O'BRIEN

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

JUDICIARY.

HB 1655, PN 2082

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use or possession of electric or electronic incapacitation devices.

JUDICIARY.

HB 1704, PN 2166

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death.

JUDICIARY.

HB 1733, PN 2200

By Rep. O'BRIEN

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

JUDICIARY.

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

SB 248, PN 705

By Rep. O'BRIEN

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the date for validation of certain conveyances and other instruments.

JUDICIARY.

SB 584, PN 807

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of disarming a law enforcement officer; and providing a penalty.

JUDICIARY.

LEAVES OF ABSENCE

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

The Chair recognizes the majority whip. Without objection, a leave of absence will be granted for the day to the gentlelady, Mrs. TRUE, from Lancaster County; the gentleman, Mr. DALLY, from Northampton County; and for the week, the gentleman, Mr. SATHER, from Huntingdon County.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

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

ADDITIONS—1

Habay

NOT VOTING—0

EXCUSED—3

Dally	Sather	True
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LEAVES ADDED—2

Benninghoff	Flick
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LEAVES CANCELED—2

Dally	True
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**BILL REPORTED AND REREFERRED TO
COMMITTEE ON CHILDREN AND YOUTH**

HB 1617, PN 2052

By Rep. FLICK

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

CONSUMER AFFAIRS.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 351, PN 2242

By Rep. FLICK

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to

protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

CONSUMER AFFAIRS.

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair recognizes the presence of the gentleman, Mr. Habay, who will be added to the master roll call.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who requests a Harrisburg leave.

Mr. ARGALL. Two requests, Mr. Speaker: for Mr. REICHLEY and Representative WATSON.

The SPEAKER pro tempore. The Chair thanks the gentleman, and it will be so granted, Harrisburg leave.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Rocco Roma, Angel Zarecky, and Danielle Long, who are guests of the Chief Clerk. Please rise and be recognized, located to the left of the Speaker.

The Chair welcomes Brian and April Mundy and children Mason and Bryce – son, daughter-in-law, and grandchildren of Representative Phyllis Mundy. They are located to the left of the Speaker.

We have two guest pages from Representative Mark McNaughton's district with us today on the House floor. They are Andrew Reddecliff, an eighth grader at Susquehanna Township Middle School, son of Carole and David Reddecliff, both employees of the House Republican Caucus, and Brendan McCarthy, also an eighth grader at Susquehanna Township Middle School. Please rise and be recognized.

The Chair is pleased to welcome Jill Newberry and Jimmy Conners, who are the guests of Representative Roy Baldwin, who are located in the balcony. Please rise and be recognized.

Joining us today, as the guest of Representative David Hickernell, is Howard Kroesen. Please join me in welcoming him today. Please rise, Howard.

The Chair is pleased to welcome to the hall of the House, who are guests of Representative Bill DeWeese, Alexandra Sawyer and Amanda Kozowski. Please rise and be recognized.

The Chair welcomes to the hall of the House Edward P. Dankanich, director of the business services department at Penn State Harrisburg, and Robert Surridge, director of outreach, Penn State Harrisburg, who are the guests of Representative John Payne, the 106th District, Dauphin County. They are located to the left of the Speaker.

DENNIS JONES PRESENTED

The SPEAKER pro tempore. The Chair is pleased to recognize the gentleman, Mr. Gene DiGirolamo, from Bucks County, who has a citation presentation. Members will please take their seats. Members, please take your seats.

The gentleman may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker, and good morning to everyone.

If I could have the attention of the members, please, for just a minute, I would really appreciate it.

Last year I stood before you and very proudly handed a citation out to John Servis, who is the trainer of Smarty Jones, recognizing his wonderful accomplishments, Smarty Jones's accomplishments on winning the Kentucky Derby and the Preakness. This year, standing behind me, I have a very good friend of mine, another Jones, Mr. Dennis Jones, who is the principal at Cornwells Elementary School, which is in the Bensalem School District. And while I do not believe Smarty and Dennis are any relation and I do not believe Dennis has won any races lately, I do want to recognize Dennis for some extraordinary accomplishments.

Mr. Jones has been named as the National Distinguished Principal for Pennsylvania for 2005. It is a national award sponsored by the United States Department of Education and the National Association of Elementary School Principals. I ask all the members to please recognize and welcome Mr. Jones, who is the Pennsylvania 2005 Elementary School Principal of the Year. Thank you.

Thank you very much. I have a citation for Dennis, and I am not going to read the citation.

Now, Dennis has been with the Bensalem School District, 32 years with the school district, and much of the time has been spent as principal of the Cornwells Elementary School. Not only is he Principal of the Year, but if I might, he really has a high level of community service, and I would just like to read a few of the things that he has been involved with recently: the Bucks County Homeless Shelter Food Drive, the Cornwells Holiday Family Program, the Lions Club Food Drive, the Bucks County Helping Hand, the Tsunami Relief Effort, the Kelly Ann Dolan Walk-a-Thon, Just for the Kids Foundation, Walk for Cancer, just to name a few.

And Dennis is accompanied here by a group of people. First I would like to recognize – and if you would stand – Michele, his lovely wife. Please stand up, Michele. Welcome. And also a group of very vocal people from Bensalem School District – friends, family, and colleagues. Would you please also stand and be recognized. Welcome to Harrisburg.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates the gentleman on becoming the State Principal of the Year.

WEST PHILADELPHIA HIGH SCHOOL ELECTRIC VEHICLE TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Roebuck, who would like to make a citation presentation. The gentleman may proceed when he is ready.

Mr. ROEBUCK. Thank you, Mr. Speaker.

It is my honor today to present a citation to the West Philadelphia High School Automotive Academy, which is the top team in the 2005 Tour de Sol competitive energy-efficient hybrid vehicle competition. Their vehicle, which is called the Hybrid Attack, beat other vehicles entered by teams from Toyota, from Honda, from the Massachusetts Institute of Technology, and from

Western Washington University. It is a remarkable accomplishment for a high school team to beat teams of that caliber.

Their vehicle is powered by soybean oil and electricity. It delivers little pollution, it gets 50 miles per gallon, and it goes from zero to 60 in 4 seconds. Previously this team, this program, won competition in the year 2002, and I would note that this victory this year comes with a measure of adversity. In preliminary competition, the team broke the vehicle axle, but through diligent effort, they were able to repair the vehicle and win the competition.

With me today is the team captain, Devereaux Knight, and the faculty sponsor, Simon Hauger, and I would note that we are joined as well by other team members in the rear of the auditorium. I would ask them to stand to be recognized as well.

Let me just say a little bit about West Philadelphia High School. West Philadelphia High School is not a magnet school; it is not a special-admissions school. It is a comprehensive neighborhood high school in the city of Philadelphia, but the accomplishments of this team demonstrate that students can achieve at any level given the opportunity for success. They are to be commended for their excellent effort. I would also note that West Philadelphia High School is the alma mater both of Representatives James and Bishop, and they, too, share in this accomplishment.

Let me then just read a portion from the proclamation: "...the House of Representatives of the Commonwealth of Pennsylvania congratulates the West Philadelphia High School Electric Vehicle Team on its meritorious win; notes with pride its investment of skill and effort in competing on a level which demands perfection; offers best wishes for continued success..."

Certainly these students deserve our recognition, and we thank them for joining with us today as we present this citation to them. Congratulations.

The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates our honored guests.

ROBERT GEHRETT INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maitland, who has a special guest he would like to introduce.

Mr. MAITLAND. Thank you, Mr. Speaker.

I would like to introduce to the hall of the House a distinguished constituent of mine, seated to the left of the Speaker. It is Mr. Robert Gehrett. Mr. Gehrett is a veteran of the 502d Airborne Regiment of the 101st Airborne Division. He fought in the battle of Bastogne. He retired from the District of Columbia National Guard in 1980, and he also served in the DC National Guard Reserve for 20 years, from 1960 to 1980.

He is joined today by his wife, Reba. On the other side of the chamber is daughter Cathy, and up in the gallery is daughter Betty. And today is Mr. Gehrett's 81st birthday, so please give a warm welcome to this Army veteran.

I will be presenting Mr. Gehrett a citation later today, and I thank you for your warm welcome.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. BOYD

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

Mr. BOYD. Thank you, Mr. Speaker.

Real briefly, I just wanted to mention to my colleagues that last week was a monumental day for the farmland preservation movement in Pennsylvania. I was joined with Representative Art Hershey and some other members in Representative Hickernell's district where the Ag Preserve Board celebrated 300,000 acres of prime Pennsylvania farmland preserved, and in honor of that occasion, Representative Baldwin, Gordon Denlinger, Representative Denlinger, and myself rode in a bike ride to preserve Lancaster County farmland. We raised quite a few hundred dollars, and we put at everybody's desk today a green armband to celebrate the continued strength of the Farmland Preservation Program in Pennsylvania. So enjoy this compliments of Representatives Baldwin, Denlinger, and myself.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Meena Pandit and her son, Sumir Pandit, who is serving as a guest page today on the floor of the House. They are guests of the Honorable Jerry Stern, who are located to the left of the Speaker. Welcome. Please rise.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. METCALFE called up **HR 330, PN 2068**, entitled:

A Resolution expressing condolences to the family of Sgt. Carl Morgain of Penn Township, Butler County, who was a member of the Pennsylvania Army National Guard and who was killed in Iraq serving his country on May 22, 2005.

On the question,

Will the House adopt the resolution?

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

Ladies and gentlemen, may we have order in the House. This is a resolution to honor one of our soldiers who died in duty.

The gentleman may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, each and every day we are asked to vote on various resolutions in recognition of community events, anniversaries, and so on and so forth. As a veteran, I feel that none of these are more important or appropriate than publicly honoring a soldier who has paid the ultimate price for his country.

On May 22 one of my constituents, Sgt. Carl Morgain, who proudly served with Company A of the 1st Battalion, 112th Infantry, of the Pennsylvania National Guard unit from Butler County, was killed in the line of duty by a suicide bomber while on security detail outside a police station near

Khadesia, Iraq. Although his life was taken away in only a few short moments, the shining legacy Sergeant Morgain leaves behind as an American patriot, and most importantly, as a devoted husband and father to his wife, Janice, and their two children, will never be forgotten. Passage of this resolution is just one small way to ensure that the supreme sacrifice made by Sergeant Morgain and those made by the members of his family are forever recognized by both his country and his Commonwealth, and I would appreciate everybody's vote for this resolution.

Thank you.

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

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Dally Sather True

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

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The gentleman, Mr. Reichley, has returned from Harrisburg leave, and therefore his Harrisburg legislative leave will be canceled.

RESOLUTION PURSUANT TO RULE 35

Mr. METCALFE called up **HR 353, PN 2220**, entitled:

A Resolution urging the Pennsylvania State Police and Attorney General's Office to recognize legislation banning human trafficking.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

SUPPLEMENTAL CALENDAR C

The SPEAKER pro tempore. Turning to supplemental calendar C.

Ladies and gentlemen, this is another resolution to honor one of our troops who paid the ultimate sacrifice.

RESOLUTION PURSUANT TO RULE 35

Mr. HANNA called up **HR 358, PN 2247**, entitled:

A Resolution paying tribute to and honoring the memory of Sgt. Andrew R. Jodon, a member of the 3rd Battalion, 69th Armor Regiment, 3rd Infantry Division of the United States Army, who tragically lost his life while on active duty in Iraq.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Feese	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Sainato
Baker	Forcier	Manderino	Samuelson
Baldwin	Frankel	Mann	Santoni
Barrar	Freeman	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Bebko-Jones	Gannon	McCall	Schroder
Belardi	Geist	McGeehan	Semmel
Belfanti	George	McGill	Shaner
Benninghoff	Gerber	McIlhattan	Shapiro
Bianucci	Gergely	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, B.
Bishop	Gingrich	Melio	Smith, S. H.

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE

HB 469, PN 2137

By Rep. S. SMITH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, defining "unincorporated association"; and further providing for date of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots.

RULES.

HB 564, PN 637

By Rep. S. SMITH

An Act providing for college and university faculty and staff criminal history background investigations and self-disclosure requirements.

RULES.

HB 600, PN 673

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for military tax credits for employers who pay or subsidize the wages of an employee called to active duty.

RULES.

HB 740, PN 2111

By Rep. S. SMITH

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for service allowance, change of employment, military service and contract provisions relating to municipal employees, municipal firemen and municipal police.

RULES.

HB 876, PN 999

By Rep. S. SMITH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing the department to directly reimburse educational support services providers; and repealing penalties for grant recipients.

RULES.

HB 1108, PN 2208

By Rep. S. SMITH

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Water and Wastewater System Connection Funding Program to provide certain grants and low-interest loans; providing for transfer of certain moneys; and making editorial changes.

RULES.

HB 1235, PN 1448

By Rep. S. SMITH

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for staffing levels and limitations on inmate capacity at State correctional institutions.

RULES.

HB 1408, PN 1974

By Rep. S. SMITH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prescribing penalties for improper use of bond proceeds.

RULES.

HB 1435, PN 2109

By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of computer-assisted remote harvesting of animals.

RULES.

HB 1446, PN 2107

By Rep. S. SMITH

An Act providing for the powers and duties of the Department of Aging and area agencies on aging and for annual review of care plans; requiring criminal background checks and communicable disease screenings of certain providers; prohibiting certain provider financial interests; providing for consumer telephone access; and providing for procedures for noncompliance.

RULES.

HB 1468, PN 1786

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements thereon situate in the Borough of Ambridge, Beaver County.

RULES.

HB 1525, PN 1858

By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for limiting the number of retail licenses to be issued in each county.

RULES.

HB 1578, PN 2206

By Rep. S. SMITH

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

RULES.

HB 1579, PN 1980

By Rep. S. SMITH

An Act providing for certain responsibilities of county and private agencies regarding resource parents.

RULES.

HB 1619, PN 2138

By Rep. S. SMITH

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Harrisburg, Dauphin County, to Crossgates, Inc., a Pennsylvania Corporation.

RULES.

HB 1717, PN 2174

By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control,

sell or transfer firearms, for firearms not to be carried without licenses, for licenses, for loans, lending or giving of firearms, for definitions, for jurisdiction, for full faith and credit and foreign protection orders, for responsibilities of law enforcement agencies, for commencement of proceedings, for hearings and for relief; providing for return of relinquished firearms, other weapons and ammunition, for relinquishment for consignment sale or lawful transfer, for relinquishment to third party for safekeeping and for registry or database of firearm ownership; further providing for emergency relief by minor judiciary, for arrest for violation of order, for private criminal complaints for violation of order or agreement, for contempt for violation of order or agreement and for procedures and other remedies; and providing for immunity, for inability to pay and for limitation on warrantless searches.

RULES.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 402, PN 2067

By Rep. S. SMITH

An Act designating a portion of a State route in the City of Erie as Michael A. Cannavino Way; redesignating the Carey Avenue Bridge between Larksville Borough and Hanover Township, Luzerne County, as the 1st Battalion, 109th Field Artillery, PA Army National Guard Bridge; and designating the portion of State Route 28 in Etna Borough and Shaler Township in Allegheny County as the 28th Signal Battalion Memorial Highway.

RULES.

HB 1178, PN 2132

By Rep. S. SMITH

An Act repealing the act of April 3, 1872 (1873 P.L.1061, No.1109), entitled "An act to incorporate the State police of Crawford and Erie counties."

RULES.

BILLS ON SECOND CONSIDERATION

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

HB 469, PN 2137; HB 564, PN 637; HB 600, PN 673; HB 740, PN 2111; HB 876, PN 999; HB 1108, PN 2208; HB 1235, PN 1448; HB 1408, PN 1974; HB 1435, PN 2109; HB 1446, PN 2107; HB 1468, PN 1786; HB 1525, PN 1858; HB 1578, PN 2206; HB 1579, PN 1980; HB 1619, PN 2138; and HB 1717, PN 2174.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentelady, Mrs. Taylor, for a caucus announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a very important meeting of the Republican Caucus at 12:30 – 12:30. I would suggest that the members who are hungry pick up some lunch between now and 12:30. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentelady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, for a caucus announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Democratic Caucus for both formal and informal discussions immediately upon the call of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. CAPPELLI. Thank you, Mr. Speaker.

There will be a meeting of the House Appropriations Committee in the committee conference room at the call of the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Appropriations will meet in the conference room at the call of the Chair.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the Health and Human Services Committee at 12 o'clock in room 205 of the Ryan Office Building; 12 o'clock, Ryan Office Building. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Health and Human Services will meet at 12 o'clock in room 205 of the Ryan Office Building.

GUESTS INTRODUCED

The SPEAKER pro tempore. We announced this a little earlier, but I do not think they were on the floor at the time. The Chair is pleased to welcome to the hall of the House, as guests of the minority leader, Mr. DeWeese, Alexandra Sawyer and Amanda Kozowski. Will they please rise and be recognized.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The Chair notes that the gentelady, Mrs. Kathy Watson, is present and on the floor of the House and will be taken off Harrisburg legislative leave.

COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the chairman of the Commerce Committee, the gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, the House Commerce Committee, the meeting today will be canceled. The House Commerce Committee meeting will be canceled today, Mr. Speaker, because of the many, many amendments on the payday lending bill. It requires staff to be in caucus and be on the floor and be attentive to the bill. So it will be scheduled in the future.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. Are there any other announcements? Are there any other announcements?

Seeing none, we will see you back at 2:30; 2:30 on the floor of the House.

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the hall of the House of the gentleman from Northampton, Mr. Dally. His name will be placed upon the master roll.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Centre, Mr. BENNINGHOFF, for the remainder of the day. Without objection, that leave will be granted.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

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

HB 469;
HB 564;
HB 600;
HB 740;
HB 876;
HB 1108;
HB 1235;
HB 1408;
HB 1435;
HB 1446;
HB 1468;
HB 1525;
HB 1578;
HB 1579;

HB 1619; and
HB 1717.

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

BILLS REREPORTED FROM COMMITTEE

HB 137, PN 138

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted lamp requirements for motorcycles.

APPROPRIATIONS.

HB 185, PN 1643

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for contracts for competitive food, beverage and advertising contracts.

APPROPRIATIONS.

HB 189, PN 1815

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for nutritional standards for competitive food sales; further providing for health services; providing for physical education and recess; and further providing for physiology and hygiene instruction in public schools and educational institutions receiving State appropriations.

APPROPRIATIONS.

HB 191, PN 1644

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for advisory health councils; and providing for the establishment of a child health and nutrition advisory committee.

APPROPRIATIONS.

HB 313, PN 334

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for deterrent fences for deer, bear and elk and the payment of claims for damages by certain elk; imposing duties on the Department of Agriculture; providing for the establishment of the Elk Damage Fund; and making an appropriation.

APPROPRIATIONS.

HB 469, PN 2137

By Rep. FEESE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, defining "unincorporated association"; and further providing for date of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots.

APPROPRIATIONS.

HB 600, PN 673

By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for military tax credits for employers who pay or subsidize the wages of an employee called to active duty.

APPROPRIATIONS.

HB 759, PN 921

By Rep. FEESE

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

APPROPRIATIONS.

HB 1055, PN 1914

By Rep. FEESE

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

APPROPRIATIONS.

HB 1062, PN 1961

By Rep. FEESE

An Act providing for a tax credit program to support community-based mental retardation services in this Commonwealth.

APPROPRIATIONS.

HB 1223, PN 1436

By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Project Link-to-Learn.

APPROPRIATIONS.

HB 1317, PN 1565

By Rep. FEESE

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

APPROPRIATIONS.

HB 1318, PN 1967

By Rep. FEESE

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

APPROPRIATIONS.

HB 1510, PN 1844

By Rep. FEESE

An Act amending the act of March 27, 1852 (P.L.197, No.147), entitled, "An act relative to the collection of taxes, in Crawford and Lawrence counties; to authorize the Commissioners of Erie county to borrow money; relative to a State road in Crawford county; extending the time for the completion of the works of the Centreville Water Company, and relative to Justices of the Peace of Bedford county," further providing for the collection of State and county taxes in Lawrence County.

APPROPRIATIONS.

HB 1650, PN 2061

By Rep. FEESE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for resident, nonresident and tourist fishing licenses.

APPROPRIATIONS.

HB 1717, PN 2174

By Rep. FEESE

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for firearms not to be carried without licenses, for licenses, for loans, lending or giving of firearms, for definitions, for jurisdiction, for full faith and credit and foreign protection orders, for responsibilities of law enforcement agencies, for commencement of proceedings, for hearings and for relief; providing for return of relinquished firearms, other weapons and ammunition, for relinquishment for consignment sale or lawful transfer, for relinquishment to third party for safekeeping and for registry or database of firearm ownership; further providing for emergency relief by minor judiciary, for arrest for violation of order, for private criminal complaints for violation of order or agreement, for contempt for violation of order or agreement and for procedures and other remedies; and providing for immunity, for inability to pay and for limitation on warrantless searches.

APPROPRIATIONS.

SB 149, PN 217

By Rep. FEESE

An Act providing for the Hazardous Sites Cleanup Fund, for its funding and for expenditures from the fund; and making repeals.

APPROPRIATIONS.

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

HB 727, PN 818

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "emergency vehicle."

TRANSPORTATION.

HB 1350, PN 1608

By Rep. GEIST

An Act designating State Route 291 in Delaware County as the Willie Mae James Leake Memorial Highway.

TRANSPORTATION.

HB 1401, PN 1691

By Rep. GEIST

An Act designating a bridge on State Route 150 crossing the Beech Creek in Clinton and Centre Counties, Pennsylvania, as the Beech Creek Veterans Memorial Bridge.

TRANSPORTATION.

HB 1455, PN 1753

By Rep. GEIST

An Act designating the intersection of State Route 18 and State Route 58 in Greenville, Mercer County, as the Joseph J. Lininger Intersection.

TRANSPORTATION.

HB 1491, PN 1808

By Rep. GEIST

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

TRANSPORTATION.

HB 1552, PN 2273 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star and Bronze Star.

TRANSPORTATION.

HB 1581, PN 2274 (Amended)

By Rep. GEIST

An Act designating SR 65 in the vicinity of Leetsdale, Allegheny County, as the James E. Russo Highway.

TRANSPORTATION.

HB 1749, PN 2239

By Rep. GEIST

An Act designating State Route 132 in Bucks County as the Armed Forces and Veterans Memorial Highway.

TRANSPORTATION.

CALENDAR CONTINUED

RESOLUTIONS

Ms. YOUNGBLOOD called up **HR 15, PN 15**, entitled:

A Resolution urging mass transit agencies throughout this Commonwealth to consider the possibilities of leasing the naming rights of transit stations and other transit-owned property to private corporations and organizations in order to help defray the costs of the financial challenges that mass transit agencies face.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Gabig	Marsico	Scavello
Bastian	Gannon	McCall	Schroder

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

NAYS—0

NOT VOTING—1

Freeman

EXCUSED—3

Benninghoff Sather True

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

* * *

Mr. CRUZ called up **HR 307, PN 1927**, entitled:

A Resolution urging the City of Philadelphia to name the branch of the Free Library of Philadelphia located on Lehigh Avenue as the Lillian Marrero Memorial Library.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

* * *

Mr. SCAVELLO called up **HR 308, PN 1928**, entitled:

A Resolution urging the Department of Health to implement certain requirements relating to tetanus/diphtheria booster immunizations.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 402, PN 2067, entitled:

An Act designating a portion of a State route in the City of Erie as Michael A. Cannavino Way; redesignating the Carey Avenue Bridge between Larksville Borough and Hanover Township, Luzerne County, as the 1st Battalion, 109th Field Artillery, PA Army National Guard Bridge; and designating the portion of State Route 28 in Etna Borough and Shaler Township in Allegheny County as the 28th Signal Battalion Memorial Highway.

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

The SPEAKER. It is moved by the gentleman, Mr. Fabrizio, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-198

Table listing names of members who voted 'YEAS' for the amendments, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, James, Josephs, Kauffman, Keller, M., Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, and Wheatley.

Table listing names of members who did not vote, including Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Levdansky, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, and Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-3

Table listing names of members who were excused: Benninghoff, Sather, and True.

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to HB 1178, PN 2132, entitled:

An Act repealing the act of April 3, 1872 (1873 P.L.1061, No.1109), entitled "An act to incorporate the State police of Crawford and Erie counties."

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

The SPEAKER. It is moved by the gentleman, Mr. Marsico, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-198

Table listing names of members who voted 'YEAS' for the amendments, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, and Staback.

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 670, PN 763**, entitled:

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that **HB 670, PN 763**, was on final passage.

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

AMENDMENT A01732 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion by the gentleman, Mr. Smith, cosigned by the gentleman, Mr. Argall, who moves that the vote by which amendment No. 1732 was passed to **HB 670, PN 763**, on the 14th of June be reconsidered.

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Benninghoff Sather True

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

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

The clerk read the following amendment No. **A01732**:

Amend Sec. 1 (Sec. 8338.2), page 2, by inserting between lines 12 and 13

(c) Construction.—

(1) The provisions of subsections (a) and (b) shall be strictly construed.

(2) The provisions of subsection (d) shall be liberally construed to effect the purposes of this section.

Amend Sec. 1 (Sec. 8338.2), page 2, line 13, by striking out “(c)” and inserting

(d)

Amend Sec. 1 (Sec. 8338.2), page 2, by inserting between lines 15 and 16

“Food.” Any solid, liquid, gelatinous substance, mineral or vitamin, or combination thereof, designed or produced for human consumption related to hunger or thirst.

Amend Sec. 1 (Sec. 8338.2), page 2, line 16, by striking out “manufacturer, packer,” and inserting farmer, manufacturer, packer, wholesaler,

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair at this time recognizes the gentleman from Lehigh, Mr. Reichley, who requests that amendment 1732 be withdrawn. That amendment is withdrawn.

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

AMENDMENT A01670 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Walko, cosigned by the gentleman, Mr. Smith, who moves that the vote by which amendment 1670 was passed to HB 670, PN 763, on the 14th day of June be reconsidered.

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

The following roll call was recorded:

YEAS-196

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

NAYS-2

Freeman Leach

NOT VOTING-0

EXCUSED-3

Benninghoff Sather True

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

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

The clerk read the following amendment No. **A01670**:

Amend Title, page 1, line 2, by inserting after “for” permissible argument as to damages at trial and for

Amend Sec. 1, page 1, line 7, by striking out “a section” and inserting sections

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 4566. Permissible argument as to damages at trial.

(a) Permissible argument.—Subject to subsection (b), in any civil action tried before a judge, jury or other tribunal, a party may make any of the following arguments during closing argument and after the judge, jury or other tribunal has requested for the argument to be made:

(1) Specifically argue in lump sums or by mathematical formula the amount he or she deems to be an appropriate award for all past and future economic or noneconomic damages or both economic and noneconomic damages claimed to be recoverable.

(2) Argue that an award of zero damages is appropriate, even if there is a finding of liability against the defendant.

(b) Disclosure.—

(1) Except as provided in paragraph (2), a party may not argue a specific sum as provided in subsection (a) unless the party first discloses to the court and opposing counsel that the party intends to argue the specific damages listed in subsection (a) prior to the presentation of closing arguments.

(2) Notwithstanding paragraph (1), arguments as to appropriate amount of economic damages may be made without notice to opposing counsel if evidence supporting economic damages has been introduced to trial.

(c) Facts and evidence.—Nothing in this section shall be construed to prevent a defendant from arguing in any case that the facts and evidence support a finding of no liability.

(d) Jury instruction.—Whenever, in a civil action, tried before a jury, a specific lump sum or mathematical formula is argued during closing arguments as provided for in subsection (a), the trial court shall instruct the jury that the sum or mathematical formula argued is not evidence but only arguments and that the determination of the amount of appropriate damages to be awarded, if any, is solely for the jury’s determination.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Walko. The gentleman, Mr. Walko, indicates that he is withdrawing his amendment. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

NAYS—7

Freeman	Leach	Mundy	Vitali
Josephs	Manderino	Thomas	

NOT VOTING—0

EXCUSED—3

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

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

STATEMENT BY MR. REICHLEY

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I just wanted to express my appreciation to the members, particularly the gentleman, Mr. Walko, for withdrawing his amendment to allow 670 to move to final passage, and to the staff who worked so hard on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

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

RESOLUTION REPORTED FROM COMMITTEE

HR 325, PN 2039

By Rep. S. SMITH

A Resolution designating June 26, 2005, as "Jimmy Buffett Day" in Pennsylvania.

RULES.

SUPPLEMENTAL CALENDAR D

RESOLUTION

Mr. SOLOBAY called up HR 325, PN 2039, entitled:

A Resolution designating June 26, 2005, as "Jimmy Buffett Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

- Benninghoff Sather True

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

CONDOLENCE RESOLUTION

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution. We are about to take up a condolence resolution on the death of a former member of the House.

The Sergeants at Arms will close the doors to the well of the hall of the House. Again, members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The Honorable John Hope Anderson, Sr., a former member of the House of Representatives of Pennsylvania serving the 94th Legislative District, passed away at the age of ninety-three on May 26, 2005; and

WHEREAS, Mr. Anderson was elected to the House of Representatives of Pennsylvania in 1960 and served with distinction until 1982. During his tenure, he held the positions of Republican Caucus Secretary and Speaker Pro-Tempore. He was also a longtime member of the York County Republican Executive Committee. Mr. Anderson was a fruit grower since 1945 at Bel View Farm, which he owned and operated in partnership with his son,

John Hope Anderson, Jr. He was a life member of the York County Agriculture Society, a member of the Pennsylvania and York County Fruit Growers Association and an Honorary Pennsylvania County Agent. Mr. Anderson had been a blockman for International Harvester and subsequently worked with his father at Anderson Brothers Feed Company in New Park. His various memberships and community service include being a past member and President of the Mason Dixon Lions Club, Citizens Volunteer Fire Company, Mason Dixon Public Library and the Stewartstown Railroad. He served as Chairman of the York County Chapter of the American Red Cross and as a member of the Board of Directors for the South Eastern School District, The York Bank and Trust Company and the White Rose AAA. Mr. Anderson was also a lifelong member and served as an Elder and Trustee of Centre Presbyterian Church and was a member and 32nd Degree Mason of Friendship Lodge No. 663 F&AM in Fawn Grove; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of John Hope Anderson, Sr.; and extend heartfelt condolences to his wife, Lelia Reed Anderson; sons, John Hope, Jr., and D. Reed; daughter, Mary A. Linkous; two grandchildren; one stepgrandchild; and four great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Stanley E. Saylor on June 1, 2005, be transmitted to Mrs. Lelia Reed Anderson.

Stanley E. Saylor, Sponsor
John M. Perzel, Speaker of the House
ATTEST:
Ted Mazia, Chief Clerk of the House

(SEAL)

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable John Hope Anderson, Sr.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeants at Arms will open the doors to the hall of the House.

GUESTS INTRODUCED

The SPEAKER. I am pleased to welcome to the hall of the House Monica Beltowski – she is the president of the Cherry Tree Borough Council in Indiana County – and Barb Frantz, who is the Cherry Tree Borough secretary. They are the guests today of the majority leader of the House of Representatives, the gentleman from Jefferson, Mr. Samuel Smith. Would those guests please rise and be recognized.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the gentlelady from Lancaster, Mrs. True. Her name will be added to the master roll.

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 402, PN 2067

An Act designating a portion of a State route in the City of Erie as Michael A. Cannavino Way; redesignating the Carey Avenue Bridge between Larksville Borough and Hanover Township, Luzerne County, as the 1st Battalion, 109th Field Artillery, PA Army National Guard Bridge; and designating the portion of State Route 28 in Etna Borough and Shaler Township in Allegheny County as the 28th Signal Battalion Memorial Highway.

HB 1178, PN 2132

An Act repealing the act of April 3, 1872 (1873 P.L.1061, No.1109), entitled "An act to incorporate the State police of Crawford and Erie counties."

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

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 185, PN 1643**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for contracts for competitive food, beverage and advertising contracts.

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

Mr. **GEORGE** offered the following amendment No. **A01462**:

Amend Title, page 1, line 8, by removing the period after "CONTRACTS" and inserting

; and providing for free and reduced-price school lunches for certain students.

Amend Sec. 1, page 1, lines 12 and 13, by striking out "a section" and inserting sections

Amend Sec. 1, page 7, by inserting between lines 22 and 23

Section 2505.2. Supplemental Funding for School Lunches.—Notwithstanding Federal funding of school lunches for individuals who qualify for free or reduced-price lunches, there shall be a supplement from the General Fund annually to achieve the following:

(1) Individuals who live at or under one hundred eighty-five per centum (185%) of the Federal poverty guideline shall receive free school lunch each school day.

(2) Individuals who live between one hundred eighty-five per centum (185%) and two hundred fifty per centum (250%) of the Federal poverty guideline shall receive school lunch each school day at the reduced price specified under Federal guidelines.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, in this most affluent nation in the world, it is a shame that some children go to school hungry. Maybe, Mr. Speaker, none of our children go to school hungry, but there are those unfortunate youngsters that are not getting the nutrition that is needed to build up healthy bodies.

In 1946 President Truman signed the National School Lunch Act, providing free and reduced-price school lunches to the most neediest, to the most neediest of our children. That program continues today, but I believe we are not feeding as many needy children as we could and should. Therefore, this amendment supplements the Federal School Lunch Program by offering a free lunch to those that are at or under 185 percent of the Federal poverty guideline and reduced-price lunches to those who live between the 185 and the 250 percent of the Federal poverty guideline.

By filling their stomachs, we can make sure that these children are in the right condition to fill their minds. I would ask that you would all support this amendment.

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

(Members proceeded to vote.)

HARRISBURG LEGISLATIVE LEAVE

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

Mr. DeWEESE. Mr. Speaker, to put the gentleman, Mr. McGEEHAN, from Philadelphia County on Capitol leave for a short time, please. Thank you.

The SPEAKER. The Chair thanks the gentleman, and the gentleman will be placed on Capitol leave.

CONSIDERATION OF HB 185 CONTINUED

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—1

Creighton

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

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

Mr. GEORGE offered the following amendment No. **A01698**:

Amend Title, page 1, line 8, by removing the period after "CONTRACTS" and inserting
; and further providing for loan forgiveness program.

Amend Bill, page 7, by inserting between lines 22 and 23 Section 2. Section 2213-A of the act, added October 30, 2001 (P.L.828, No.83), is amended to read:

Section 2213-A. Loan forgiveness program.
(a) Establishment of program.—

(1) The agency shall administer a loan forgiveness program for nursing school applicants on a Statewide basis. The agency may provide loan forgiveness as provided in subsection (b) for recipients of loans who by contract with the agency agree to practice professional nursing in this Commonwealth upon attainment of the required license.

(2) The agency shall administer a loan forgiveness program for medical school applicants on a Statewide basis. The agency may provide loan forgiveness as provided in subsection (b) for recipients of loans who, by contract with the agency, agree to practice medicine in an area of this Commonwealth designated as medically underserved or in a primary care health professional shortage area as reported by the Department of Health for at least four years following receipt of their unrestricted medical license and completion of an accredited residency program and, if applicable, a fellowship program.

(b) Loan forgiveness.—Agency-administered, federally insured student loans for higher education provided to a nursing school applicant may be forgiven by the agency as follows:

(1) (i) The agency may forgive 50% of the loan, not to exceed \$50,000, if a loan recipient enters into a contract with the agency that requires the recipient upon successful completion of an approved nursing program and licensure as a registered nurse to practice nursing in this Commonwealth for a period of not less than three consecutive years.

(ii) The agency may forgive 50% of the loan, not to exceed \$150,000, if a loan recipient enters into a contract with the agency that requires the recipient, upon successful receipt of their unrestricted medical license and completion of an accredited residency program and, if applicable, a fellowship program, to practice medicine in an area of this Commonwealth designated as medically underserved or in a primary care health professional shortage area as reported by the Department of Health for at four years following receipt of their unrestricted medical license and completion of an accredited residency program and, if applicable, a fellowship program.

(2) Loan forgiveness awards made pursuant to paragraph (1) shall be forgiven over a period of three years at an annual rate of 33 1/3% of the award and shall be made from funds appropriated for this purpose.

(3) The contract entered into with the agency pursuant to paragraph (1) shall be considered a contract with the Commonwealth and shall include the following terms:

(i) An unlicensed recipient shall apply for a registered nurse's license or an unrestricted medical license to practice in this Commonwealth at the earliest practicable opportunity upon successfully completing a degree in nursing[.] or upon successfully completing an accredited residency program and, if applicable, a fellowship program.

(ii) Within six months after [licensure,] receiving a nurse's license or unrestricted medical license and completion of an accredited residency program and, if applicable, a fellowship program, a recipient shall engage in the practice of nursing or medicine in this Commonwealth according to the terms of the loan forgiveness award.

(iii) The recipient shall agree to practice in a licensed health care facility in the provision of direct patient care on a full-time basis.

(iv) The recipient shall permit the agency to determine compliance with the work requirement for nurses and all other terms of the contract.

(v) Upon the recipient's death or total or permanent disability, the agency shall nullify the service obligation of the recipient.

(vi) If the recipient is convicted of or pleads guilty or no contest to a felony or if the licensing board has determined that the recipient has committed an act of gross negligence in the performance of service obligations or has suspended or revoked the license to

practice, the agency shall have the authority to terminate the recipient's service in the program and demand repayment of the amount of the loan as of the date of the conviction, determination, suspension or revocation.

(vii) Loan recipients who fail to begin or complete the obligations contracted for shall pay to the agency the amount of the loan received under the terms of the contract pursuant to this section. Providing false information or misrepresentation on an application or verification of service shall be deemed a default. Determination as to the time of default shall be made by the agency.

(4) Notwithstanding 42 Pa.C.S. § 8127 (relating to personal earnings exempt from process), the agency may seek garnishment of wages in order to collect the amount of the loan following default under paragraph (3)(vii).

Amend Sec. 2, page 7, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Hold a minute, please.

Mr. Speaker, this is very difficult for me, but I am going to leave it up to the minds and the consciousness and the consideration of my fellow members in that all I read and all I see today is on lawsuits and limitations on lawsuits. And if you will— Mr. Speaker, do you mind— Forgive me, Mr. Speaker.

So I say to you, whether it be the insurance business or whether it be the manufacturing entities, such as automobiles, or whether it be the utilities, there is another industry equally as big and equally as viable and equally as mysterious, and that is the medical business.

So while we argue whether we should sue and how much we sue for, I see that those of us in good mind and good spirit and good logic from time to time will say, well, let us give some free tuition or let us excuse the loan payments for nurses because is it not true we need nurses, and so let us educate them because that is a field of employment that betters not only the health and well-being of our individuals but that basically and constructively helps our communities.

So I stand with an amendment that I am told that no one will probably vote for, but I am going to offer it anyway, Mr. Speaker. I am going to offer an amendment to those of you that might believe as I that no one in this society that we represent should die because they do not have proper medical care and no one in this society ought to be without when we are a nation that throws more off the table than other nations dare to believe they should have.

So what this amendment does, it allows the PHEAA (Pennsylvania Higher Education Assistance Agency) loan program to conditionally do the same with physicians in restoring or backing up their loans so that we can put more doctors in Pennsylvania. So while we argue back and forth for several years about what we are going to do about malpractice and while we argue about where we are going to get all the education dollars and where we spend all of these millions of dollars to educate our young people to go to other States, I think it is about time we put our money where our mouth is.

And I am saying that those of you that believe that we can do better, I am asking you to support this amendment, even though I know there are those on the other side that are already told not to support this amendment, but as long as I am elected in this House of Representatives, I am going to responsibly do what I can for the working men and women and for those that have it not nearly as well as we do, and I ask that you support this amendment. It simply provides a loan forgiveness for the medical students who have contracted to practice in medically underserved areas of the Commonwealth for at least 4 years. I believe financial assistance is a crucial step in assisting and encouraging new doctors to establish their practice where their skills are most desperately needed.

I must stress the serious urgency of the situation and the desperate need that exists for quality health care in many rural areas. Forty-three percent of all primary-care physicians in practice in Pennsylvania practice in just three counties. Now, those of you that do not live in those three counties, you know where they are, and let us do something for our counties.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am delighted to learn the gentleman has some concern about our medical profession and the crisis caused by the absence of tort reform, but he may be confused. This bill is about education certainly, but it is about public schools. It is about children from kindergarten to 12th grade. It is not about medical school.

And while at some technical level the gentleman may be arguing that it is germane, I believe it is not, but instead of a motion to find that it is not germane, I am simply going to make a motion that we table this amendment, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Maher, moves to table amendment 1698. The motion is not debatable, with the exception by the floor leaders.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman, Mr. DeWeese, wish to transfer his authority to the gentleman, Mr. George, to say a few words on this?

Mr. DeWEESE. I would accede to the gentleman, Mr. George.

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

I will not be long, and I will not give you that old germaneness. I am only going to say, if you do not want to be caught voting "no," you better vote to vote that it is not germane. This is the way to get out of it, but that is not the way to answer to the problem.

Come up with a solution that is better than what I offered, and I will join you, but just to simply say that it is not germane, I can say this, shame on you.

Thank you very much.

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

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

In spite of that previous comment, I would urge the members to table the amendment and leave it to be considered on another day.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. George.

Mr. GEORGE. If Mr. Smith will agree that we can consider this another day, I will withdraw the amendment and work with one of his staff so that we can get to the task that we should be all about.

So I ask the Speaker if he will interrogate the majority leader, if we can get to this task in the future, within the next couple of weeks.

Mr. S. SMITH. Mr. Speaker, I am not making an ironclad agreement as to the specific language being considered at a point in the future. I am simply suggesting that all of the matters that come before the House are worthy of consideration, that we do not feel that this amendment is best framed or best utilized in this piece of legislation.

I am simply asking the members to table the amendment, and certainly we will leave the opportunity to consider this open for a future date. I am not suggesting that it cannot. If we were, quite frankly, Mr. Speaker, I would urge the members just to simply defeat the amendment, at which point in time it would no longer be in order, I believe, for the remainder of this session.

So I am simply asking the members to table the amendment so that we can move ahead with this legislation before us in HB 185, and we will consider the merits of the amendment 1698 at a future time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, should the majority leader be in hearing range, even though he did not commit, he can look for this to the future where the merits will be better than it is now, but I do not think they can be better.

AMENDMENT WITHDRAWN

Mr. GEORGE. But I will just say to the majority leader, Mr. Speaker, each and every bill that comes forward, you can look for the fact that you can get an opportunity to rule it out as not being germane, but because of the late hour, I will remove that amendment, Mr. Speaker.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

Mr. S. SMITH. Just one final observation.

The SPEAKER. The gentleman is in order.

Mr. S. SMITH. The gentleman from Clearfield is quite right, seeing how he has the same amendment drafted to at least a couple of other bills that are on the calendar today, and he is quite adept at getting amendments drafted to numerous bills. So I am sure we will deal with the, you know, the context of this language at some point in time. I am simply saying we are not going to deal with it, we would prefer not to deal with it on this particular bill or on this particular day.

Thank you, Mr. Speaker.

The SPEAKER. We are all looking forward to it, Mr. Smith. Thank you.
The gentleman withdraws his amendment.

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

Mr. STAIRS offered the following amendment No. A01733:

Amend Title, page 1, line 8, by striking out “, BEVERAGES AND ADVERTISING” and inserting
or beverage

Amend Sec. 1 (Sec. 504.1), page 5, line 25, by striking out “, BEVERAGE OR ADVERTISING” and inserting
or beverage

Amend Sec. 1 (Sec. 504.1), page 5, lines 26 and 27, by striking out “AND NONEXCLUSIVE COMPETITIVE FOOD, BEVERAGE OR ADVERTISING” and inserting
competitive food or beverage

Amend Sec. 1 (Sec. 504.1), page 5, lines 29 and 30; page 6, lines 1 through 29, by striking out “DOES THE FOLLOWING:” in line 29 and all of line 30, page 5, all of lines 1 through 28 and “(C)” line 29, page 6 and inserting
provides reasonable public notice or holds a public hearing about the contract. As used in this section, “reasonable public notice” shall mean providing notice to all parents or guardians utilizing normal school communication procedures at least 30 days prior to the school entering into an exclusive competitive food or beverage contract. The notice must include guidance for parents or guardians on how to offer public comment to the school regarding the contract.

(b)
Amend Sec. 1 (Sec. 504.1), page 7, line 2, by striking out “(D)” and inserting

(c)
Amend Sec. 1 (Sec. 504.1), page 7, line 9, by striking out “(E)” and inserting

(d)
Amend Sec. 1 (Sec. 504.1), page 7, lines 12 and 13, by striking out “, BEVERAGE OR ADVERTISING CONTRACTS. AN ANNUAL” in line 12 and all of line 13 and inserting
or beverage contracts at a regularly scheduled board meeting, a public hearing or on the district’s Internet website.

(e)
Amend Sec. 1 (Sec. 504.1), page 7, line 14, by striking out “(F)” and inserting

(f)
Amend Sec. 1 (Sec. 504.1), page 7, line 16, by striking out “(G)” and inserting

(g)
Amend Sec. 2, page 7, line 23, by striking out “60” and inserting 180

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

The following roll call was recorded:

YEAS—196

Adolph	Fichter	Maitland	Rubley
Allen	Fleagle	Major	Ruffing
Argall	Flick	Manderino	Sainato
Armstrong	Forcier	Mann	Samuelson

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

NAYS—3

Creighton	Grell	Wilt
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NOT VOTING—0

EXCUSED—2

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

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

Mr. GRUCELA offered the following amendment No. A01823:

Amend Title, page 1, line 7, by inserting after “PROVIDING”
for school district notification of residential development and

Amend Bill, page 1, lines 11 through 13, by striking out all of said lines and inserting

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

ARTICLE II-A

NOTIFICATION OF RESIDENTIAL DEVELOPMENT

Section 201-A. Definitions.

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

“Applicant.” A landowner or developer who has filed an application for development with a governing body. The term includes the landowner’s or developer’s heirs, successors and assigns.

“Application for development.” Every application, whether preliminary, tentative or final, required by law or ordinance to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a residential development plan.

“Developer.” Any landowner, agent of the landowner or tenant with the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

“Landowner.” The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition, a lessee if the lessee is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

“Residential development plan.” The provisions for residential development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions for residential development” when used in this section shall mean the written and graphic materials referred to in this definition.

“Governing body.” The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties; or as may be designated in the law providing for the form of government.

“Planned residential development.” An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

“Planning agency.” A planning commission, planning department or a planning committee of the governing body.

“Plat.” The map or plan of a subdivision or land development, whether preliminary or final.

“School district.” Includes school districts of all classes.

Section 202-A. Notification of subdivision and land development in school districts.

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

Section 203-A. School district comments.

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

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

Amend Sec. 2, page 7, line 23, by striking out “2” and inserting

3

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

On the question recurring,

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

Mr. DeLUCA offered the following amendment No. A01864:

Amend Title, page 1, line 8, by removing the period after "CONTRACTS" and inserting

; and further providing for funding for charter schools.

Amend Bill, page 7, by inserting between lines 22 and 23

Section 2. Section 1725-A(a) of the act, amended June 29, 2002 (P.L.524, No.88), is amended to read:

Section 1725-A. Funding for Charter Schools.—(a) Funding for a charter school shall be provided in the following manner:

(1) There shall be no tuition charge for a resident or nonresident student attending a charter school except for students at cyber charter schools who do not meet the residency requirements of clause (2).

(2) For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student. Notwithstanding any other provision of law to the contrary, in the case of cyber charter schools, for the purposes of this clause a student is a resident of a school district only if both of the following criteria are met:

(i) it is the school district in which his parents or the guardian of his person resides; and

(ii) it is the school district in which the student sleeps at least one hundred eighty-three (183) nights of the year during which payment is made.

(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.

(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.

(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school.

(6) Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time during which each student was enrolled, the school district of residence of each student and whether the amounts deducted from the school district were accurate.

Amend Sec. 2, page 7, line 23, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—115

Adolph	Fabrizio	Manderino	Sainato
Bebko-Jones	Flick	Mann	Samuelson
Belardi	Frankel	Markosek	Santoni
Belfanti	Freeman	McCall	Shaner
Biancucci	Gannon	McGeehan	Shapiro
Birmelin	George	McIlhinney	Sipbroth
Bishop	Gerber	Melio	Solobay
Blackwell	Gergely	Micozzie	Staback
Blaum	Gillespie	Miller, R.	Steil
Butkovitz	Goodman	Mundy	Stetler
Buxton	Grucela	Myers	Sturla
Caltagirone	Gruitza	Nailor	Surra
Casorio	Habay	Nickol	Tangretti
Cawley	Haluska	Oliver	Thomas
Civera	Hanna	O'Neill	Tigue
Clymer	Harhai	Pallone	Veon
Cohen	Hershey	Petrarca	Vitali
Corrigan	James	Petri	Walko
Costa	Josephs	Petrone	Wansacz
Cruz	Keller, W.	Pistella	Waters
Curry	Killion	Preston	Watson
Daley	Kirkland	Ramaley	Wheatley
DeLuca	Kotik	Readshaw	Williams
Dermody	LaGrotta	Rieger	Wojnaroski
DeWeese	Leach	Roberts	Wright
DiGirolamo	Lederer	Roebuck	Yewcic
Donatucci	Lescovitz	Rooney	Youngblood
Eachus	Levdansky	Rubley	Yudichak
Evans, D.	Mackereth	Ruffing	

NAYS—84

Allen	Fleagle	Maitland	Ross
Argall	Forcier	Major	Saylor
Armstrong	Gabig	Marsico	Scavello
Baker	Geist	McGill	Schroder
Baldwin	Gingrich	McIlhattan	Semmel
Barrar	Godshall	McNaughton	Smith, B.
Bastian	Good	Metcalfe	Smith, S. H.
Boyd	Grell	Millard	Sonney
Bunt	Harhart	Miller, S.	Stairs

Cappelli	Harper	Mustio	Stern
Causer	Harris	O'Brien	Stevenson, R.
Cornell	Hasay	Payne	Stevenson, T.
Crahalla	Hennessey	Phillips	Taylor, E. Z.
Creighton	Herman	Pickett	Taylor, J.
Dally	Hess	Pyle	True
Denlinger	Hickernell	Quigley	Turzai
Diven	Hutchinson	Rapp	Wilt
Ellis	Kauffman	Raymond	Zug
Evans, J.	Keller, M.	Reed	
Fairchild	Kenney	Reichley	
Feese	Leh	Rohrer	Perzel,
Fichter	Maher		Speaker

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

On the question recurring,

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

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

It is the information of the Chair the gentleman withdrew his second amendment.

On the question recurring,

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

Mr. PALLONE offered the following amendment No. A01904:

Amend Title, page 1, line 8, by removing the period after "CONTRACTS" and inserting

; and further providing for cyber charter school requirements and prohibitions and for enrollment and notification.

Amend Bill, page 7, by inserting between lines 22 and 23

Section 2. Section 1743-A of the act is amended by adding a subsection to read:

Section 1743-A. Cyber charter school requirements and prohibitions.

(a.1) Truancy.—In order to enroll a student, the school district in which the student is a resident must certify to the cyber charter school that the student is in compliance with section 1327.

Section 3. Section 1748-A(a) of the act is amended by adding a paragraph to read:

Section 1748-A. Enrollment and notification.

(a) Notice to school district.—

(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with section 1327.

Amend Sec. 2, page 7, line 23, by striking out "2" and inserting

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Maher

NOT VOTING—1

Fairchild

EXCUSED—2

Benninghoff Sather

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

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

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

The following roll call was recorded:

YEAS—175

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

NAYS—24

Armstrong	Gabig	McIlhattan	Rapp
Creighton	Grell	McIlhinney	Reed
Denlinger	Hutchinson	Metcalfe	Scavello
Ellis	Kauffman	Mustio	Sonney

Feese	Keller, M.	Pickett	Steil
Forcier	Kotik	Pyle	Stevenson, R.

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Stacy Mathew, a student at Temple University School of Pharmacy and an intern with the Pennsylvania House of Representatives. Temple University, working with Health and Human Services Committee chairman, Representative George Kenney, established an internship rotation program that offers hands-on, real-world participation for students to become more familiar with the challenges that confront the state of health policy and the impact on the pharmacy profession.

Ms. Mathew has a special interest in cardiovascular drug therapeutics. She is a sixth year student. We thank her for her hard work and wish her continued success in her pharmacy career. Please join me in welcoming her. She is to the left of the Speaker. Would that guest please rise, and welcome.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 189, PN 1815**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for nutritional standards for competitive food sales; further providing for health services; providing for physical education and recess; and further providing for physiology and hygiene instruction in public schools and educational institutions receiving State appropriations.

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

The SPEAKER. It is the understanding of the Chair – if I am incorrect, I am sure you will let me know – that all of the amendments drafted to HB 189 are similar to the amendments drafted to HB 185. So under that assumption, it is going to be the assumption of the Chair that those amendments have been withdrawn unless I hear from the membership.

So with that, the Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

The reason I wanted to be recognized, I was talking to the chairman of the Education Committee, Representative Stairs. He assures me that there is a piece of legislation that his committee will be reporting out that this amendment, the amendment I was going to introduce, would be more germane,

and I appreciate the comments from him, and that is one of the reasons I am withdrawing it, Mr. Speaker.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I had not had any prior discussion with the chairman about withdrawing my amendment. It seems to be noncontroversial. It passed unanimously before. I do not see where it is a problem to run it again unless there is a— With the chairman, if there is an issue, I will withdraw it if he needs me to.

Mr. STAIRS. It really does not matter to me. If you want to run it again, go ahead and run it again.

Mr. PALLONE. Thank you, Mr. Chairman, and thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PALLONE offered the following amendment No. A01905:

Amend Title, page 1, line 10, by removing the period after "APPROPRIATIONS" and inserting

, for cyber charter school requirements and prohibitions and for enrollment and notification.

Amend Bill, page 6, by inserting between lines 22 and 23

Section 5. Section 1743-A 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 1743-A. Cyber charter school requirements and prohibitions.

(a.1) Truancy.—In order to enroll a student, the school district in which the student is a resident must certify to the cyber charter school that the student is in compliance with section 1327.

Section 6. Section 1748-A(a) of the act is amended by adding a paragraph to read:

Section 1748-A. Enrollment and notification.

(a) Notice to school district.—

(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with section 1327.

Amend Sec. 5, page 6, line 23, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Fichter	Maher	Rubley
Allen	Fleagle	Maitland	Ruffing
Argall	Flick	Major	Sainato
Armstrong	Forcier	Manderino	Samuelson
Baker	Frankel	Mann	Santoni
Baldwin	Freeman	Markosek	Saylor
Barrar	Gabig	Marsico	Scavello
Bastian	Gannon	McCall	Schroder
Bebko-Jones	Geist	McGeehan	Semmel
Belardi	George	McGill	Shaner
Belfanti	Gerber	McIlhattan	Shapiro
Bianucci	Gergely	McIlhinney	Siptroth

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

On the question,

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

RULES SUSPENDED

The SPEAKER. Seeing no one else standing, the Chair at this time recognizes the gentleman, Mr. Stairs, who moves for an immediate suspension of the rules for amendment 1970.

The Chair rescinds.

The amendment is 1790. Is that correct, Mr. Stairs? The Chair has 1970. Is that correct, Mr. Stairs?

Mr. STAIRS. Mr. Speaker, just a little housecleaning.

House amendment 1970, we have to suspend the rules, and I also have another amendment, amendment 1729, which was submitted on time.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

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

Mr. STAIRS offered the following amendment No. A01970:

Amend Sec. 3 (Sec. 1512.1), page 5, line 27, by inserting after "DIRECTORS,"
during the season in which a student is participating in interscholastic athletics.

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

The SPEAKER. On that question, the gentleman, Mr. Stairs.
Mr. STAIRS. This amendment is being offered on behalf of the American Heart Association, and it really references children, school students, who participate in sports, that they be exempt from taking phys ed during the time of that sport; in other words, football during football season or baseball during baseball season, but just during when that sport is being offered, when they are in that sport.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Benninghoff Sather

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

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

Mr. STAIRS offered the following amendment No. A01729:

Amend Sec. 1 (Sec. 1337.2), page 2, lines 18 through 22, by striking out "STANDARDS AND AFTER PUBLIC HEARING, AT" in line 18 and all of lines 19 through 22 and inserting

guidelines at a regularly scheduled board meeting, at which the board shall adopt guidelines for the sale of competitive foods and beverages.

Amend Sec. 1 (Sec. 1337.2), page 2, line 23, by striking out "STANDARD MAY" and inserting guidelines shall

Amend Sec. 1 (Sec. 1337.2), page 2, lines 26 through 30; page 3, lines 1 through 8, by striking out all of said lines on said pages and inserting

(c) Before adopting nutritional guidelines, each school district shall consider the "Nutritional Standards for Competitive Foods" developed by the Department of Education pursuant to applicable Federal law.

Amend Sec. 2 (Sec. 1402), page 3, line 16, by striking out "ASSESS" and inserting compute

Amend Sec. 3 (Sec. 1512.1), page 3, lines 25 through 30; page 4, lines 1 through 30; page 5, lines 1 through 18, by striking out all of said lines on said pages and inserting

Section 1512.1. Physical education.—(a) The board of school directors in every school district is required to establish a curriculum that requires pupils enrolled in the district to participate in physical education. The physical education curriculum established under this section will be a sequential developmentally appropriate curriculum that not only establishes specific learning goals and objectives for physical education but also is closely coordinated with other components of the overall school health program. This curriculum should emphasize knowledge and skills for a lifetime of regular physical activities and be consistent with generally accepted national and state standards for physical education that define what students should know and be able to do at certain grade levels.

Amend Sec. 3 (Sec. 1512.1), page 5, line 19, by striking out "(C)" and inserting

(b)

Amend Sec. 3 (Sec. 1512.1), page 5, line 25, by striking out "(D)" and inserting

(c)

Amend Sec. 3 (Sec. 1512.1), page 5, line 30; page 6, lines 1 through 3, by striking out all of said lines on said pages

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED—2

Benninghoff Sather

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

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

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

The following roll call was recorded:

YEAS—173

- | | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, J. | Lescovitz | Sainato |
| Allen | Fabrizio | Levdansky | Samuelson |
| Argall | Fairchild | Mackereth | Santoni |
| Baker | Feese | Maitland | Saylor |
| Baldwin | Fichter | Manderino | Schroder |
| Barrar | Fleagle | Mann | Semmel |
| Bastian | Flick | Markosek | Shaner |
| Bebko-Jones | Frankel | Marsico | Shapiro |
| Belardi | Freeman | McCall | Siptroth |
| Belfanti | Gannon | McGeehan | Smith, B. |
| Bianucci | Geist | McGill | Smith, S. H. |
| Birmelin | George | McIlhinney | Solobay |
| Bishop | Gerber | McNaughton | Staback |
| Blackwell | Gergely | Melio | Stairs |
| Blaum | Gillespie | Micozzie | Stern |
| Boyd | Gingrich | Millard | Stetler |
| Bunt | Godshall | Miller, R. | Stevenson, T. |
| Butkovitz | Good | Mundy | Sturla |
| Buxton | Goodman | Myers | Surra |
| Caltagirone | Grucela | Nailor | Tangretti |
| Cappelli | Gruitza | O'Brien | Taylor, E. Z. |
| Casorio | Habay | Oliver | Taylor, J. |
| Causser | Haluska | O'Neill | Thomas |
| Cawley | Hanna | Pallone | Tigue |
| Civera | Harhai | Payne | True |
| Clymer | Harhart | Petrarca | Turzai |
| Cohen | Harper | Petri | Veon |
| Cornell | Harris | Petrone | Vitali |
| Corrigan | Hasay | Phillips | Walko |
| Costa | Hennessey | Pistella | Wansacz |
| Crahalla | Herman | Preston | Waters |
| Creighton | Hershey | Quigley | Watson |
| Cruz | Hess | Ramaley | Wheatley |
| Curry | Hickernell | Raymond | Williams |
| Daley | James | Readshaw | Wojnaroski |
| Dally | Josephs | Reed | Wright |
| DeLuca | Keller, W. | Reichley | Yewcic |
| Dermody | Kenny | Rieger | Youngblood |
| DeWeese | Killion | Roberts | Yudichak |
| DiGirolamo | Kirkland | Roebuck | Zug |
| Diven | Kotik | Rooney | |
| Donatucci | LaGrotta | Ross | |
| Eachus | Leach | Rubley | Perzel, |
| Evans, D. | Lederer | Ruffing | Speaker |

NAYS—26

- | | | | |
|------------|------------|------------|---------------|
| Armstrong | Kauffman | Miller, S. | Rohrer |
| Denlinger | Keller, M. | Mustio | Scavello |
| Ellis | Leh | Nickol | Sonney |
| Forcier | Maher | Pickett | Steil |
| Gabig | Major | Pyle | Stevenson, R. |
| Grell | McIlhattan | Rapp | Wilt |
| Hutchinson | Metcalfe | | |

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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 191, PN 1644**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for advisory health councils; and providing for the establishment of a child health and nutrition advisory committee.

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

The SPEAKER. The Chair would like to hear whether or not the sponsors of the amendments would still like their amendments considered. They are the same amendments that were offered to 185 and 189, are offered to 191. So if any member would stand and just let us know, we will be glad— We will take our time so that you will have plenty of time to stand.

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

Mr. **PALLONE** offered the following amendment No. **A01906**:

Amend Bill, page 7, by inserting between lines 17 and 18
Section 3. Section 1743-A of the act is amended by adding a subsection to read:

Section 1743-A. Cyber charter school requirements and prohibitions.

(a.1) Truancy.—In order to enroll a student, the school district in which the student is a resident must certify to the cyber charter school that the student is in compliance with section 1327.

Section 4. Section 1748-A(a) of the act is amended by adding a paragraph to read:

Section 1748-A. Enrollment and notification.
(a) Notice to school district.—

(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with section 1327.

* * *

Amend Sec. 3, page 7, line 18, by striking out “3” and inserting 5

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

The following roll call was recorded:

YEAS—198

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

NAYS—1

Maher

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

On the question,

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

Mr. STAIRS offered the following amendment No. A01734:

Amend Title, page 1, line 6, by inserting after “councils;” establishing local wellness policies;

Amend Sec. 1 (Sec. 1422), page 1, line 14, by striking out the bracket before “may”

Amend Sec. 1 (Sec. 1422), page 1, line 14, by striking out “] shall

Amend Sec. 1 (Sec. 1422), page 1, line 15, by striking out the bracket before “assist”

Amend Sec. 1 (Sec. 1422), page 1, lines 16 and 17, by striking out “] help plan, develop and implement a health and wellness plan.

Amend Sec. 1 (Sec. 1422), page 2, line 3, by inserting brackets before and after “veterans’ organizations,”

Amend Sec. 1 (Sec. 1422), page 2, lines 13 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting

(b) The local wellness policy shall be

Amend Sec. 1 (Sec. 1422), page 3, line 15, by inserting a period after “PLAN”

Amend Sec. 1 (Sec. 1422), page 3, lines 15 through 17, by striking out “AND SHALL BE REVIEWED ANNUALLY by each” in line 15 and all of lines 16 and 17

Amend Sec. 1 (Sec. 1422), page 3, line 18, by striking out “(e)” and inserting

(c)

Amend Sec. 1 (Sec. 1422), page 3, lines 18 and 19, by striking out “health and wellness plans” and inserting

local wellness policies

Amend Sec. 1 (Sec. 1422), page 3, line 27, by striking out “(f)” and inserting

(d)

Amend Sec. 2, page 4, line 14, by striking out “A SECTION” and inserting

sections

Amend Sec. 2, page 4, lines 15 through 30; page 5, lines 1 through 30; page 6, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 1422.1. Local Wellness Policy.—(a) Not later than the first day of the school year beginning after June 30, 2006, each local education agency shall establish a local school wellness policy for schools under the local education agency that, at a minimum:

(1) includes goals for nutrition education, physical activity and other school-based activities that are designed to promote student wellness in a manner that the local education agency determines is appropriate;

(2) includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local education agency during the school day with the objectives of promoting student health and reducing childhood obesity;

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to section 10(a) and (b) of the Child Nutrition Act of 1966 (Public Law 89-642, 42 U.S.C. § 1779)

and sections 9(f)(1) and 17(a) of the National School Lunch Act (60 Stat. 230, §§ 1758(f)(1) and 1766(a)) as those regulations and guidance apply to schools;

(4) establishes a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the local education agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(5) involves parents, students and representatives of the school food authority, the school board, school administrators and the public in the development of the school wellness policy or the advisory health council may be used for this purpose.

(b) The local education agency may use an advisory health council to establish a local school wellness policy.

Section 1422.2. Child Health and Nutrition Advisory Committee.—(a) The Department of Health, in consultation with the Department of Agriculture and the Department of Education, shall establish a child health and nutrition advisory committee composed equally of Statewide experts from health, education, research, community development and business, whose members shall serve without compensation other than reimbursement for reasonable and necessary expenses and which shall meet at least quarterly.

Amend Sec. 2 (Sec. 1422.1), page 6, line 5, by striking out “(C)” and inserting

(b)

Amend Sec. 2 (Sec. 1422.1), page 7, line 8, by striking out “(D)” and inserting

(c)

Amend Sec. 2 (Sec. 1422.1), page 7, line 15, by striking out “(E)” and inserting

(d)

Amend Sec. 3, page 7, line 18, by striking out all of said line and inserting

Section 3. This act shall take effect in 180 days.

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

The following roll call was recorded:

YEAS—199

Table listing names of members who voted YEAS, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Rubley, Ruffing, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siproth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas

Table listing names of members who did not vote, including Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Levdansky, Mackereth, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Tigue, True, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

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

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

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

The following roll call was recorded:

YEAS—166

Table listing names of members who voted YEAS, including Adolph, Allen, Argall, Baker, Baldwin, Bebko-Jones, Belardi, Belfanti, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Fabrizio, Fairchild, Fichter, Fleagle, Flick, Frankel, Freeman, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grucela, Gruitza, Habay, Lescovitz, Levdansky, Mackereth, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McNaughton, Melio, Micozzie, Millard, Miller, R., Miller, S., Mundy, Myers, Nailor, Sainato, Samuelson, Santoni, Saylor, Schroder, Semmel, Shaner, Shapiro, Siproth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Stetler, Stevenson, T., Sturla, Tangretti

Causser	Haluska	Nickol	Taylor, E. Z.
Cawley	Hanna	O'Brien	Taylor, J.
Civera	Harhai	Oliver	Thomas
Clymer	Harhart	Pallone	Tigue
Cohen	Harper	Payne	True
Cornell	Harris	Petrarca	Turzai
Corrigan	Hasay	Petrone	Veon
Costa	Hennessey	Phillips	Vitali
Crahalla	Herman	Pistella	Walko
Cruz	Hershey	Preston	Wansacz
Curry	Hess	Quigley	Waters
Daley	Hickernell	Ramaley	Watson
Dally	James	Raymond	Wheatley
DeLuca	Josephs	Readshaw	Williams
Dermody	Keller, W.	Reichley	Wojnaroski
DeWeese	Kenney	Rieger	Wright
DiGirolamo	Killion	Roberts	Youngblood
Diven	Kirkland	Roebuck	Yudichak
Donatucci	Kotik	Rooney	Zug
Eachus	LaGrotta	Ross	
Evans, D.	Leach	Rubley	Perzel,
Evans, J.	Lederer	Ruffing	Speaker

NAYS—33

Armstrong	Grell	McIlhinney	Reed
Barrar	Hutchinson	Metcalfe	Rohrer
Bastian	Kauffman	Mustio	Scavello
Creighton	Keller, M.	O'Neill	Steil
Denlinger	Leh	Petri	Stern
Ellis	Maher	Pickett	Stevenson, R.
Feese	Maitland	Pyle	Wilt
Forcier	McIlhattan	Rapp	Yewcic
Gabig			

NOT VOTING—0

EXCUSED—2

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 377, PN 1492**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the definition of "compulsory school age" and for home education programs.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

I have an amendment which I am going to be withdrawing, but I want to just speak on it very briefly. I am going to be withdrawing, one, because the prime sponsor asked me to withdraw and, two, because I think the amendment needs a little work, but I think it is a good idea that I just wanted to air out.

The business manager of the Haverford Township School District suggested this, and it is a way for school districts to save money. He made the point that our school district was losing a significant amount of money because students in the district were going to private cyber charter schools. He suggested we do an amendment that would basically say, if a school district provides cyber resources, cyber education, to a student, then that student, the school district would not be required to reimburse for that student if that student went elsewhere. In other words, the school district would basically provide cyber charter services in house as a way to save money.

I am going to be withdrawing this. I am interested in members' comments, and I will be raising it in a different form in another vehicle, but I just wanted to air that by the members, and I thank you for your indulgence.

The SPEAKER. The Chair recognizes the gentleman, Mr. Stairs. The Chair apologizes, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I was going to speak after we passed this bill, but since you recognized me and I was trying to speak a moment ago.

But I certainly would like to commend Representative Roebuck and our staff for helping the city of Philadelphia, in this particular instance, in this legislation, getting the kids in school.

And in the last bill, even though this is not the time to say it, I thank the members for supporting the last piece of legislation. These two bills come out of, or these four bills come out of the legislative Education Committee, and I support these very vigorously, and particularly in my bill – it is a nutrition bill – is we had to eat well, learn well, and live well. So this will be a complement to our education package.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Samuelson, seek recognition? The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Yes, on final passage.

This legislation would lower the compulsory school age in the city of Philadelphia from age 8 – the current law – to age 6, and it would seem to me that this would have merit if we did this statewide and required students at the age of 6 to attend school in school districts all across Pennsylvania. My understanding is, we are one of only two or three States that have a compulsory school age as high as the age of 8.

I know there is a companion bill, HB 376, which is not up for a vote today, which would make it statewide, and I wanted to ask the prime sponsor about that bill or what the prospects for us having a chance to vote on this as a statewide requirement because I believe the benefits would help students—

The SPEAKER. Mr. Samuelson, Mr. Samuelson, the House has before it HB 377. If you would like to engage in a private conversation with the gentleman, Mr. Roebuck, you have every right to do that, but what is before the chamber is 377 and the ramifications of 377.

Mr. SAMUELSON. Okay.
Well, then let me just conclude by saying that this bill is a very good idea. Today we are voting for one school district in Pennsylvania. There are 500 others. I would hope that we would get a chance to vote on the companion bill 376 at some point in the future.

Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman from Franklin, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.
Mr. Speaker, I deeply respect the prime sponsor of this bill and have served with him a long time on the Education Committee, but I have to say I will be voting in the negative on this bill.

You know, when we come here, there are certain basic premises that we base our votes on, does this bill further this cause or that cause, and I think one of the basic premises that many of us look at, does this particular bill back parental rights, and there are other issues like seat belts that I might not go on the mainstream, but I have reasons for voting the way I do.

I think this bill – even though it is Philadelphia, and I certainly do not want to go statewide on this – I think this detracts from parental rights. I think it is philosophically the wrong direction that we want to go in this State, and I know other States have done it, but you know, Mr. Speaker, that is not a good reason to vote for something, because other States have done it. And I know the votes are probably there to pass this, but I would ask my colleagues to consider the philosophical damage that this does in taking away from parental rights, and I will be voting in the negative on this bill, Mr. Speaker.

Thank you.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—102

Bebko-Jones	Fabrizio	Mann	Solobay
Belardi	Frankel	Markosek	Staback
Belfanti	Freeman	McGeehan	Stairs
Bianucci	Gannon	McIlhinney	Steil
Bishop	George	Melio	Stetler
Blackwell	Gerber	Mundy	Sturla
Blaum	Gergely	Myers	Surra
Butkovitz	Grucela	Nickol	Tangretti
Buxton	Gruitza	O'Brien	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Casorio	Harhai	O'Neill	Tigue
Cawley	Harper	Petri	Veon
Clymer	Herman	Petrone	Vitali
Cohen	James	Pistella	Walko
Corrigan	Josephs	Preston	Wansacz
Costa	Keller, W.	Ramaley	Waters
Cruz	Kenny	Readshaw	Watson
Curry	Kirkland	Rieger	Wheatley
Daley	Kotik	Roebuck	Williams
DeLuca	LaGrotta	Rooney	Wojnaroski
Dermody	Leach	Rubley	Wright
DeWeese	Lederer	Ruffing	Youngblood
DiGirolamo	Lescovitz	Samuelson	Yudichak
Diven	Levdansky	Santoni	

Donatucci Evans, D.	Maitland Manderino	Schroder Siptroth	Perzel, Speaker
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NAYS—97

Adolph	Fleagle	Leh	Raymond
Allen	Flick	Mackereth	Reed
Argall	Forcier	Maher	Reichley
Armstrong	Gabig	Major	Roberts
Baker	Geist	Marsico	Rohrer
Baldwin	Gillespie	McCall	Ross
Barrar	Gingrich	McGill	Sainato
Bastian	Godshall	McIlhattan	Saylor
Birmelin	Good	McNaughton	Scavello
Boyd	Goodman	Metcalfe	Semmel
Bunt	Grell	Micozzie	Shaner
Cappelli	Habay	Millard	Shapiro
Causer	Haluska	Miller, R.	Smith, B.
Civera	Harhart	Miller, S.	Smith, S. H.
Cornell	Harris	Mustio	Sonney
Crahalla	Hasay	Nailor	Stern
Creighton	Hennessey	Pallone	Stevenson, R.
Dally	Hershey	Payne	Stevenson, T.
Denlinger	Hess	Petrarca	Taylor, E. Z.
Eachus	Hickernell	Phillips	True
Ellis	Hutchinson	Pickett	Turzai
Evans, J.	Kauffman	Pyle	Wilt
Fairchild	Keller, M.	Quigley	Yewcic
Feese	Killion	Rapp	Zug
Fichter			

NOT VOTING—0

EXCUSED—2

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

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

STATEMENT BY MR. ROEBUCK

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wanted to thank my colleagues for their support of HB 377. I think it is an important step forward, particularly for the city of Philadelphia, as we continue to advance educational reform, and again I just thank you for your support.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1478, PN 1796**, entitled:

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating payday loans in terms of practice, licensure and penalties; further providing for deceptive or fraudulent business practices; and providing for unlicensed payday lending.

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

Mr. THOMAS offered the following amendment No. A01127:

Amend Sec. 1 (Sec. 5102), page 3, line 1, by striking out “seven” and inserting

14

Amend Sec. 1 (Sec. 5113), page 9, line 16, by striking out “17.5% of the amount advanced.” and inserting

2.5% of the amount advanced for a consumer who establishes government assistance income or 3% of the amount advanced for a consumer who establishes income in the form of wages or commissions.

Amend Sec. 1 (Sec. 5115), page 10, line 26, by striking out all of said line and inserting

(a) General rule.—

(1) A payday lender shall not knowingly make

Amend Sec. 1 (Sec. 5115), page 10, lines 28 through 30; page 11, line 1, by striking out all of said lines on said pages and inserting
payday lender or any other licensee who has entered

Amend Sec. 1 (Sec. 5115), page 11, line 4 and 5, by striking out “two payday lenders” and inserting
one payday lender

Amend Sec. 1 (Sec. 5115), page 11, by inserting between lines 5 and 6

(2) No lender shall make a payday loan to any consumer who has had payday loans outstanding for a total of three months out of the previous 12 months.

Amend Sec. 1 (Sec. 5115), page 11, line 8, by striking out “one or two”

Amend Sec. 1 (Sec. 5125), page 16, lines 14 and 15, by striking out “consumer declares” in line 14 and all of line 15 and inserting consumer:

(i) has been obligated on payday loans to any lender for more than three months out of any 12-month period;

Amend Sec. 1 (Sec. 5125), page 16, line 16, by striking out “(i)” and inserting

(ii) is unable to pay

Amend Sec. 1 (Sec. 5125), page 16, lines 17 and 18, by striking out “from the same payday lender and”

Amend Sec. 1 (Sec. 5125), page 16, line 20, by striking out “(ii)” and inserting

(iii) has

Amend Sec. 1 (Sec. 5125), page 16, line 24, by striking out “declares an inability” and inserting
is unable

Amend Sec. 1 (Sec. 5125), page 18, lines 20 through 28, by striking out all of said lines and inserting

(c) (Reserved)

Amend Sec. 1 (Sec. 5133), page 25, line 24, by striking out all of said line and inserting

(a) General rule.—

(1) Each applicant for a new license under

Amend Sec. 1 (Sec. 5133), page 26, lines 1 through 10, by striking out all of said lines and inserting

(i) Be required to post a notice commencing on the day the application was filed with the department.

(ii) Be required to maintain the notice until a decision to approve or disapprove the license has been made by the department.

(iii) Be responsible for posting the notice in a conspicuous location that is as close as possible to the main entrance of the location requesting licensure.

(iv) Be required to use a notice that is in a size and form as determined by the department.

(2) In addition, the applicant shall be required to publish notice of its application in a newspaper having general

circulation in the community in which the applicant intends to locate and to provide a copy of the application to the office of the highest elected official in that community.

Amend Sec. 1 (Sec. 5133), page 26, by inserting between lines 13 and 14

(c) Opposing resolution.—The department shall not issue a license for a location in a political subdivision that adopts a resolution opposing the license.

(d) Timing.—The department shall not issue a license for a location until at least 60 days after notice is given pursuant to subsections (a) and (b).

Amend Sec. 1 (Sec. 5152), page 37, line 14, by inserting after “zoning.”

In addition, political subdivisions, including home rule municipalities, shall have the right to adopt resolutions opposing the location of a licensee within their community, after notice is given pursuant to section 5133 (relating to public notification). The political subdivision shall allow the application and related communications to be inspected during working hours, but may refuse to disclose information deemed to be confidential. The political subdivision shall not be liable for disclosure of information considered to be confidential by the applicant. The political subdivision shall accept public comment on the application and may hold a hearing to receive public comment.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Thomas, has several amendments. On the board is 1127. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted a brief explanation of that amendment.

The SPEAKER. Mr. Thomas indicates he will stand and give a brief explanation of the amendment.

Mr. Thomas.

The Chair did recognize the gentleman, Mr. Thomas, to respond to the question of the gentleman, Mr. Vitali. Mr. Thomas.

Mr. THOMAS. Yes. What is the question?

Mr. VITALI. The question is, could you give a brief explanation of the amendment?

Mr. THOMAS. Yes. What the amendment does, it reduces the rate as outlined in HB 1478. It follows the precedent that has been established by the General Assembly which says that when payday loans are determined by income which is government-assisted income, that we should not be charging the same thing as we charge when income is based on wages. So that in this particular case where the payday loan is predicated on government-assisted income, my amendment says that the cap, the cap or interest rate should be no more than 2.5 percent. When the payday loan is based on wages, the cap should be 3 percent. And 2.5 percent is a reasonable return on these loans, and 3 percent is a reasonable return.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, although I recognize the care and the work that the maker of the amendment has gone to in crafting this, I would point out that there are several elements in this amendment that would actually render it unworkable.

The idea of dropping the interest rate down to 2 1/2 or 3 percent sounds good, but on an unsecured \$100 loan, that would mean that the entire fee would be no more than

two and a half or three dollars. It would essentially drive the industry underground and criminalize all of it.

Secondly, there is another critical problem, and that is that currently in Pennsylvania we logically require the Banking Department to manage banking matters. This would in fact, this amendment would allow each municipality to essentially and effectively set up their own banking department and set separate rules for banking in each of the separate municipalities throughout the Commonwealth, and I believe that that would be, again, a completely unworkable concept.

So therefore, I respectfully ask the members to vote “no” on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, in all due respect to the maker of the amendment, who is a very good member and of well standing on the Commerce Committee, I would have to respectfully agree with the sponsor of the bill and ask the members to oppose the amendment.

One of the things that the amendment would do, as mentioned, would be to bring the interest rate down to 2.5 percent. Over a 2-week loan, that would come to about 18 cents a day. Nobody can make money on that. You would not even be able to open your doors, if you were one of these payday lenders, for 18 cents a day, and as a result, it is essentially something that is unworkable and would drive the people that now use this particular service to more unscrupulous people who are doing local loans, so to speak.

With that in mind, I would ask the members to oppose the bill, as well as the other things that Mr. Ross has mentioned. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think it is extremely important that members have access to certain facts as they consider this amendment.

Number one, 99 percent of payday loans go to repeat borrowers; 99 percent of payday loans go to repeat borrowers. The average payday borrower is flipped eight times by a single lender. Now, there are some restrictions on that in HB 1478, but there is an opportunity to flip loans, continue the flipping of loans, under 1478.

The average payday borrower pays \$800 to borrow \$325. Borrowers usually have less than 2 weeks to pay back loans. Mr. Speaker, there is no loss and no disincentive to lenders by putting a cap on loans that are determined by government assistance.

It is clear that when you look at where payday loan stores are in the Commonwealth of Pennsylvania, they are in communities that are heavily populated by elderly people, they are in communities that are heavily populated by people who are economically disadvantaged, and they are in communities where there are a number of military bases. So, Mr. Speaker, this industry thrives off of people who are doing bad economically or doing badly because of their age or some other circumstance.

We should not be opening the door to exacerbating an already difficult situation by allowing these payday loans to charge 17 percent on these loans, especially when some of

these loans will be based on government-assisted income. Seventeen percent is too high.

We have already said that in these cash-advance situations, such as under the check-cashing licensing law, that government assistance, government-assisted income should be treated differently than wages, and so, Mr. Speaker, lenders will not take a loss because they are unable to charge more than 2.5 percent on government-assisted income that is taken into consideration with respect to payday loans. And when it is based on wages, they have an opportunity to get some more money with the 3-percent interest. But 17 percent is too high. Seventeen percent, coupled with the ability to roll over these loans, will leave people who are already struggling in a more difficult situation.

Mr. Speaker, in reference to the question about local municipalities having control over the Banking Department, that is not the case in amendment 1127. In amendment 1127 all it says is that payday lenders must comply with local zoning ordinances and that payday lenders must respect, must respect people living in a particular community, that they cannot come in and just open up shop wherever they want to, that there must be some respect of local community development plans and that there must be some respect of local zoning laws, not municipal control over the Department of Banking but respect for local communities.

Mr. Speaker, I urge my colleagues to support amendment 1127 and make HB 1478 more consumer-friendly. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, again, these payday loans are not designed for people on welfare and public assistance. They are for people working. You have to show, through the bill, that you have income and a checking account.

One of the things that you should know is a lot of the problems that the gentleman pointed out that he considers to be consumer-unfriendly are in fact the status quo. We need the bill in order to have some regulation of this unregulated industry.

A lot of the various points that he brought out would be solved by the bill, and the people that he is trying to protect would be, in my opinion, better protected with the bill in a clean fashion, and I would urge a “no” vote on the amendment. Thank you.

The SPEAKER. The gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Mr. Speaker, just a point of clarification.

Government-assisted income is not welfare all the time. My grandmother, who worked 40-some years and on retirement and getting a pension, monthly pension, is government-assisted income. People who have been in the military and get a check is government-assisted income. People who get Social Security or SSI (supplemental security income) is government-assisted income. Government-assisted income is not all the time welfare, and this dedicated income is more often than not used by these payday lenders to determine income.

Existence of a bank account and dedicated source of income are some of the factors used in making a determination as to whether or not a loan should be made available. So I do not want anybody to think that government-assisted income is all welfare. It is not all welfare.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—66

Bebko-Jones	Daley	Kotik	Roberts
Belardi	Dermody	Leach	Roebuck
Belfanti	Donatucci	Lederer	Rooney
Bishop	Eachus	Levdansky	Ruffing
Blackwell	Fabrizio	Manderino	Samuelson
Blaum	Frankel	McCall	Solobay
Bunt	Freeman	McGeehan	Sturla
Butkovitz	Geist	Mundy	Surra
Buxton	George	Mustio	Thomas
Caltagirone	Gerber	Myers	Tigue
Casorio	Gergely	Oliver	Vitali
Cawley	Goodman	Petrarca	Waters
Cohen	Grucela	Petrone	Wheatley
Crahalla	Habay	Pistella	Williams
Creighton	Hasay	Ramaley	Youngblood
Cruz	James	Rieger	Yudichak
Curry	Josephs		

NAYS—133

Adolph	Gannon	Marsico	Scavello
Allen	Gillespie	McGill	Schroder
Argall	Gingrich	McIlhattan	Semmel
Armstrong	Godshall	McIlhinney	Shaner
Baker	Good	McNaughton	Shapiro
Baldwin	Grell	Melio	Siptroth
Barrar	Gruitza	Metcalfe	Smith, B.
Bastian	Haluska	Micozzie	Smith, S. H.
Biancucci	Hanna	Millard	Sonney
Birmelin	Harhai	Miller, R.	Staback
Boyd	Harhart	Miller, S.	Stairs
Cappelli	Harper	Nailor	Steil
Causar	Harris	Nickol	Stern
Civera	Hennessey	O'Brien	Stetler
Clymer	Herman	O'Neill	Stevenson, R.
Cornell	Hershey	Pallone	Stevenson, T.
Corrigan	Hess	Payne	Tangretti
Costa	Hickernell	Petri	Taylor, E. Z.
Dally	Hutchinson	Phillips	Taylor, J.
DeLuca	Kauffman	Pickett	True
Denlinger	Keller, M.	Preston	Turzai
DeWeese	Keller, W.	Pyle	Veony
DiGirolamo	Kenney	Quigley	Walko
Diven	Killion	Rapp	Wansacz
Ellis	Kirkland	Raymond	Watson
Evans, D.	LaGrotta	Readshaw	Wilt
Evans, J.	Leh	Reed	Wojnarowski
Fairchild	Lescovitz	Reichley	Wright
Feese	Mackereth	Rohrer	Yewcic
Fichter	Maher	Ross	Zug
Fleagle	Maitland	Rubley	
Flick	Major	Sainato	
Forcier	Mann	Santoni	Perzel,
Gabig	Markosek	Saylor	Speaker

NOT VOTING—0

EXCUSED—2

Benninghoff Sather

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

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

Mr. **THOMAS** offered the following amendment No. **A01692**:

Amend Sec. 1 (Sec. 5126), page 20, by inserting between lines 12 and 13

(14) Making more than six loans in any 12-month period.

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

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

Mr. **THOMAS**. Thank you, Mr. Speaker.

Amendment 1692 is another effort to make this bill more consumer-friendly, more consumer-friendly. If we are going to allow this product in the Commonwealth of Pennsylvania, then it needs to be more consumer-friendly, and I encourage members to support amendment 1692.

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

The gentleman, Mr. Ross.

Mr. **ROSS**. Thank you, Mr. Speaker.

Although I understand, again, Mr. Speaker, the good intentions of the maker of the amendment, in fact, the bill limits in many cases, depending on the term of the loan, to actually fewer than this number, depending on the length of the individual loan, and again, it upsets the balance that we have struck in the course of constructing this bill.

So although I respect his intentions, I think that it actually will be destructive to the bill as a whole, and I would ask a “no” vote.

The **SPEAKER**. The gentleman, Mr. Markosek.

Mr. **MARKOSEK**. Thank you, Mr. Speaker.

I would agree with the sentiments of the last gentleman. He is correct in what he said, and I would urge a “no” vote on the amendment before us.

Thank you.

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

The Chair recognizes the gentlelady, Ms. Manderino.

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

I rise in support of the Thomas amendment.

This is the amendment that would limit the amount of times a person can get a payday loan in a given year to six times a year. As many already know probably, the organizations that are operating in Pennsylvania right now as payday lenders are operated under an arrangement with out-of-State, federally chartered banks that are chartered by the FDIC (Federal Deposit Insurance Corporation). The FDIC is cracking down on these relationships and the lending practices that these banks are involved in through these check-cashing subsidiaries. The FDIC has issued guidelines that say no more than six times a year. It is bad lending practices and bad banking practices to be doing these kinds of short-term payday loans more than six times a year.

Why do you think the industry is so anxious for Pennsylvania to regulate it? When is the last time an industry came and said, please, please, government, regulate me? They want us to regulate them as an industry in and of themselves so that they can get out from underneath the FDIC guidelines.

I do not think in Pennsylvania we want to be making these loans even more lenient than what the FDIC has said.

Representative Thomas's amendment will put the number of times that these loans can be made in Pennsylvania, if we pass this and allow them to be regulated as their own industry in Pennsylvania, on par with what the FDIC has said. To me, these are commonsense safeguards for the industry, safeguards for the consumer, and this ought to be an amendment that each and every one of us supports.

I urge a "yes" vote on this Thomas amendment. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. It is not often that we are asked to prohibit Pennsylvanians for undertaking a legal activity. To say that you can only do that legal activity so many times a year and then suddenly it would become an illegal activity, that does not make much sense to me. It also does not make much sense to me that those who resort to payday lenders, let us face it, they have got serious economic challenges or they would not be there to begin with. But for the State to act as their parent and tell them no, no, no, is the next step then that we will have a proposal that Pennsylvanians can only use credit cards so many times a week, a month, or a year because we know better than the individual?

It is a bad policy, and I would hope that you would join me in rejecting this attempt to deprive the poorest Pennsylvanians of a freedom afforded to those with means.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Thomas, wish to be recognized now for a second time, or would you rather wait until the other gentlemen are finished?

Mr. THOMAS. I would rather wait.

The SPEAKER. The gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I just wanted to respond to the discussion about the FDIC.

The industry, actually, not all the industry but some members in the industry, wanted regulation in this area because they wanted rules. They wanted those rules a long time ago, and they have actually actively supported that in other parts of the country. The FDIC statement that was referred to earlier was actually promulgated within the last couple of months. That is very much later than when those responsible members of the industry asked for regulation. So that is not really related.

I would further let you know, Mr. Speaker, that in fact the FDIC regulations that are proposed largely are mirrored by regulations and standards that I have within my bill, and there are some variations but they are not huge.

Secondly, it is also true that the industry is currently with the banks working to conform to the new guidelines of the FDIC, and there is nothing in those guidelines that prevents them from continuing to operate, but the FDIC guidelines are geared around safety and soundness for the sponsoring banks. They are not geared around consumer protections.

My legislation does do that, and so therefore it is important to recognize that the particulars in this amendment are such that they undermine the benefits of my legislation as a whole, and I would ask for a negative vote.

The SPEAKER. The gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the number of loans that somebody should or should not be allowed to have in a year's time is an arguable and debatable number. The FDIC allows I believe it is up to six.

Mr. Ross's bill allows somewhat quite more than that. I think the whole key that we must remember, though, is Mr. Ross's bill includes, with whatever the number is that we allow, a whole host of other regulations that we are going to put in place to protect the consumer. It is not just the question of how many loans someone can or cannot have, but it is more of a question of how well do we protect those people who do take loans, how do we get them out of the cycle of debt or keep them from getting into it.

With that, I would respectfully again ask a negative vote on the Thomas amendment. Thank you.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Just to remove the gentleman, Mr. McGeehan, from Capitol leave.

The SPEAKER. The Chair thanks the gentleman, and the gentleman's name will be taken off Capitol leave.

CONSIDERATION OF HB 1478 CONTINUED

The SPEAKER. The gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment 1692, and you know, this bill does have some consumer protections that go beyond what the Federal government does, and I think it is important to note that the Thomas amendment does not remove those. Those protections are still in that bill.

What the Thomas amendment does, however, is it gets in line with Federal law and Federal banking laws in how many loans that an individual could take out in a year, paycheck loans. Under the bill as it is drafted, depending on how you would calculate it, whether it was a 2-week loan or a 1-week loan, an individual could take out 20 to possibly up to 40 loans. This bill puts it in line to 6 weeks.

And how many times have we sat here on the House floor on environmental laws and things like that and said, well, we do not want to make Pennsylvania more restrictive than the Federal government; we do not want to be out of line with Federal law except when it comes to protecting the consumer.

Mr. Speaker, I think that we should support the Thomas amendment, and I urge an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I think what we are overlooking is what the true nature of this bill is about. The largest complaint or the largest difficulty with payday lending is the churning of these loans. Somebody borrows a couple hundred, \$300, \$400, \$500, and agrees to pay back that money in 2 weeks' time for a certain percentage of interest. They come back in 2 weeks and say, "I can't pay it back." They say, "Okay. Roll it over for another 2 weeks," and they continue to do that over and over again.

This bill does not allow them to do that. It puts into place a limitation of two loans that cannot be paid back, and then it puts into place a payment plan to pay those loans back, and further, it establishes a database that allows all of the folks in the industry

to access it and mandates that they access it so that if somebody comes in to your shop and says they want a loan, they need to look at that database and see what the status of that individual is, because if they are in that payment plan, they are not permitted to get another loan.

So what we are talking about in terms of the number of loans per year is really irrelevant to the conversation, in my opinion. It is irrelevant because it does not matter whether you can get 6 loans, 20 loans, or 100 loans. The fact of the matter is, once you have been in the system twice and have not paid it back, you cannot get back in the system until you do.

So although I respect the gentleman from Philadelphia and understand his interest in mirroring the Federal law, I think it is irrelevant. What is in place in this bill protects people from being in that churning over and over and over again, which, by the way, absent this law, this bill will continue because it is totally unregulated now.

For us to just say this is a terrible way to do things, we ought to do something about it, and then not do anything is ridiculous. It makes no sense. I think Mr. Ross and the Secretary of Banking and Representative Markosek and the other folks who have fashioned this have done the best job they can to regulate an unregulated industry.

So I would suggest whether you vote for the Thomas amendment or not, it does not matter, in my opinion. The important thing to remember is that this limits the number of loans that an individual can take out and be able to churn and turn over. So please keep that in mind. This is a very important part of this issue, and I think it can be lost in the overall debate, and I wish it would not be.

So vote your conscience on the Thomas amendment. I know the gentleman is true to his feelings and wants to do the right thing, but I think in this particular instance, it is irrelevant to the conversation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The majority whip requests a leave of absence for the remainder of the day for the gentleman from Chester, Mr. FLICK. Without objection, that leave will be granted.

CONSIDERATION OF HB 1478 CONTINUED

The SPEAKER. Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

I rise to support the Thomas amendment. I have seen a number of TV shows about this on your news, like "60 Minutes" and different things, and it seems the cycle that people get in that they cannot get out of, and I think limiting it to six would definitely be helpful as far as, you know, people being able to manage these loans. They are short-term loans, and I understand people that do apply for these loans are on hard times and that is the only place that they can get their money. But it is consumer protection, and we do mandate a lot of things that you can do in this State. We tell you how fast you can drive. We tell you that you can only go one way on certain streets. So this does not go over and beyond, limiting your constitutional rights.

I really think that, you know, it is a bad business, obviously. It basically takes place for the people that can least afford it, and I really think Tony Soprano probably has a better interest rate than these people do.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I come from a background of labor, and it seems to me that the way you take away the need for an extended amount of loans is to make living affordable. The way you take away the need for these loans, to me, is allow people to have a livable wage so they can live on so they do not have to go to these people to get these loans.

Just in today's paper, there is a situation of a woman who gets paid on Monday; by Wednesday she is broke because of the charges of the loans. Banks loan money. It is not the loan itself. It is the charges or the rate that they charge. That is the problem with these loans. It perpetuates a cycle that is a sin before God that it should happen. If you really care about the poor people, as I just heard on this floor, and I say that respectfully, design the situation where we do not have to have these loans, not at these rates.

It is strange to me that some of the same banks that want to loan these people this money, to loan so-called working people, but they are poor people because they are living from paycheck to paycheck, why have these banks redlined districts where I come from? They will not come there, but yet they want to make money off these same people. So the banks are making money, the payday lending people are making money, but the consumer is paying the money they are making money off of. That is wrong.

I rise, Mr. Speaker, in support of this amendment, and I would urge my colleagues to do the same. Sometimes in crisis situations good people make bad decisions, and this is one of those instances. You think you are going to alleviate the one crisis, because I keep on hearing people come to me and telling me, well, what if a senior citizen cannot pay their utility bill? The utility is going to get shut off. Well, guess what? All you have done is borrowed time, but now, instead of paying the utility bill, you have to pay the lender but you have to pay it at a higher rate, so you are going to end up paying more. What sense does that make?

The way to alleviate this problem is do what the surrounding counties, surrounding States are doing – raise the minimum wage so people can live a good living.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to add two things.

Number one, the Thomas amendment actually complements HB 1478, because HB 1478 will allow up to 22, maybe 24 loans a year, and what HB 1478 does, it gives the payday lenders the assurance that they are going to be paid because you cannot borrow any more until you have paid off the last two, but you have an opportunity to pay off the last two every 30 days and borrow two more each month. So what my amendment will in effect do is complement HB 1478.

The last point that I would like to make, and I would like for members on both sides of the aisle to take note of this: You know, the State of Georgia has outlawed payday lending,

the State of Georgia, but what was interesting about SB 157, which ultimately was signed into law by the State of Georgia, was a hearing that they held. Now, you remember earlier I said to you that military bases are an attractive location for payday loans. Well, during the hearings around SB 157 in the State of Georgia, Capt. John Cahoon, who is the commanding officer of the U.S. naval base in Georgia, had this to say: "Many payday lenders locate near bases because they know young military personnel do not make much money and are unsophisticated borrowers. When our young men and women in uniform, who we have invested heavily in, end up owing thousands in loans with no end in sight it distracts from their service to our country and that is critical during a time of war." Because these stores locate near military bases and take advantage of our young service men and women, the captain of the United States naval base in Georgia is urging States across the country to take a look at how this industry is adversely affecting our men and women on the frontline.

And what my amendment would do for those who take advantage of our young military personnel and that is to say that you cannot lock them into 22 or 24 loans a year. That is why the Federal Deposit Insurance Corporation basically took a step and said, enough is enough, that you should not be permitted to provide any more than six of these loans a year. Part of the underlying reason was to provide some protection to our men and women on the frontline or our men and women at naval bases.

Now, the bill provides some protection but not enough. I say, let us follow the direction that the Federal Deposit Insurance Corporation has provided – no more than six of these loans a year. It is actually a plus to HB 1478 rather than a negative. Support amendment 1692.

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

The following roll call was recorded:

YEAS—82

Bebko-Jones	Dermody	Lederer	Ruffing
Belardi	DiGirolamo	Levdansky	Samuelson
Belfanti	Donatucci	Manderino	Santoni
Biancucci	Eachus	Mann	Shapiro
Bishop	Evans, D.	McCall	Siptroth
Blackwell	Fabrizio	McGeehan	Solobay
Blaum	Frankel	Melio	Staback
Bunt	Freeman	Mundy	Stetler
Butkovitz	Geist	Myers	Sturla
Buxton	George	Oliver	Surra
Caltagirone	Gerber	Pallone	Tangretti
Casorio	Gergely	Petrarca	Thomas
Cawley	Goodman	Petrone	Tigue
Civera	Grucela	Pistella	Vitali
Cohen	Haluska	Preston	Waters
Costa	Hasay	Ramaley	Wheatley
Creighton	James	Rieger	Williams
Cruz	Josephs	Roberts	Yewcic
Curry	Kirkland	Roebuck	Youngblood
Daley	Kotik	Rooney	Yudichak
DeLuca	Leach		

NAYS—116

Adolph	Gingrich	Marsico	Sainato
Allen	Godshall	McGill	Saylor
Argall	Good	McIlhattan	Scavello

Armstrong	Grell	McIlhinney	Schroder
Baker	Gruitza	McNaughton	Semmel
Baldwin	Habay	Metcalfe	Shaner
Barrar	Hanna	Micozzie	Smith, B.
Bastian	Harhai	Millard	Smith, S. H.
Birmelin	Harhart	Miller, R.	Sonney
Boyd	Harper	Miller, S.	Stairs
Cappelli	Harris	Mustio	Steil
Causar	Hennessey	Nailor	Stern
Clymer	Herman	Nickol	Stevenson, R.
Cornell	Hershey	O'Brien	Stevenson, T.
Corrigan	Hess	O'Neill	Taylor, E. Z.
Crahalla	Hickernell	Payne	Taylor, J.
Dally	Hutchinson	Petri	True
Denlinger	Kauffman	Phillips	Turzai
DeWeese	Keller, M.	Pickett	Veon
Diven	Keller, W.	Pyle	Walko
Ellis	Kenney	Quigley	Wansacz
Evans, J.	Killion	Rapp	Watson
Fairchild	LaGrotta	Raymond	Wilt
Feese	Leh	Readshaw	Wojnaroski
Fichter	Lescovitz	Reed	Wright
Fleagle	Mackereth	Reichley	Zug
Forcier	Maher	Rohrer	
Gabig	Maitland	Ross	
Gannon	Major	Rublely	Perzel,
Gillespie	Markosek		Speaker

NOT VOTING—0

EXCUSED—3

Benninghoff Flick Sather

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

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

Mr. THOMAS offered the following amendment No. **A01693**:

Amend Sec. 1 (Sec. 5113), page 9, line 16, by striking out "17.5% of the amount advanced." and inserting 2.5% of the amount advanced for a consumer who establishes government assistance income or 5% of the amount advanced for a consumer who establishes income in the form of wages or commissions.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

The people of Pennsylvania picked up a few more votes on 1692 than they did 1127, so I think if we keep this going, we could get a victory for the people before the end of the day.

What 1693 does is says very specifically, without all the other language in amendment 1127, and that is that we should not be charging, if we are going to regulate this industry, that we should not be allowing them to collect 17 percent on \$100. In HB 1478 the maximum that you can borrow is \$500, but over 80 percent of these loans are nickel-and-dime loans like \$100, \$150, \$200. Seventeen percent is too high.

Let us not become a part of an effort to make life more difficult for the most vulnerable members of our community. Seventeen percent is too high. I do not even know how 17 percent became the cap that was agreed upon because there are some elderly people, some people in the military, some economically disadvantaged people that are going to suffer as a result of 17 percent, and keep in mind, the author of the bill and the Democratic sponsor of the bill have already said that you cannot borrow more than two loans until you pay them back. So two loans in a month could be 34 percent, not 17 percent, because the 17 percent runs to individual loans, not multiple loans. And so to that end, in 1 month on \$200 – one \$100 loan, another \$100 loan – you could end up paying 34 percent back on the \$200.

Mr. Speaker, let us bring some sanity to this whole issue. Let us cap, let us provide a reasonable return if we are going to go down this path in making sure that we do not charge people an arm and a leg for nickel-and-dime loans – \$100 here, \$100 there.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Ross.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

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

Mr. ROSS. Thank you, Mr. Speaker.

I will not belabor this with the caucus. We have actually voted this provision down in the earlier amendment that was first considered. My comments stand.

Dropping the interest rate to this number will force the business underground and onto the Internet, and it will be a negative for the Commonwealth as a whole, and I urge a “no” vote on the amendment.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Again, we have gone over similar ground here on the first amendment. The 2.5- or even the 5-percent interest rate would be equivalent to either 18 cents a day or 36 cents a day, which, you know, is a very unreasonable number, and the 17.5 that the gentleman has in the bill, the cap that is in the bill, which is a ceiling, not a floor, but it is ceiling of 17.5, is actually less than the nonsufficient fund charges or late fee on a credit card that many of us pay already on a lot of other banking products. So the 17.5 is not unreasonable, but the 2.5 or the 5 percent is extremely unreasonable.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Thomas, do you seek recognition for the second time?

Mr. THOMAS. Yes, Mr. Speaker.

The speaker was correct that we voted on this, but it was tied to some other things, and I would like to think that that “no” vote had to do with the other things rather than whether or not consumers in Pennsylvania should pay a reasonable return on doing business with these payday lenders.

I have tried as best as I possibly could to ask the question, why was 17.5 percent the cap on payday loans? What formula did we use to come up with 17.5 percent? And I know it is the ceiling rather than the floor, but let us not believe for one moment that there is a payday lender out there that is not going to take that 17.5 percent rather than 1.1 percent or 2 percent. They are going after the cap, and when it comes to all the people in Pennsylvania that are retired, living off of a pension, living off of Social Security, from month to month, 17.5 percent is extremely high. We do not charge 17.5 percent for money orders. We do not charge 17.5 percent for cashing checks. There is nothing in Pennsylvania law that I have been able to identify, and I ask for clarity on this if I am mistaken. Where is 17.5 percent an average or a ceiling that we have applied in similar situations? Seventeen point five percent is high; it is too high.

Mr. Speaker, I ask for an affirmative vote on amendment 1693 and provide the people of Pennsylvania with some reasonableness as we go towards, move towards, this regulatory scheme.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Ms. Manderino, do you seek recognition? You may proceed.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise in support of the Thomas amendment, and I will be short, but I just want to make sure this is clear on the record for the people listening at home, because 17.5 percent might sound reasonable if you are not reading it within the context of the bill and what it actually does. You might say to yourself, I have credit cards that have an interest rate of more than 17.5 percent, but those credit cards are 17.5 percent or 19.5 percent on an annualized percentage rate. This is an interest rate on a 1- or a 2-week loan.

When you annualize this interest rate, you get an interest rate in the 400 percent. I have not done the math exactly, but most of these, depending on what the rate is, it is somewhere over 400 percent APR (annual percentage rate). That is what we are talking about legalizing in Pennsylvania. That is obscene. That is worse than loan sharking. That should be defeated.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

A lot of people have been throwing the 400-percent figure around. Seventeen point five percent in 2 weeks on \$100 is \$17.50, on \$100 in 2 weeks. If you take that over 365 days, yes, you get 400 percent, but that is not how these things are designed, and with this bill, this bill, it does not allow you to go beyond the first 2 weeks and then the next 2 weeks and then you get into a repayment plan. So you never get to 365 days. That is the whole point of this bill, so we do not get to that.

Without this bill, without this bill, that is what is going on or it could go on right now. There are a lot of folks out there that have rollover loans that just keep going and going and going, and they do go, you know, for a lengthy time, which does probably add up to even greater than 400 percent.

So do not be fooled by that particular statistic. The 17 1/2 percent for 2 weeks and with this bill and all the precautions and restrictions in the bill, you will not go longer than a 60-day period.

Thank you, Mr. Speaker.

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

Mr. SAMUELSON. Thank you, Mr. Speaker.
I did the math, and if you take the 17.5 percent and multiply it by 26 pay periods, it is an annualized rate of 455 percent. If by chance these payday loans are for a 1-week period and you take 17.5 percent and multiply it by 52 weeks, that is a 910-percent interest rate.

Now, I realize one consumer would not have the same payday loan for 52 weeks, but one lending institution could take that \$100, collect 17.5 percent in the first 2 weeks, lend it out again in the next 2 weeks, lend it out again in the next 2 weeks, and so forth. So a lending institution could achieve the 455-percent rate.

And I just wanted to state on the record what the 17.5-percent limit is on an annualized basis, and to suggest that lowering that annualized rate below 455 percent would somehow drive the business underground, I am not sure I understand that argument.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—77

Bebko-Jones	Eachus	Leach	Roebuck
Belardi	Evans, D.	Lederer	Rooney
Belfanti	Fabrizio	Levdansky	Ruffing
Biancucci	Frankel	Manderino	Samuelson
Bishop	Freeman	Mann	Santoni
Blackwell	Geist	McCall	Shapiro
Bunt	George	McGeehan	Solobay
Butkovitz	Gerber	Melio	Stetler
Buxton	Gergely	Mundy	Sturla
Caltagirone	Goodman	Myers	Surra
Casorio	Grucela	Oliver	Thomas
Cawley	Habay	Pallone	Tigue
Cohen	Haluska	Petrarca	Vitali
Creighton	Hanna	Petrone	Waters
Cruz	Hasay	Pistella	Wheatley
Curry	James	Ramaley	Williams
Daley	Josephs	Readshaw	Yewcic
DeLuca	Kirkland	Rieger	Youngblood
Dermody	Kotik	Roberts	Yudichak
Donatucci			

NAYS—121

Adolph	Gabig	Marsico	Scavello
Allen	Gannon	McGill	Schroder
Argall	Gillespie	McIlhattan	Semmel
Armstrong	Gingrich	McIlhinney	Shaner
Baker	Godshall	McNaughton	Siptroth
Baldwin	Good	Metcalfe	Smith, B.
Barrar	Grell	Micozzie	Smith, S. H.
Bastian	Gruitza	Millard	Sonney
Birmelin	Harhai	Miller, R.	Staback
Blaum	Harhart	Miller, S.	Stairs
Boyd	Harper	Mustio	Steil
Cappelli	Harris	Nailor	Stern
Causar	Hennessey	Nickol	Stevenson, R.
Civera	Herman	O'Brien	Stevenson, T.
Clymer	Hershey	O'Neill	Tangretti
Cornell	Hess	Payne	Taylor, E. Z.
Corrigan	Hickernell	Petri	Taylor, J.
Costa	Hutchinson	Phillips	True

Crahalla	Kauffman	Pickett	Turzai
Dally	Keller, M.	Preston	Veon
Denlinger	Keller, W.	Pyle	Walko
DeWeese	Kenney	Quigley	Wansacz
DiGirolamo	Killion	Rapp	Watson
Diven	LaGrotta	Raymond	Wilt
Ellis	Leh	Reed	Wojnaroski
Evans, J.	Lescovitz	Reichley	Wright
Fairchild	Mackereth	Rohrer	Zug
Feese	Maher	Ross	
Fichter	Maitland	Rubley	
Fleagle	Major	Sainato	Perzel,
Forcier	Markosek	Saylor	Speaker

NOT VOTING—0

EXCUSED—3

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

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

Mr. THOMAS offered the following amendment No. **A01694:**

Amend Sec. 1 (Sec. 5115), page 10, line 26, by striking out all of said line and inserting

(a) General rule.—

(1) A payday lender shall not knowingly make

Amend Sec. 1 (Sec. 5115), page 10, lines 28 through 30; page 11, line 1, by striking out all of said lines on said pages and inserting
payday lender or any other licensee who has entered

Amend Sec. 1 (Sec. 5115), page 11, line 4 and 5, by striking out “two payday lenders” and inserting
one payday lender

Amend Sec. 1 (Sec. 5115), page 11, by inserting between lines 5 and 6

(2) No lender shall make a payday loan to any consumer who has had payday loans outstanding for a total of three months out of the previous 12 months.

Amend Sec. 1 (Sec. 5115), page 11, line 8, by striking out “one or two”

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, 1694 is another effort to make HB 1478 more consumer-friendly, and what it says in effect is that no lender shall make a payday loan to any consumer who has had payday loans outstanding, that we should not make a bad situation worse, and this just puts some restrictions on what a payday lender can do, and I ask for your affirmative support of amendment 1694.

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

Mr. ROSS. Thank you, Mr. Speaker.
I will not belabor the point once again. There are some problems with this amendment. I would ask for a “no” vote.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.
Mr. Speaker, this amendment actually provides less choice, as I understand it, for the consumer. The bill permits you to go to two. This cuts you down to one. So I would ask for a “no” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—77

Bebko-Jones	Donatucci	Leach	Rooney
Belardi	Eachus	Lederer	Ruffing
Belfanti	Evans, D.	Levdansky	Samuelson
Biancucci	Fabrizio	Manderino	Santoni
Bishop	Frankel	Mann	Shapiro
Blackwell	Freeman	McCall	Solobay
Bunt	Geist	McGeehan	Stetler
Butkovitz	George	Melio	Sturla
Buxton	Gerber	Mundy	Surra
Caltagirone	Gergely	Myers	Tangretti
Casorio	Goodman	Oliver	Thomas
Cawley	Grucela	Pallone	Tigue
Cohen	Haluska	Petrarca	Vitali
Costa	Hanna	Pistella	Waters
Creighton	Hasay	Ramaley	Wheatley
Cruz	James	Readshaw	Williams
Curry	Josephs	Rieger	Yewcic
Daley	Kirkland	Roberts	Youngblood
DeLuca	Kotik	Roebuck	Yudichak
Dermody			

NAYS—121

Adolph	Gannon	Marsico	Saylor
Allen	Gillespie	McGill	Scavello
Argall	Gingrich	McIlhattan	Schroder
Armstrong	Godshall	McIlhinney	Semmel
Baker	Good	McNaughton	Shaner
Baldwin	Grell	Metcalfe	Siptroth
Barrar	Gruitza	Micozzie	Smith, B.
Bastian	Habay	Millard	Smith, S. H.
Birmelin	Harhai	Miller, R.	Sonney
Blaum	Harhart	Miller, S.	Staback
Boyd	Harper	Mustio	Stairs
Cappelli	Harris	Nailor	Steil
Causar	Hennessey	Nickol	Stern
Civera	Herman	O'Brien	Stevenson, R.
Clymer	Hershey	O'Neill	Stevenson, T.
Cornell	Hess	Payne	Taylor, E. Z.
Corrigan	Hickernell	Petri	Taylor, J.
Crahalla	Hutchinson	Petrone	True
Dally	Kauffman	Phillips	Turzai
Denlinger	Keller, M.	Pickett	Veon
DeWeese	Keller, W.	Preston	Walko
DiGirolamo	Kenney	Pyle	Wansacz
Diven	Killion	Quigley	Watson
Ellis	LaGrotta	Rapp	Wilt
Evans, J.	Leh	Raymond	Wojnaroski
Fairchild	Lescovitz	Reed	Wright
Feese	Mackereth	Reichley	Zug
Fichter	Maher	Rohrer	
Fleagle	Maitland	Ross	

Forcier	Major	Rubley	Perzel,
Gabig	Markosek	Sainato	Speaker

NOT VOTING—0

EXCUSED—3

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

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

Mr. THOMAS offered the following amendment No. **A01695**:

Amend Sec. 1 (Sec. 5133), page 25, line 24, by striking out all of said line and inserting

(a) General rule.—

(1) Each applicant for a new license under

Amend Sec. 1 (Sec. 5133), page 26, lines 1 through 10, by striking out all of said lines and inserting

(i) Be required to post a notice commencing on the day the application was filed with the department.

(ii) Be required to maintain the notice until a decision to approve or disapprove the license has been made by the department.

(iii) Be responsible for posting the notice in a conspicuous location that is as close as possible to the main entrance of the location requesting licensure.

(iv) Be required to use a notice that is in a size and form as determined by the department.

(2) In addition, the applicant shall be required to publish notice of its application in a newspaper having general circulation in the community in which the applicant intends to locate and to provide a copy of the application to the office of the highest elected official in that community.

Amend Sec. 1 (Sec. 5133), page 26, by inserting between lines 13 and 14

(c) Opposing resolution.—The department shall not issue a license for a location in a political subdivision that adopts a resolution opposing the license.

(d) Timing.—The department shall not issue a license for a location until at least 60 days after notice is given pursuant to subsections (a) and (b).

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

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

Mr. THOMAS. Mr. Speaker, if I may, can I put 1695 on hold and go to amendments 1705 and 1706, which the majority has said to me that these two amendments are reasonable amendments that he can support?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Amendment 1695 is over temporarily, and the clerk will read the amendment to be submitted by Mr. Thomas.

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

Mr. THOMAS offered the following amendment No. A01705:

Amend Sec. 1 (Sec. 5115), page 12, by inserting between lines 21 and 22

(f) Prohibited location.—The location of a payday loan business, except a location in existence as of the effective date of this subsection, may not be within 100 feet of a horse racetrack subject to the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, or within 100 feet of a licensed gaming facility at which slot machine gaming is conducted pursuant to 4 Pa.C.S. Pt. II (relating to gaming).

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

The SPEAKER pro tempore. On the amendment, Mr. Thomas.

Mr. THOMAS. Amendments 1705 and 1706 really deal with where these facilities are located, and number one, 1705 says that you cannot locate payday lending stores within X amount of feet of gaming sites.

As you know, we have authorized 14 racinos and gaming sites in Pennsylvania. In many places these payday lending stores are a part of the casino or right next door to the casino. So you end up going in the casino, going in the payday lending store before you go in the casino.

So 1705 says that you cannot locate these stores within X amount of feet of gaming sites. Amendment 1706 basically says that you cannot locate these facilities next to or close to military bases, that there has got to be at least 500 feet between the store and the military bases.

We have got to get some help somewhere, and so I ask for your support of 1705, and then I guess we will go to 1706.

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

Mr. CLYMER. Thank you, Mr. Speaker.

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

We know from numerous social studies that the poor, the less fortunate, and the less educated, among others, will be mesmerized by the highly sophisticated slot machines soon coming to Pennsylvania, maybe. As a result, many of these clients will be spending money they can ill afford to lose, but lose money they will. A payday loan business will only exacerbate the social problems fueled by the slot machines, such as crime, divorce, suicide, dysfunctional families, embezzlement, so forth and so on.

This amendment is very necessary to prevent gamblers from spending beyond their means, and I respectfully support this amendment and ask members to do so as well.

Thank you very much, Mr. Speaker.

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

Mr. ROSS. Thank you, Mr. Speaker.

I am delighted to be able to support 1705. My reading of 1706 we will get to later. It is a little different than the maker's, but I am delighted to be able to support this. I think it is a very

sensible and reasonable restriction, and I ask the members for a "yes" vote on this one.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

In the sense of agreement here, I, too, support this particular amendment and would urge the members to vote "yes." Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff Flick Sather

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

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

Mr. **THOMAS** offered the following amendment No. **A01706**:

Amend Sec. 1 (Sec. 5115), page 12, by inserting between lines 21 and 22

(f) Prohibited location.—The location of a payday loan business, except a location in existence as of the effective date of this subsection, may not be within 100 feet of a licensed gaming facility at which slot machine gaming is conducted pursuant to 4 Pa.C.S. Pt. II (relating to gaming).

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

The **SPEAKER** pro tempore. The gentleman, Mr. Thomas, is recognized.

Mr. **THOMAS**. Thank you, Mr. Speaker.

Again, I ask for support on 1706. It is another effort to try and make HB 1478 more consumer-friendly.

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

The Chair recognizes the gentleman, Mr. Ross.

Mr. **ROSS**. Mr. Speaker, with all due respect, 1705, which we just passed, prohibits a new payday loan business from locating within 100 feet of a horse racetrack or a slot machine gaming facility. This one prohibits a new payday loan business from locating within 100 feet of a slot machine gaming facility. We just put this in a minute ago, and actually, this seems to take some of it out. So with all due respect, I would encourage the maker perhaps to reconsider his offering of it.

AMENDMENT WITHDRAWN

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

Mr. **THOMAS**. Thank you, Mr. Speaker.

It looks like we are moving forward. So I am going to withdraw that, and we will get to some of the other ones.

Thank you.

The **SPEAKER** pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

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

Mr. **BUNT** offered the following amendment No. **A01265**:

Amend Bill, page 1, lines 9 through 18; pages 2 through 37, lines 1 through 30; page 38, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. Title 7 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

Part

- I. Preliminary Provisions (Reserved)
- II. Licensing

PART I
PRELIMINARY PROVISIONS
(Reserved)
PART II
LICENSING

Chapter

- 51. Payday Loan Protection

CHAPTER 51
PAYDAY LOAN PROTECTION

Subchapter

- A. Preliminary Provisions
- B. Nature and Effect of Payday Loans
- C. Administrative and Licensure Provisions
- D. Miscellaneous Provisions

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

5101. Scope.

5102. Definitions.

§ 5101. Scope.

This chapter relates to consumer payday loan protection.

§ 5102. Definitions.

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

“Applicant.” A person that applies for a license under this chapter.

“Check.” A check as that term is defined in 13 Pa.C.S. § 3104(f) (relating to negotiable instrument) which is drawn on a depository institution.

“Consumer.” An individual who is the recipient of a payday loan or a renewal loan.

“Deferment period.” The term of a loan or the number of days a lender agrees to defer depositing or presenting a repayment mechanism, as the context may require. The period shall not be in excess of 30 days or less than seven days. The deferment period shall be calculated from the date of the loan agreement.

“Department.” The Department of Banking of the Commonwealth.

“Depository institution.” A person authorized to accept deposits in accordance with Federal or State law.

“Fair Credit Reporting Act.” The Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. § 1681 et seq.).

“Licensee.” A person licensed by the Department of Banking under this chapter.

“Loan.” A payday loan or a refinanced loan, as the context may require.

“Loan agreement.” A signed written agreement between a payday lender and a consumer that complies with the requirements of section 5112 (relating to loan agreement requirements) evidencing a loan.

“Payday lender.” A person who, as principal or agent, negotiates, arranges, makes or originates payday loans for consumers for a fee, finance charge or other consideration.

“Payday loan.” A loan or advance of money or credit to a consumer by a payday lender that, for a fee, finance charge or other consideration, does all of the following:

- (1) Accepts a check from the consumer.
- (2) Agrees to hold the check for a deferment period.
- (3) Pays to the consumer a cash advance, a locally cashable check, debit card or money order or credits to the consumer’s account the amount of the check less finance charges permitted under section 5113 (relating to authorized finance

charges). The term includes any arrangement in which a person pays a cash advance to a consumer in return for a repayment mechanism and a fee, finance charge or other consideration.

“Payday loan business.” A person is deemed to be engaged in the payday loan business in this Commonwealth if that person, in the ordinary course of its business, negotiates, arranges, offers to make or makes a payday loan or refinanced loan in this Commonwealth, whether directly or through any other person acting for his benefit.

“Person.” An individual, association, joint venture or joint stock company, partnership, limited liability company, limited partnership, limited partnership association, business corporation or any other group of individuals, however organized.

“Refinanced loan.” A payday loan that a consumer obtains from a payday lender, the proceeds of which are applied to the balance due on an existing payday loan previously obtained by the consumer from the same payday lender. The term includes any payday loan that a consumer obtains from a payday lender within three business days following the date on which the consumer paid in full an existing payday loan previously obtained by the consumer from the same payday lender.

“Repayment mechanism.” Any method agreed to by a consumer which a payday lender may use to effect repayment of a loan, including a present-dated or post-dated check, electronic debit or assignment of a future deposit.

“Tangible net worth.” Net worth less all of the following:

(1) That portion of assets pledged to secure obligations of any person other than that of the applicant.

(2) Any asset due from officers or stockholders of the applicant or related companies in which the applicant’s officers or stockholders have an interest.

(3) That portion of the value of any marketable security, listed or unlisted, not shown at lower of either cost or market.

(4) Any investment shown on the applicant’s balance sheet in the applicant’s joint ventures, subsidiaries, affiliates or related companies which is greater than the value of the assets at equity.

(5) Goodwill.

(6) The value placed on insurance renewals, property management contract renewals or other similar intangibles of the applicant.

(7) Organization costs of the applicant.

(8) Any real estate held for investment where development will not start within two years from the date of its initial acquisition.

(9) Any leasehold improvements not being amortized over the lesser of the expected life of the asset or the remaining term of the lease.

“Workout agreement.” An agreement between an individual borrower and a licensee for the repayment of an outstanding and unpaid indebtedness which requires a net reduction of not less than 10% of the indebtedness per payment period.

SUBCHAPTER B

NATURE AND EFFECT OF PAYDAY LOANS

Sec.

5111. License requirements.

5112. Loan agreement requirements.

5113. Authorized finance charges.

5114. Right of rescission.

5115. Mandatory reporting of data to subprime credit bureau.

5116. Refinancing of loans.

5117. Form of loan proceeds.

5118. Endorsement of check.

5119. Redemption of repayment mechanism.

5120. Authorized charge for dishonored repayment mechanisms.

5121. Posting of charges.

5122. Notice of assignment or sale of loans.

5123. No criminal culpability.

5124. Unfair or deceptive practices.

5125. Workout agreements.

5126. Prohibited practices regarding loans.

5127. Commonwealth Financial Literacy Account.

5128. Commonwealth Community Development Fund.

5129. License duties with respect to military personnel.

§ 5111. License requirements.

(a) General rule.—No person may service, arrange, make, originate, extend, contract or negotiate, whether electronically or by other means, a payday loan or refinanced loan in this Commonwealth without first obtaining a license from the department under this chapter and otherwise complying with all of the provisions of this chapter.

(b) Exemptions.—This chapter shall not apply to:

(1) An insured depository institution or affiliate or agent of a depository institution supervised or regulated by any of the following:

(i) The department.

(ii) The National Credit Union Administration.

(iii) The Office of Thrift Supervision.

(iv) The Federal Deposit Insurance Corporation.

(v) The Comptroller of the Currency.

(vi) The Board of Governors of the Federal Reserve.

(vii) The Federal Reserve Banks.

(2) A company licensed by the department under any of the following statutes, unless the company is conducting activities regulated by this chapter in the normal course of business with specific relation to lending transactions while engaged in the activities regulated under these acts:

(i) The act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act.

(ii) The act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law.

(iii) The act of December 12, 1980 (P.L.1179, No.219), known as the Secondary Mortgage Loan Act.

(iv) The act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers and Consumer Equity Protection Act.

§ 5112. Loan agreement requirements.

(a) General rule.—Each loan shall be documented by a loan agreement which shall contain all of the following:

(1) The name and address of the consumer.

(2) The transaction date and a prominently labeled transaction number.

(3) The amount of the loan or advance.

(4) A statement of the total amount of finance charges charged, expressed both as a dollar amount and an annual percentage rate.

(5) A specific date for the end of the deferment period, refinanced loan or workout agreement.

(6) The name, address, telephone number of the payday lender and the name and title of the individual employee who signs the loan agreement on behalf of the payday lender.

(7) An itemization of the fees and interest charges to be paid by the consumer.

(8) Disclosures required by the Truth in Lending Act (Public Law 90-321, 15 U.S.C. § 1601 et seq.), regardless of whether the Truth in Lending Act applies to the particular loan.

(9) A clear description of the consumer’s payment obligations under the loan and a clear description of the repayment mechanism agreed to by the payday lender and the consumer.

(10) Disclosure in boldface print and in at least ten-point type that the consumer may not obtain refinancing for the payday loan more than four times for additional deferment periods mutually agreed to by the consumer and the payday lender.

(11) Disclosure in boldface print and in at least ten-point type indicating the loan amount and finance charge.

(12) Disclosure in boldface print and in at least ten-point type indicating the consumer's right of rescission under this chapter. The disclosure of the consumer's right of rescission shall be set forth immediately above the consumer's signature line and shall state as follows:

This transaction is not meant to meet long-term financial needs and should be used only to meet short-term cash needs. Refinancing a payday loan rather than repaying it in full at the end of its term will result in further finance charges. You have the right to rescind this transaction at any time before the lender's close of business on the next business day after the transaction date shown above. In order to rescind, you must return all of the loan proceeds you received to the lender. The lender will refund to you all fees if you rescind this transaction.

(13) Such other information as the department may require.

(b) Limitations.—A loan agreement, or any other document or instrument signed by the consumer in connection with the loan, shall not contain any of the following:

(1) A mandatory arbitration clause that does not comply with the standards set forth in the statement of principles of the National Consumer Dispute Advisory Committee of the American Arbitration Association in effect on the effective date of this chapter.

(2) A hold harmless clause for the benefit of the payday lender.

(3) A confession of judgment clause.

(4) A waiver by the consumer of any contractual right or any provision of this chapter.

§ 5113. Authorized finance charges.

A payday lender may impose a finance charge for each loan made by the payday lender to a consumer. Total finance charges imposed by a payday lender in a single transaction shall not exceed 17.5% of the amount advanced. The finance charge shall be deemed fully earned as of the date of the transaction unless the consumer rescinds the loan under section 5114 (relating to right of rescission). A payday lender may impose only fees and charges authorized in this chapter in connection with a loan.

§ 5114. Right of rescission.

(a) Right to rescind.—

(1) A consumer may rescind a loan before the payday lender's close of business on the next business day immediately following the day on which the loan was made.

(2) In order to rescind a loan, a consumer shall notify the payday lender of the consumer's desire to rescind the loan and return to the payday lender, at the time of giving notice, the proceeds of the loan received by the consumer from the payday lender as contemplated by section 5117 (relating to form of loan proceeds).

(3) No finance charge or other charge or fee may be charged or collected by the payday lender when a loan is rescinded.

(4) Upon rescission of a loan, the payday lender shall return to the consumer any check given to the payday lender in connection with the loan or shall agree in writing that any other repayment mechanism shall not be utilized.

(b) Completed transaction.—A loan transaction is completed when the payday lender receives payment in full of the loan or the consumer redeems the repayment mechanism being held by the payday lender by paying the full amount represented by the repayment mechanism to the payday lender. The consumer may repay a loan at any office of the original payday lender or the assignee of the payday lender at the consumer's election.

§ 5115. Mandatory reporting of data to subprime credit bureau.

(a) Payday lender reporting.—Every payday lender shall report such trade line data as is permitted under the Fair Credit Reporting Act

for all transactions conducted pursuant to this chapter to a qualified credit bureau. The department shall promulgate regulations specifying the data which must be reported to the credit bureau and mandating the frequency at which the reporting must occur.

(b) Requirements.—The department shall determine the minimum requirements a credit bureau must meet to be deemed qualified to track and accurately report data for transactions occurring pursuant to this chapter. Credit bureaus must report trade line data for each transaction and calculate a credit score based on each consumer's credit history which accurately reflects the creditworthiness of the consumer based on the consumer's borrowing and repayment of payday loans.

(c) Reporting by other entities.—

(1) The department may require an individual or entity licensed by the department under any of the following statutes to report consumer trade line data to a credit bureau deemed qualified under this chapter:

(i) The act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act.

(ii) The act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law.

(iii) The act of December 12, 1980 (P.L.1179, No.219), known as the Secondary Mortgage Loan Act.

(iv) The act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers and Consumer Equity Protection Act.

(2) Lenders authorized to transact business in this Commonwealth other than under this chapter may voluntarily submit trade line data regarding consumer transactions to the credit bureau provided the inclusion of the data in consumer credit reports does not violate the Fair Credit Reporting Act.

(d) Access to consumer credit reports and credit scores.—

(1) Inquiries to the credit bureau may be made by any person or entity and for any purpose permitted under the Fair Credit Reporting Act.

(2) Consumers may obtain copies of their own credit reports and scores upon written request to the credit bureau free of charge once per calendar quarter under the following circumstances:

(i) Anytime following the denial of credit if the denial was based in whole or in part upon information provided by the credit bureau.

(ii) For any reason permitted under the Fair Credit Reporting Act.

(3) The credit bureau is prohibited from considering the frequency of inquiries regarding a particular consumer's credit in calculating that consumer's credit score.

(4) In addition to any remedy available under the Fair Credit Reporting Act, a violation of this chapter shall be deemed to be a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

§ 5116. Refinancing of loans.

A consumer may, with the consent of the payday lender, refinance the entire outstanding and unpaid amount of a loan no more than four times following the due date of the original loan. The payday lender may charge and collect a refinancing charge in connection with the refinancing.

§ 5117. Form of loan proceeds.

(a) General rule.—A payday lender shall disburse the proceeds of a loan to the consumer in the form of an immediately and locally cashable check, money order, debit card or credit to the consumer's account at a depository institution or cash.

(b) Prohibition.—A payday lender may not impose an additional finance charge or fee for cashing the payday lender's check or money order or for otherwise effecting the disbursement of loan proceeds.

§ 5118. Endorsement of check.

A payday lender may not negotiate or present a check for payment of a loan unless the instrument is endorsed with the actual business name of the payday lender.

§ 5119. Redemption of repayment mechanism.

Prior to the payday lender's negotiating or presenting a consumer's check, or utilizing any other repayment mechanism, the consumer shall have the right to redeem the check or any other repayment mechanism if the consumer pays the full amount of the check or other repayment mechanism to the payday lender.

§ 5120. Authorized charge for dishonored repayment mechanisms.

(a) General rule.—If a consumer's repayment mechanism is dishonored due to insufficient funds in the consumer's account, the payday lender:

(1) Shall have the right to exercise all civil means authorized by law to collect the face value of the repayment mechanism.

(2) May contract for and collect from the consumer a charge not to exceed \$25.

(3) May not collect any other fees as a result of the dishonor, including damages available under 42 Pa.C.S. § 8304 (relating to damages in actions on bad checks).

(b) When charge not allowed.—A charge authorized by this section shall not be allowed:

(1) if the consumer does not receive the loan proceeds from the payday lender for any reason; or

(2) if the consumer places a stop-payment order due to forgery or theft.

§ 5121. Posting of charges.

A payday lender shall post in large type in plain view of the public at any place of business where payday loans are made a notice of the finance charges and any related charges, such as the charge for dishonored repayment mechanisms, imposed for loans.

§ 5122. Notice of assignment or sale of loans.

(a) General rule.—A payday lender shall inform a consumer in writing immediately of the name, address and telephone number of the person to whom a loan is assigned or sold. A payday lender may only assign or sell a loan to another payday lender or to a depository institution.

(b) Notice.—Prior to the assignment or sale of a loan, a payday lender shall provide the following notice to the buyer or assignee:

The repayment mechanism associated with this loan has been given by a consumer to secure a payday loan transaction under Pennsylvania State law and the assignee or buyer is deemed to have knowledge of and shall be bound by the terms and conditions of the loan agreement between the consumer and the original lender.

(c) Exceptions.—Nothing in this section shall preclude a payday lender from pledging accounts receivable as security for any of the following:

(1) A loan or other investment financing.

(2) The sale of participation interests in a loan to individual and institutional investors if the payday lender remains in privity of contract.

(3) The sale of delinquent debt.

§ 5123. No criminal culpability.

A consumer shall not be subject to a criminal penalty:

(1) For entering into a loan agreement.

(2) In the event a consumer's repayment mechanism is dishonored unless the consumer's account on which the repayment mechanism is drawn is closed by the consumer before the end of the agreed-upon deferment period, in which event the provisions of 18 Pa.C.S. § 4105 (relating to bad checks) or 4106 (relating to access device fraud), as applicable, shall apply.

§ 5124. Unfair or deceptive practices.

A person may not engage in unfair or deceptive acts, practices or advertising in connection with a loan. A violation of this section shall be deemed a violation of the act of December 17, 1968 (P.L.1224,

No.387), known as the Unfair Trade Practices and Consumer Protection Law.

§ 5125. Workout agreements.

(a) Workout agreements permitted.—A consumer may enter into a workout agreement if the consumer is unable to pay the full balance of the payday loan following the fourth refinancing of the original loan.

(b) Repayment.—Once a workout agreement is commenced, the consumer must repay a minimum of 10% of the principal balance, along with any finance charges due, each pay period until the loan is paid in full.

(c) Partial payments.—A consumer may make partial payments toward the principal balance of the original loan which exceed 10%. Any contractual clause or other agreement which limits the right to make partial payments shall be void.

§ 5126. Prohibited practices regarding loans.

The following are prohibited regarding loans:

(1) Taking or attempting to take any security other than the consumer's check or other repayment mechanism.

(2) Taking or attempting to take more than a single check or other repayment mechanism from the consumer in connection with a single transaction.

(3) Selling, offering or soliciting any application for credit insurance in connection with a transaction.

(4) Tying a transaction to any other transaction, offer or obligation of the consumer.

(5) Assigning or selling a loan to another person other than in accordance with the provisions of this chapter.

(6) Engaging in any device or subterfuge to evade the requirements of this chapter, including making loans disguised as personal property sales and leaseback transactions or disguising loan proceeds as cash rebates for the pretextual installment sale of goods and services.

(7) Failing to collect and provide information regarding the number, total and average transaction amounts and other information the department may request.

(8) Offering, arranging, negotiating, making, holding or acting as an agent or broker for the making of a loan unless the payday lender complies with all applicable provisions of this chapter.

(9) Altering or deleting the date on any loan agreement or repayment mechanism held by the payday lender.

(10) Rolling over, refinancing, extending or consolidating payday loans except as provided in sections 5116 (relating to refinancing of loans) and 5125 (relating to workout agreements).

(11) Failing to immediately and accurately report a loan, refinance or a workout agreement to a qualified credit bureau as required by this chapter or by the department.

(12) Except as provided in section 5123 (relating to no criminal culpability), threatening to use or using the criminal process in any state to collect the balance due on a loan.

(13) Depositing a check or otherwise implementing any repayment mechanism prior to the expiration of the agreed-upon deferment period.

§ 5127. Commonwealth Financial Literacy Account.

(a) Establishment of account.—There is hereby established within the Banking Department Fund a restricted account to be known as the Commonwealth Financial Literacy Account. Funds collected under subsections (b) and (c) shall be deposited in the account.

(b) Required deposits.—On December 1 of each year beginning with the December immediately following the effective date of this section, payday lenders shall deposit into the account 25¢ for each payday loan transaction entered into by them during the preceding 12-month period.

(c) Penalties and interest.—In addition to any other remedy provided by law, the department may enforce collection of the amount of the deposit required by subsection (b) by imposing the following remedies:

(1) When a payday lender fails to make the deposit on the date required, the department shall add interest at the rate provided in section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, to the unpaid amount until the date it is paid.

(2) When a payday lender fails to make the deposit in a timely manner or provide records or information to the department for calculation of the amount owed, the department shall impose a penalty against the payday lender in the amount of \$10,000, plus an additional amount of \$200 per day for each additional day that the payday lender fails to provide the required information or records.

(3) The department may waive all or part of the penalty assessed against a payday lender pursuant to paragraph (2) for good cause shown by the payday lender.

(d) Liens.—Any amount owed by and interest and penalties assessed against a payday lender under this section shall be a lien on the real and personal property of the payday lender in the manner provided by section 1401 of The Fiscal Code. The lien may be entered by the department in the manner provided by section 1404 of The Fiscal Code and shall continue and retain priority in the manner provided in section 1404.1 of The Fiscal Code.

§ 5128. Commonwealth Community Development Fund.

(a) Establishment.—There is hereby established within the Department of Community and Economic Development the Commonwealth Community Development Fund providing grants to community-based development programs located in municipalities within which the licensee engaged in the transactions which resulted in fees paid. The Department of Community and Economic Development shall promulgate such regulations as deemed necessary to establish criteria for making grants, administering the fund, overseeing the use of grants by grantee and otherwise affecting the goals enumerated in this section.

(b) County subaccounts.—The Department of Community and Economic Development shall create subaccounts to the Commonwealth Community Development Fund based on the county of origin designated by the Department of Banking.

(c) Required deposits.—On December 1 of each year beginning with the December immediately following the effective date of this section, the Department of Banking shall require that all licensees deposit 75¢ per transaction authorized under this chapter entered into by them during the proceeding 12-month period. The Department of Banking shall divide all collected fees by the county within which the licensee engaged in the transactions which resulted in the fees paid. The Department of Banking shall transfer all fees collected by county location to the Department of Community and Economic Development. The Department of Community and Economic Development shall deposit funds into the corresponding county subaccounts of the Commonwealth Community Development Fund.

(d) Payment of transaction fee.—The 75¢ fee authorized in this section shall be borne by the licensee and under no circumstances shall it be passed on to the consumer.

(e) Applications.—The Department of Community and Economic Development shall prepare application forms for the grant program established in this section and award grants to community-based development entities located in the municipality within which the licensee engaged in the transactions which resulted in fees paid.

(f) Limitations.—The provision of grants under this section shall in no way constitute an entitlement derived from this Commonwealth or a claim on any other funds of this Commonwealth. The Department of Community and Economic Development shall establish limits on the amount of money available to each applicant so as to distribute the available funds as fairly as possible throughout this Commonwealth.

§ 5129. Licensee duties with respect to military personnel.

(a) Collection activity.—A licensee shall defer collection activity against:

(1) a consumer who is a member of the military that has been deployed to combat or a combat support posting, for the duration of the posting; or

(2) a reserve or National Guard member called to active duty.

(b) Military personnel.—A licensee shall not contact the military chain of command of a consumer who is a member of the military in an effort to collect a loan.

(c) Repayment agreement.—A licensee shall honor the terms of any repayment agreement that it has entered into with a consumer who is a member of the military, including any repayment agreement negotiated through military counselors or third-party credit counselors.

SUBCHAPTER C

ADMINISTRATIVE AND LICENSURE PROVISIONS

Sec.

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§ 5131. Application for license.

(a) Contents.—An application for a license under this chapter shall be on a form prescribed and provided by the department. The application shall include the name of the applicant, the address of the principal place of business of the applicant and the address or addresses where the applicant's payday loan business is to be conducted, the full name, official title and business address of each director and principal officer of the payday loan business and any other information that may be required by the department. An applicant shall demonstrate to the department that policies and procedures have been developed to receive and process consumer inquiries and grievances promptly and fairly.

(b) Duty to update.—All applicants and licensees shall be required to provide the department with written notice of the change in any information contained in an application for a license or for any renewal of a license promptly upon an applicant or licensee becoming aware of such change.

(c) Financial structure.—

(1) The applicant must establish that:

(i) At the time of application, the applicant has a minimum tangible net worth of \$250,000.

(ii) The applicant will, at all times thereafter, maintain the minimum tangible net worth required by subparagraph (i).

(2) Prior to and as a condition of the issuance of a license, an applicant for a license shall maintain a bond in the amount of \$100,000 in a form acceptable to the department from a surety company authorized to do business in this Commonwealth. The bond shall be a penal bond conditioned on compliance by the licensee with this chapter and subject to forfeiture and shall run to the Commonwealth for its use and shall be held by the department for the term of the license. The bond shall also be for the use of any consumer against the licensee for failure to carry out the terms of any loan or extended payment plan. If a consumer is aggrieved, he may, with the written consent of the department, recover the amount by which the consumer is aggrieved from the bond by filing a claim with the surety company or maintaining an action on the bond. In the alternative, an aggrieved consumer may recover the amount by which the consumer is aggrieved by filing a formal complaint against the licensee with the department which shall adjudicate the matter. Such an adjudication shall be binding upon the surety

company and enforceable by the department in Commonwealth Court and by an aggrieved consumer in any court. Any aggrieved consumer seeking to recover any amount from a bond that has already been forfeited by the licensee or which the department is in the process of having forfeited may recover payment on such bond if, after filing a petition with the department, the department consents to the requested payment or portion thereof. The department may pay the aggrieved consumer from the bond proceeds recovered by the department in such case. Nothing in this paragraph shall be construed as limiting the ability of any court or magisterial district judge to award to any aggrieved consumer other damages, court costs and attorney fees permitted by applicable law, but those claims that are not directly related to the loan or extended payment plan may not be recovered from the proceeds of the bond. The department, in its discretion, may consent to or order pro rata or other recovery on the bond for any aggrieved consumer if claims against the bond may or do exceed its full monetary amount. No bond shall comply with the requirements of this paragraph unless it contains a provision that it shall not be canceled for any cause unless notice of intention to cancel is given to the department at least 30 days before the day upon which cancellation shall take effect. In such event, the licensee shall be required to replace the bond with a bond substantially in the same form as the original bond. Cancellation of the bond shall not invalidate the bond regarding the period of time it was in effect.

(3) The applicant must also establish to the satisfaction of the department that the applicant has an otherwise adequate financial structure.

(d) License renewals.—Licenses shall be issued for terms of 12 months and may be renewed by the department upon application by the licensee and the payment of any and all applicable renewal fees. A licensee shall comply with the same requirements for renewal of its license as it did for the issuance of the original license.

§ 5132. Annual license fee.

(a) General rule.—An applicant for a license shall pay to the department at the time an application is filed and upon filing of each application for renewal thereof a license fee for the principal place of business of \$1,000 and an additional license fee for each branch office of \$1,000.

(b) Recovery of costs.—No abatement of a licensee fee shall be made if the license is issued for a period of less than one year. The department shall be entitled to recover any cost of investigation in excess of license or renewal fees from the licensee or from a person who is not licensed under this chapter but who is believed to be engaged in the payday loan business.

§ 5133. Public notification.

(a) General rule.—Each applicant for a new license under this chapter shall be required to post a notice for public display at any location in this Commonwealth where licensing is being requested. The purpose of the notice is to identify to the public that an application to operate a payday loan office at the location has been filed with the department. The applicant shall:

(1) Be required to post a notice commencing on the day the application was filed with the department.

(2) Be required to maintain the notice until a decision to approve or disapprove the license has been made by the department.

(3) Be responsible for posting the notice in a conspicuous location that is as close as possible to the main entrance of the location requesting licensure.

(4) Be required to use a notice that is in a size and form as determined by the department.

(b) Applicability.—This section shall not apply to any location where a payday loan business was being conducted in this Commonwealth on the effective date of this chapter.

§ 5134. Issuance of license.

(a) Time limit.—Within 60 days after a completed application is received, the department shall either issue a license or, for any reason which the department may refuse to issue a license under this section or for which the department may suspend, revoke or refuse to renew a license under section 5140 (relating to suspension, revocation or refusal), refuse to issue a license. Upon receipt of an application for a license, the department may conduct such investigation as it deems necessary to determine that the applicant and its officers, directors and principals are of good character and ethical reputation.

(b) Appeal of denial.—If the department refuses to issue a license, it shall notify the applicant in writing of the denial, the reason therefor and the applicant's right to appeal the denial to the Secretary of Banking. An appeal from the department's refusal to approve an application for a license must be filed by the applicant within 30 days of notice of refusal.

(c) Contents of license.—Each license issued by the department shall specify:

(1) The name and address of the licensee and the address or addresses covered by the license.

(2) The licensee's reference number.

(3) Any other information the department shall require to carry out the purposes of this chapter.

(d) Denial of license due to conviction.—

(1) The department may deny a license if it finds that the applicant or a director, officer, partner or ultimate equitable owner of 10% or more of the applicant has been convicted of a crime of moral turpitude or felony in any jurisdiction or of a crime which, if committed in this Commonwealth, would constitute a crime of moral turpitude or felony. For the purposes of this chapter, a person shall be deemed to have been convicted of a crime if the person:

(i) pleads guilty or nolo contendere to a criminal charge before a Federal magistrate or a court; or

(ii) is found guilty by the decision or judgment of a Federal magistrate or a court or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless the plea of guilty or nolo contendere or the decision, judgment or verdict is set aside, vacated, reversed or otherwise abrogated by lawful judicial process.

(2) A license under this chapter shall be deemed to be a "covered license" within the meaning of section 405 of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code. The department shall notify a licensee if a "covered individual" within the meaning of section 405 of the Department of Banking Code that is or will be employed or contracted by the licensee has a criminal background that renders the employee unfit for employment in the payday loan business.

(e) Denial of license for other reason.—The department may deny a license or otherwise restrict a license if it finds that the applicant or a director, officer, partner, employee, agent or ultimate equitable owner of 10% or more of the applicant:

(1) has had a license application or license issued by the department denied, suspended or revoked;

(2) is the subject of an order of the department;

(3) has violated or failed to comply with any provisions of this chapter or any regulation or order of the department;

(4) is not of good character and ethical reputation in the opinion of the department; or

(5) has an outstanding debt to the Commonwealth or any Commonwealth agency.

§ 5135. License duration.

A license issued by the department:

(1) Must be renewed on February 1 of each year upon payment of the annual renewal fee and after the department determines that the licensee is conducting business in accordance with this chapter. No refund of any portion of the license fee

shall be made if the license is voluntarily surrendered to the department or suspended or revoked by the department prior to its expiration date.

(2) Shall be invalid if the licensee's authority to conduct business is voided under any law of this Commonwealth or any other state unless the licensee demonstrates that the applicable court or governmental entity was clearly erroneous in voiding the licensee's authority to conduct business.

(3) Shall not be assignable or transferable by operation of law or otherwise.

§ 5136. Licensee requirements.

(a) Requirements of a licensee.—A licensee shall:

(1) Conspicuously display its license at each licensed place of business.

(2) Maintain at its principal place of business within this Commonwealth, or at such place within or outside this Commonwealth if agreed to by the department, the original or a copy of any books, accounts, records and documents or electronic or similar access thereto of the business conducted under the license as prescribed by the department to enable the department to determine whether the business of the licensee is being conducted in accordance with the provisions of this chapter and the orders, regulations and statements of policy issued under this chapter. The department shall have free access to and authorization to examine records maintained outside this Commonwealth. The costs of the examination, including travel costs, shall be borne by the licensee. The department may deny or revoke the authority to maintain records outside this Commonwealth for good cause in the interest of protection for Commonwealth consumers, including for the licensee's failure to provide books, accounts, records or documents to the department upon request.

(3) Annually, before December 1, file a report with the department setting forth such information as the department shall require concerning the payday loan business conducted by the licensee during the preceding calendar year. The report shall be in writing and under oath on a form provided by the department. Licensees failing to file the required report by December 1 shall be subject to a penalty of \$100 for each day after December 1 until the report is filed.

(4) Be subject to examination by the department at its discretion, at which time the department shall have free access, during regular business hours, to the licensee's place or places of business in this Commonwealth and to all instruments, documents, accounts, books and records which pertain to a licensee's payday loan business, whether maintained in or outside this Commonwealth. The department may examine a licensee at any time if the department deems the examination to be necessary or desirable. The cost of any such examination shall be borne by the licensee.

(5) Include in all advertisements language indicating that the licensee is licensed by the department.

(b) Accounting records.—The licensee's accounting records must be constructed and maintained in compliance with generally accepted accounting principles or as provided by the department regulation. All instruments, documents, accounts, books and records shall be kept separate and apart from the records of any other business conducted by the licensee and shall be preserved and kept available for investigation or examination by the department for a period determined by the department.

(c) Copies.—If copies of instruments, documents, accounts, books or records are maintained under subsection (a)(2), they may be photostatic, microfilm or electronic copies or copies provided in some other manner approved by the department.

§ 5137. Licensee limitations.

A licensee shall not transact any business under this chapter under any other name or names except those designated in its license. A licensee that changes its name or place or places of business shall

immediately notify the department, which shall issue a certificate to the licensee, if appropriate, which shall specify the licensee's new name or address.

§ 5138. Surrender of license.

Upon satisfying the department that all creditors of a licensee have been paid or that other arrangements satisfactory to the creditors and the department have been made, a licensee may voluntarily surrender its license to the department by delivering its license to the department with written notice that the license is being voluntarily surrendered, but such an action by a licensee shall not affect the licensee's civil or criminal liability for acts committed.

§ 5139. Authority of department.

(a) General authority.—The department shall have the authority to:

(1) Examine any instrument, document, account, book, record or file of a licensee or any person having a connection to the licensee or make such other investigation as may be necessary to administer the provisions of this chapter. The costs of the examination shall be borne by the licensee or the entity subject to the examination.

(2) Conduct administrative hearings on any matter pertaining to this chapter, issue subpoenas to compel the attendance of witnesses and the production of instruments, documents, accounts, books and records at any such hearing. The instruments, documents, accounts, books and records may be retained by the department until the completion of all proceedings in connection with which the materials were produced. A department official may administer oaths and affirmations to a person whose testimony is required. In the event a person fails to comply with a subpoena issued by the department or to testify on a matter concerning which he may be lawfully interrogated, on application by the department, the Commonwealth Court may issue an order requiring the attendance of the person, the production of instruments, documents, accounts, books and records and the giving of testimony.

(3) Request and receive information or records of any kind, including reports of criminal history record information from any Federal, State, local or foreign government entity regarding an applicant for a license, licensee or person related in any way to the business of the applicant or licensee, at a cost to be paid by the applicant or licensee.

(4) Require a licensee or nonlicensee to pay the department's costs incurred while conducting an investigation of the licensee or nonlicensee for purposes of issuance or renewal of a license or for any violation of this chapter.

(5) Promulgate regulations and statements of policy and issue orders as may be necessary for the proper conduct of the payday loan business by payday lenders, the issuance and renewal of licenses and the enforcement of this chapter.

(6) Prohibit or permanently remove an individual responsible for a violation of this chapter from working in his present capacity or in any other capacity related to activities regulated by the department.

(7) Order a person to make restitution for actual damages to consumers caused by any violation of this chapter.

(8) Impose such other conditions as the department deems appropriate.

(b) Hearings.—A person aggrieved by a decision of the department may appeal the decision of the department to the Secretary of Banking. The appeal shall be conducted under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(c) Injunctions.—The department may maintain an action for an injunction or other process against a person to restrain and prevent the person from engaging in an activity violating this chapter.

(d) Final orders.—A decision of the Secretary of Banking shall be a final order of the department and shall be enforceable in a court of

competent jurisdiction. The department shall publish the final adjudication issued under this section, subject to redaction or modification to preserve confidentiality.

(e) Appeals.—A person aggrieved by a decision of the Secretary of Banking may appeal the decision under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).
§ 5140. Suspension, revocation or refusal.

(a) Departmental action.—The department may suspend, revoke or refuse to renew a license issued under this chapter if a licensee or director, officer, partner or owner of a licensee has:

(1) Made a material misstatement in an application or any report or submission required by this chapter or any department regulation, statement of policy or order.

(2) Failed to comply with or violated a provision of this chapter or a regulation or order promulgated by the department under this chapter.

(3) Engaged in dishonest, fraudulent or illegal practices or conduct in a business or unfair or unethical practices or conduct in connection with the payday loan business.

(4) Been convicted of or pled guilty or nolo contendere to a crime of moral turpitude or felony.

(5) Permanently or temporarily been enjoined by a court of competent jurisdiction from engaging in or continuing conduct or practice involving an aspect of the payday loan business.

(6) Become the subject of an order of the department denying, suspending or revoking a license applied for or issued under this chapter.

(7) Become the subject of a United States Postal Service fraud order.

(8) Failed to comply with the requirements of this chapter to make and keep records prescribed by regulation or order of the department, to produce records required by the department or to file financial reports or other information that the department by regulation or order may require.

(9) Become the subject of an order of the department denying, suspending or revoking a license under the provisions of any other law administered by the department.

(10) Failed to comply with any order issued by the department.

(11) Demonstrated negligence or incompetence in performing an act for which the licensee is required to hold a license under this chapter.

(b) Reinstatement.—The department may reinstate a license which was previously revoked or denied renewal if all of the following exist:

(1) The condition which warranted the original action has been corrected to the department's satisfaction.

(2) The department has reason to believe that the condition is not likely to occur again.

(3) The licensee satisfies all other requirements of this chapter.

§ 5141. Penalties.

(a) Nonlicensees.—A person subject to the provisions of this chapter and not licensed by the department who violates any provision of this chapter or who commits any action which would subject a license to suspension, revocation or nonrenewal under section 5140 (relating to suspension, revocation or refusal) may be fined by the department up to \$2,000 for each offense.

(b) Violation by licensee.—

(1) A person licensed under this chapter or director, officer, owner, partner or agent of a licensee who violates a provision of this chapter or who commits any action which would subject the licensee to suspension, revocation or nonrenewal under section 5140 may also be fined by the department up to \$2,000 for each offense.

(2) It shall be an affirmative defense for a licensee that, prior to an alleged violation of section 5115 (relating to

mandatory reporting of data to subprime credit bureau), the licensee complied with all of the following:

(i) Required a consumer to verify in writing that the consumer does not have any outstanding loans with the licensee or any other payday lender.

(ii) Determine whether the consumer has any outstanding loans.

SUBCHAPTER D

MISCELLANEOUS PROVISIONS

Sec.

5151. Applicability.

5152. Relationship to other laws.

5153. Report to General Assembly.

§ 5151. Applicability.

The provisions of this chapter shall apply to a loan which:

(1) is made or executed within this Commonwealth; or

(2) is negotiated, offered or otherwise transacted within this Commonwealth or with any resident of this Commonwealth, in whole or in part, whether by the ultimate lender or any other person.

§ 5152. Relationship to other laws.

(a) General rule.—All political subdivisions of this Commonwealth, including home rule municipalities, shall be prohibited from enacting and enforcing ordinances, resolutions and regulations pertaining to the financial or lending activities of persons that are subject to this chapter. The requirements of this chapter shall supersede and preempt all ordinances, resolutions and regulations imposing reporting requirements or any other obligations upon persons regarding financial or lending activities subject to this chapter. Except as provided in subsection (b), political subdivisions of this Commonwealth, including home rule municipalities, shall not enact or enforce ordinances, resolutions and regulations expressly pertaining to the facilities of persons whose financial or lending activities are subject to this chapter.

(b) Exceptions.—Political subdivisions, including home rule municipalities, shall retain the right pursuant to local zoning ordinances to require a payday lender to locate within approved residential, industrial, commercial or other zones and to require a payday lender to obtain zoning permits, pay zoning fees and undergo inspections related to zoning.

§ 5153. Report to General Assembly.

Three years from the effective date of this chapter, the department shall report to the General Assembly on the status of the payday loan industry, including, but not limited to, the number of payday lenders with active licenses issued by the department, a summary of the number of loans issued, the average loan amount and any other information as determined by the department.

Section 2. Section 4107(a) of Title 18 is amended by adding a paragraph to read:

§ 4107. Deceptive or fraudulent business practices.

(a) Offense defined.—A person commits an offense if, in the course of business, the person:

(9.1) violates 7 Pa.C.S. § 5124 (relating to unfair or deceptive practices);

Section 3. Title 18 is amended by adding a section to read:

§ 7331. Unlicensed payday lending.

A person that operates without a license in violation of 7 Pa.C.S. § 5111 (relating to license requirements) commits a felony of the third degree.

Section 4. This act shall take effect as follows:

(1) The provisions of 7 Pa.C.S. § 5126(11) shall take effect upon the effective date of the regulations promulgated by the Department of Banking under 7 Pa.C.S. § 5139(a)(5).

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

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

AMENDMENT PASSED OVER

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

Mr. BUNT. Mr. Speaker, can we go over the amendment and go to 1437?

The SPEAKER pro tempore. Amendment 1265 is over.

On the question recurring,

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

The SPEAKER pro tempore. Mr. Bunt, you have a number of amendments. Would you repeat the amendment you would like to proffer at this time?

Mr. BUNT. Yes, Mr. Speaker.

In order to save some time and not to belabor the issue, I would like to first offer 1437, A01437.

On the question recurring,

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

Mr. BUNT offered the following amendment No. **A01437**:

Amend Subchapter Analysis, page 5, by inserting between lines 29 and 30

5115.1 Mandatory reporting of data to a subprime credit bureau.

Amend Sec. 1 (Sec. 5115), page 11, lines 8 and 9, by striking out "one or two payday lenders" and inserting
the payday lender

Amend Bill, page 12, lines 4 through 21, by striking out "the database as described in subsection" in line 4; all of lines 5 through 21 and inserting
such other information as may be reasonably and lawfully available to the payday lender.

§ 5115.1 Mandatory reporting of data to a subprime credit bureau.

(a) Reporting.—Every payday lender shall report such tradeline data as is permitted under the Fair Credit Reporting Act (FCRA) (Public Law 91-508, 15 U.S.C. § 1681 et seq.) for all transactions conducted pursuant to this chapter to a qualified credit bureau. The department shall promulgate regulations specifying the data which must be reported to such credit bureau and mandating the frequency at which such reporting must occur.

(b) Minimum requirements for credit bureau.—The department shall determine the minimum requirements such credit bureau must meet to be deemed qualified to track and accurately report data for transactions occurring pursuant to this act. Such credit bureaus must report tradeline data for each such transaction and calculate a credit score based on each consumer's credit history which accurately reflects the creditworthiness of such consumer based on the consumer's borrowing and repayment of payday loans.

(c) Department requirements.—The department may require any individual or entity licensed by the Commonwealth under the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act, the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law, the act of December 12, 1980 (P.L.1179, No.219), known as the Secondary Mortgage Loan Act, and/or the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers and Consumer Equity Protection Act, to report consumer tradeline data to a credit bureau deemed qualified under this chapter. In addition, lenders

authorized to transact business in this Commonwealth other than under this chapter may voluntarily submit tradeline data regarding consumer transactions to the credit bureau provided the inclusion of such data in consumer credit reports does not violate the FCRA.

(d) Access to consumer credit reports and credit scores.—

(1) Inquiries to the credit bureau may be made by any person or entity, and/or for any purpose permitted under the FCRA.

(2) Consumers may obtain copies on their own credit reports and scores upon written request to the credit bureau free of charge once per calendar quarter, at any time following the denial of credit if such denial was based, in whole or in part, upon information provided by the credit bureau, and for any other reason permitted under the FCRA.

(3) It being the General Assembly's express purpose to encourage potential creditors to offer mainstream credit products on competitive terms to payday loan consumers, the credit bureau is prohibited from considering the frequency of inquiries regarding a particular consumer's credit in calculating that consumer's credit score.

(4) In addition to any and all remedies available under the FCRA, a violation of any provision of this chapter shall be deemed to be a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, and the violator shall be subject to the penalties set forth therein.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Bunt, you are recognized.

Mr. BUNT. Thank you, Mr. Speaker.

First I would like to take the time to thank Representative Chris Ross for the countless hours of hard work that he has put into this piece of legislation. I know that both he and Secretary Schenck worked very hard together in order to bring this legislation to fruition.

That being said, I would like to remind my colleagues that many pieces of legislation are brought before the House for approval, many of which are in need of amendments to allow the law to better serve, improve, and protect the lives of all of our constituents. HB 1478 is one of those pieces of legislation. As it stands, it is a good piece of legislation.

Generally, everybody would agree that this industry needs regulation. I do not differ from that, but I do believe that there is room for refinement. I do know that this bill has been fast-tracked. It is not my intention to be an obstructionist, but it is my intention to offer an amendment that will allow the legislation to better reflect the will of the people.

The first amendment that I will be offering is 1437. This amendment deletes the database reporting requirement in HB 1478.

Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

Could we have some order. Members will please take their seats.

The gentleman may proceed.

Mr. BUNT. Mr. Speaker, this amendment deletes the database reporting requirement in HB 1478 and requires that the data be reported to an alternative or subprime credit bureau.

Mr. Speaker, I am very concerned about the constitutionality of this database requirement. It has raised numerous questions, including but not limited to the constitutionality. Essentially, this General Assembly would be creating a database for the

express purpose of monitoring and controlling the financial lives of its citizens.

Mr. Speaker, I suspect that this issue has been laboriously gone over by both caucuses, and we may not exactly have the attention of the members.

This form of government oversight is unprecedented in Pennsylvania, and it is the very thing that our forefathers had envisioned preventing when they composed our Pennsylvania Constitution. Specifically, Article I, section 8, of the Pennsylvania Constitution, entitled "Security From Searches and Seizures," mandates that "The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures...."

Mr. Speaker, there is not a day goes by that I do not pick up a cosponsorship memo from one of my colleagues to address what they call identity theft, and in fact, the Speaker pro tem himself has been a victim of identity theft, and it entails an enormous amount of money and time to try to get it corrected.

All of us heard the news just this past week about MasterCard. Forty million credit card owners, the information is lost, and here we are creating a database in the Commonwealth of Pennsylvania that essentially has no input except to protect people from themselves, but it is discriminatory, Mr. Speaker, because you and I can go use our American Express card at one business and 15 minutes later go use our Visa card at another business and maybe 2 hours later use our MasterCard at another business. So I am very concerned about the privacy issue, the constitutionality, based upon the presentation of this bill.

Very early on I addressed the sponsor of the bill. I asked him if he was agreeable to some concerns that I had. He had indicated that he and the Secretary of Banking had laboriously worked on this subject matter for a great deal of time, and frankly, Mr. Speaker, this was under the radar screen, under the radar screen of 90 percent of the members in this General Assembly.

Now, if you are on the Business and Commerce Committee, you most certainly have had an opportunity about this subject matter. It is an important one, and it is one that we must address and that we must have regulations on, but we should not discriminate upon one particular segment of our constituency.

There are other areas of alternative credit bureaus, and they track consumer information the same way the big three do: Experien, Equifax, TransUnion. These are credit bureaus, and there are subprime credit bureaus out there. These are alternative credit bureaus that track the information and financial data from merchants such as Wal-Mart, Sears, J.C. Penney. Why should a borrower have to ask the Secretary of Banking for permission to borrow \$100 or \$200? I have been told that the average loan is \$300.

Now, you heard the gentlelady from Philadelphia, Ms. Manderino; the gentleman from Northampton talk about the injury that the interest rates cause to the borrowers. Well, the creation of this database adds insult to that injury, Mr. Speaker, and that is something that we need to address.

I have been told by the prime sponsor that if this amendment goes in, he will pull the bill. I wish he would not because we can make this work, and that is what we should all do here, try to work together, bring the sides together, and make a meaningful piece of legislation that is of benefit to our constituency and does not discriminate to one segment of our constituency and just add insult to injury.

Mr. Speaker, I move for adoption of A01437.

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

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is very narrow and accomplishes a very important purpose. At the moment, when you use a credit card or write a check, borrow from a bank, your transactions are not all deposited into a government database. This proposal would change— The bill as it is presented changes that for the poorest Pennsylvanians. It establishes that your right to privacy if you are poor should be less than your right to privacy if you are wealthy. I reject that notion.

Every Pennsylvanian is entitled to be secure in their homes, and part of that security is, without, without a court order, your financial transactions are your private business. It is not the State's business.

I wholeheartedly support the effort to extinguish this database, because if it makes sense here, it is going to find out sooner or later that someone is going to think it makes sense for the next thing and the next thing, and this is a classic case of, do not ask for whom the bell tolls; the bell will be tolling for thee.

Let us stop this encroachment in Pennsylvania in privacy right now. Let us reject the double standard that your rights as a Pennsylvanian depend upon how much money you make.

Thank you, Mr. Speaker.

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

Mr. ROSS. Thank you, Mr. Speaker.

There has been a considerable amount of discussion about databases, and let me explain why I put a database in the bill. The database is peculiar to this type of lending and needed for this type of lending because it is different than other types of lending. This type of lending happens rapidly, with rapid turnovers on a 1- to 2-week basis. The Banking Department, the Federal Deposit Insurance Corporation, routinely looks into your loan files and collects information off them now. Whether it is a mortgage, an auto loan, or anything like that, there are a series of government reviews of your loan files which collect information off of that. This is not unknown or secret information that is suddenly being released. But in the payday lending version, instead of an annual audit, we need real-time reviews so that we can be aware of real-time violations of the law, not by the borrower particularly but by the lender, and for the lenders that are trying to follow the law, it is wrong to put them at a disadvantage in competition with those that are not intending to follow the law. This is a reality check to make sure that the law is working.

Now, there was a question about constitutionality, and quite frankly, I am bewildered by that. The case that was quoted to me earlier was one in which there was a subpoena obtained in a criminal trial under false pretenses, and it was struck down for that reason. That has nothing to do with the concept of whether or not there should be any data collected by the Banking Department. Routinely, the Banking Department, Revenue Department, and other departments collect private information about us and stores it in databases. This is not unusual.

The discussion of identity theft is certainly one that needs to be paid attention to, but I would point out that whether it is the database that the payday lender is holding or the database that

the credit agencies that will review these loans are holding, they will be available for hackers as it is anyway. Again, this is not the only source where people can hack in. There are criminal penalties for releasing this information that is collected by the Department of Banking – that is, I think, a good protection – but the idea that we are suddenly opening up lots of personal information is simply not true.

So having raised those issues, we are left with a fundamental issue, which is, do we want to know whether or not the lenders are playing square with each other and with the Banking Department? If you do not have the ongoing database, you will not know, the Secretary of Banking will not know. It is a special case. It is not the thin end of the wedge, and I do not see this as being the problem that has earlier been mentioned.

So with those in mind and those arguments in mind, I strongly encourage my colleagues to vote “no” on this amendment and vote it down so that we can have a good bill here in Pennsylvania. Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I share the concerns of Mr. Bunt and Mr. Maher. I believe that there are legitimate privacy concerns on this amendment. I also believe that there are legitimate legal issues, both in terms of the constitutionality of this provision and in terms of conflict with Federal law, and how these legal issues will be resolved, we will not know, of course, until there is actually passage of this legislation, litigation on it in court decisions. But I think we can rest assured that everything is not cut and dried, that this will actually be in law and will be upheld.

I remember that when I went to law school while I was a member of the legislature, I was eligible for student loans from the Federal government, and I did not get the student loans from the Federal government that I was eligible for because I remember reading in the newspapers about other people who had student loans and they did not pay it back on time, and that wound up in the newspapers, and people who made loans from private institutions did not have it in the newspapers. So I made the decision that I did not want to risk being held up to public ridicule in case I missed a loan payment, and I can understand that people have these kinds of concerns.

It seems to me that the Bunt amendment is superior, and if the Bunt amendment can be passed, it is up to the main sponsors of the bill to decide what they want to do. I suspect that the outcome will be negotiated over time as to what will happen, and I would urge support for the Bunt amendment.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the long and short of it is, this amendment kills the bill. If you want any kind of regulation of these payday loan operations, we have got to have a database. What happens now to a lot of folks is they go into a payday loan establishment, they get a \$500 loan for 2 weeks. After about a week and a half, they decide that they probably are not going to be able to pay the loan off. They go down the street; they go get another loan, pay the first one off, and now they owe another one, and this process just continues time after time after time after time, and that process does in fact raise that interest rate to the hundreds of percent that we have all heard here. This database prevents that.

When you walk into establishment ABC, they write your name down and they say that you have got an outstanding loan, and when you try to go down the street, since this is real time, if it works, since it is real time, you go down the street and you say, I want another one of these, and they look and say, well, you have not paid off your first one yet, and you have got to pay that one off. The whole idea of this bill and what the Secretary of Banking is trying to do is remove people from the attitude of debt, that whole mantra of, I can just stay in debt for the rest of my life but I will have cash in my hand, you know, and after 2 or 3 years, I will have this huge debt. But we need to get people off of that. It is not a whole lot different than trying to wean people off of credit cards. The way we do it with this, to put any kind of teeth in this bill at all, is with a database. Without the database, this bill really dies and it guts the bill.

So with that, if you want regulation, if you want to protect your constituents from this mantra, of this ethos, if you will, of debt that so many of them have found themselves caught up into, then you need to oppose the Bunt amendment. Thank you, Mr. Speaker.

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

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Bunt amendment. The Democratic chair, Mr. Speaker, said that this amendment would kill the bill, Mr. Speaker, but I beg to differ. I think that this amendment simply strengthens this bill.

Mr. Speaker, although HB 1478 is attempting, it is attempting to provide certain regulatory provisions for the payday industry, it fails, Mr. Speaker, and it fails miserably to protect consumers, the consumers, through its use of a State database containing the personal information of all payday loan applicants under the Department of Banking.

Secondly, Mr. Speaker, under the current HB 1478, every time an individual applies for a payday loan, the lender, the lender, Mr. Speaker, must electronically transmit that individual's most personal information to a computer server controlled by the Department of Banking. Mr. Speaker, that, in my mind, in my thinking, is wrong. However, the Bunt amendment, Mr. Speaker, the Bunt amendment provides a safer alternative and one that has been tried by both time and fire.

Now, Mr. Speaker, all major lines of credit are placed on consumers' credit reports, all major lines of credit are placed on consumers' reports, and there is no need to exclude payday loans from this viable source already, already, already established by the current industry. Specifically, Mr. Speaker, the use of specialized credit reporting agencies will provide existing payday borrowers with an extensive and reliable opportunity to display their credit history as a payday loan customer and create a competitive consumer market within the existing industry. Mr. Speaker, without this amendment, we are talking about a serious invasion of privacy.

The Bunt amendment, Mr. Speaker, once again, provides an avenue, a vehicle, that has been tried by fire, that has been tested. So today, Mr. Speaker, I am asking my colleagues to be in support of the Bunt amendment. It does not kill the bill; it simply strengthens the bill. Thank you, Mr. Speaker.

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to support amendment 01437, and I rise because I echo my colleague, Mr. Kirkland from the city of Chester's position that this database adds an extra layer of collection, really an action of Big Brother here. We want government involved in collecting people's lending habits while the credit unions are already doing this under their current tracking scheme of when people are taking loan vehicles. This really is a government database. For those of you very conservative members on the other side, this is an extra tracking of poor people, and I really believe it is discriminatory. It is a way of tracking people and trying to get government to change their behavior. And we have all had good arguments in many committees about government programs trying to change the behavior of our constituents, and I feel strongly as a Representative from the northeastern part of this Commonwealth that that kind of tracking really could lead to some discriminatory practices and add additional tracking in the future of additional databases about other kinds of spending performance. For example, the next step could be let us track folks, all people's personal loans, maybe unsecured loans, or let us track and make a government database of all people's second mortgages that the State is going to take a look at.

What are we doing with this? I mean, this is really, I think, an overextension of State power. I find it to be onerous. I do not think this is a proper way to regulate poor people's behavior, and I really rise to support the Bunt amendment, because I just think that the database concept is fundamentally flawed, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. I am going to yield to the gentledady from Philadelphia.

The SPEAKER pro tempore. Mr. Thomas, are you yielding to Ms. Bishop?

Mr. THOMAS. I will follow her rather than—

The SPEAKER pro tempore. Temporarily yielding to Ms. Bishop.

You are recognized, Ms. Bishop. Thank you, Mr. Thomas.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support, enthusiastically in support, of the Bunt amendment. If we look at HB 1478, it puts in progress a database which, in my opinion, is very discriminatory. It discriminates between the rich and the poor. No other institution that I know of keeps that kind of database on hand.

When we hear the word "database" or "database," immediately we think of some criminal activity. We have a database for rapists. We have a database for child molesters. We have a database for other things, hideous crimes, but it does not seem fair to have a database for people who are less fortunate, who are having financial difficulty, who are unable to get a loan from a normal lending institution, and have to go that route.

I think that it is something we need to look at very carefully. When we set up the thousands of people across this Commonwealth who are in need of finances and have a database for them, I worry about whose hand that base will fall into and what will happen to them. So I am going to support the Bunt amendment and ask all of those certainly to support it with us so that we can pull this database out of HB 1478.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I rise enthusiastically to support the Bunt amendment. The Bunt amendment is a step forward rather than a step backwards, and I urge members from both sides to support the Bunt amendment enthusiastically.

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

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

I have some questions. I would like to be able to ask those questions of the prime sponsor of the bill.

The SPEAKER pro tempore. Will the gentleman, Mr. Ross, stand for interrogation? The gentleman has agreed to, and you may proceed, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I am hoping that you will be able to clarify some things for me as we deal with the issues of the database and deal with some consistency in loan practices.

Now, I heard the gentleman from Allegheny County, Mr. Markosek, mention about someone getting a loan and then going down the street and getting another loan and having that person be able to check, and with this process, they will be able to have a check and balance because the information will be in the Secretary of Banking's office or his database. Can you tell me, is it possible for anyone here or any person in Pennsylvania to be able to go down the street, to go to any bank or any finance company, and get a loan, the next day to go to any bank or finance company and ask for another loan, and then the following day to go to any bank or any finance company and ask for another loan, 3 consecutive days?

Mr. ROSS. Thank you, Mr. Speaker.

I think the answer to that question would depend on the person's credit worthiness, and—

Mr. PRESTON. No; I said to ask for a loan.

Mr. ROSS. To ask for a loan? I am sure people can ask for loans, yes.

Mr. PRESTON. Would that information, if he were approved by the first one, would that information for the second, third, or if he asked for five, six, seven, or eight or nine loans, would any of that information currently in today's practices be stored in the Secretary of Banking's database?

Mr. ROSS. It is my understanding that those banking institutions and that loan information is routinely audited, so it would be at one point or another collected and perhaps available to the Secretary or to the other ruling institution, the FDIC or whomever the bank is chartered with.

Mr. PRESTON. But under any law in the Commonwealth of Pennsylvania now, is that information in the office or under the jurisdiction of the Secretary of Banking today?

Mr. ROSS. If it is a financial institution under the supervision of the Banking Department, yes, I would believe it would be available and it would be collected by the Secretary or whomever he designates to monitor and audit those financial institutions.

Mr. PRESTON. So you are saying that all of the loans by all of the State and national banks and finance companies in the Commonwealth of Pennsylvania, all of those loans are registered under the purview of the Secretary of Banking, and he has a database where he has a record of those loans?

Mr. ROSS. Well, I think as part of the auditing process, I believe that that information is collected and reviewed, yes.

Mr. PRESTON. How often is it audited?

Mr. ROSS. That I do not know. You would have to ask the Banking Department what their procedures are in that regard. But in terms of privacy, the important point here, which I think you are raising very well, is that the information is reviewed and is not kept away from the Banking Department right now, or depending on the financial institution, the Federal Deposit Insurance Company or whoever is supervising that institution.

Mr. PRESTON. Is it possible that it could only be audited every 2 years or 3 years?

Mr. ROSS. I cannot speculate. I am not familiar with the procedures of the Banking Department.

Mr. PRESTON. But you are saying that the Secretary does not have that information until things are audited.

Mr. ROSS. I would think that the information is collected and stored and reviewed on a regular basis, and how frequently those audits occur, I do not know.

Mr. PRESTON. So what would be the difference then if the same process does not exist for the bill or the amendment that is involved with us now? Why are we asking for something different versus ordinary, everyday people going through a loan process? Why are we on to something different?

Mr. ROSS. I guess I am responding to two different points, Mr. Speaker. One point is whether or not this information would ever be looked at by anybody or ever put someplace where someone might be able to hack in to the database and access it, and my point on that one is, yes, that it would. The important thing and the difference between these kinds of loans and something like a car loan, which may be over 2 or 3 years, or a mortgage, which would be over 25 or 30 years, is the frequency and the rapidity to which these loans are taken out, and we are talking about a 1- to 2-week loan, which is dramatically different than all of the other lending products that I am familiar with. So that is the reason why the review needs to be more frequent and in real time.

Mr. PRESTON. Well, that brings up another interesting point then. Is it possible that I could go to any major national bank here in the Commonwealth of Pennsylvania and get a 30-day loan?

Mr. ROSS. Anything is possible, but my information is that they are not typically lending short term like that right now.

Mr. PRESTON. Are you saying then that there is no such thing as a 30-day loan, a 90-day loan, or a 60-day loan?

Mr. ROSS. The best of my understanding is unsecured short-term loans are not available through regular banking institutions, and I did talk to a gentleman who is involved with the banking industry, and he assured me that this is not a market that the regular banks are interested in competing in and offering loans.

Mr. PRESTON. I ask that question for another time. Are you telling me that if I go into the PNC Bank, that I could not apply for a 30-day loan and negotiate the interest rate? I will help you out a little bit more on that.

Mr. ROSS. Well, I am not sure exactly what your banking arrangements are. If you—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. ROSS. Sure.

The SPEAKER pro tempore. The Chair has been informed that that question has already been asked and answered, so the gentleman is encouraged to ask new questions.

PARLIAMENTARY INQUIRY

Mr. PRESTON. Mr. Speaker, if I may address that to you and to the Parliamentarian. The first question I asked was about a 30-day loan. The second question I asked— And he said he was not really aware of the process of the bank. The second question I asked, if I came into a bank, are you saying that I cannot get a 30-day loan and negotiate the interest rate? That is a different question, in my opinion. I would like to hear a parliamentary answer to that, since you have made that statement.

The SPEAKER pro tempore. The gentleman may continue, but we have granted him a bit of latitude here. We believe that the questions are very, very similar with very little difference, so we would appreciate your pinpointing exactly the answers that you are looking for from your questions.

Mr. ROSS. Mr. Speaker, I will give a shot at answering that, if you would like.

My sense of your success or failure in being able to negotiate that kind of loan, Mr. Speaker, would depend upon the relationship that you might have with the bank. If you were already a depositor at that bank and had substantial assets available at the bank that were tied up, perhaps in CDs (certificates of deposit) or similar kinds of financial instruments like that that would provide the bank with some security, I think it is very possible that you could take out a short-term loan and possibly negotiate those kinds of rates. But I would point out that the typical user of a payday loan does not have those kinds of assets to act as collateral and in fact is seeking an uncollateralized loan, which is really one that is an entirely different financial instrument and really creates a significant amount of additional risk for the lender. So I would think that, to make a direct comparison or a parallel with the existing payday lending instruments, I would say that that would not be comparable and not be available in the regular banking industry, which is what I really was saying before.

Mr. PRESTON. Mr. Speaker, may I address the amendment?

The SPEAKER pro tempore. The gentleman has concluded his interrogation and may proceed.

Mr. PRESTON. Mr. Speaker, I heard the gentleman's statement, and having been a banker myself, I am quite aware that the gentleman's statements are partly true, if the gentleman is applying for a business loan. But there are an awful lot of banks and savings and loans and finance companies that give 30-day loans. Here we are talking about a 2-week loan, and what we are asking for is a different process, lending and treating someone totally different for the issue of 2 weeks. The gentleman would not answer my question relative to 1 day, 2 days, 3 days, or 4 days, and there are people who do it every single day, and then there are also people who get certain lines, credit lines, that are also unsecured that are also based upon loans that are based on certain relative point processes.

I am not going to get anymore into it until after I hear some additional speakers and probably ask again, but I would ask the members that 1437 is a form of protection. With the ongoing identity theft and with the offset of being able to have the Secretary of Banking at the only time, for this particular instance to be able to have access to a certain amount of information and to be able to control it, I think is Big Brother watching you.

Now, I have heard also the word about "poor" versus "rich." Now, I could have asked the gentleman roughly about what is

the average income of a loan or the people coming in for the loan. Well, for the members' information, it is \$28,000, more than twice the level of the poverty level based on the United States statistics, and he cannot refute that. That means that there are people who are going in there for different reasons that make \$11,000 and there are people going in there for different reasons making \$50,000, and who are we, who are we, or here we go again, to determine this is going to be better for you? We have to be able to protect you.

I am not saying I agree with the process as far as the company business itself, but I am saying, here we go again saying that you should not be able to do this, and we are going to put Big Brother, depending on another bureaucrat, a bureaucrat, to be able to control the records of a few people that most of the loans, most of the loans in this State, and if you look at the full reports, are not audited. We have had problems with our savings and loan industry and our financial industries over the years, and we know they are not audited. They do not have the staff to even do the audits, and they do not have the staff to do the Federal audits.

So I just think that the Bunt amendment is a good example. We should not be fooled. We should not give away this chance for identity theft, for people to be able to steal your records, and for people who may not even have background checks to be able to work in the Secretary of Banking's office, to be able to have access to this information, and I think that the Bunt amendment is a good amendment. I think the time has come today, and we should be responsible and act.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER pro tempore. For the information of the members, given the time this evening and the agreement that we would try to finish up by hopefully 5:30 and given the laundry list of members that still would like to be recognized, the bill will be over for the day, and we will resume tomorrow.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Taylor, is recognized for a committee announcement.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, as advertised, the House Urban Affairs Committee will meet at the rear of the floor of the House immediately.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Urban Affairs will meet at the rear of the House immediately.

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Raymond, for a committee announcement.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, the House Liquor Control Committee will have an immediate meeting in room 148, Main Capitol.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Liquor Control Committee will have an immediate meeting in room 148, Main Capitol.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be an informal Republican caucus at 8:30 and a formal caucus at 9:30.

The SPEAKER pro tempore. The Chair thanks the lady.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, the chairman of the Transportation Committee, Mr. Geist.

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

The Transportation meeting will continue at the back of the House at the recess. Transportation at the back of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Transportation meeting will continue at the back of the House at the recess.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus at 10:30 in the morning, 10:30 in the morning, and then we will have a caucus with formal and informal discussions at noon.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Allen, for an announcement.

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Relations Committee will meet tomorrow morning at 10 in room 205. That is room 205 at 10 a.m. for the Labor Relations Committee. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Labor Relations Committee will meet tomorrow morning at 10 in room 205.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, from Bucks County for an announcement.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee will meet tomorrow at 10 o'clock in room 3 of the North Office Building. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

State Government will meet tomorrow at 10 o'clock in room 3 of the North Office Building.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

Mr. HERSHEY. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hershey, for an announcement.

Mr. HERSHEY. Thank you.

The House Agriculture and Rural Affairs Committee will meet tomorrow at 9:30 in room 302 of the Irvis Building. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Agriculture and Rural Affairs will meet tomorrow at 9:30 in room 302 of the Irvis Building.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 300 be taken off the table.

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

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 300 be recommitted to the Rules Committee.

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

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

HB 471, PN 2280 (Amended) By Rep. KENNEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Health to provide notice of certified primary stroke treatment hospitals; and establishing a Statewide stroke database.

HEALTH AND HUMAN SERVICES.

HB 1289, PN 1533

By Rep. KENNEY

An Act amending the act of February 14, 1990 (P.L.62, No.11), known as the Noncontrolled Substances Reporting and Registration Act, further providing for chemicals subject to registration.

HEALTH AND HUMAN SERVICES.

HB 1554, PN 1929

By Rep. KENNEY

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, prohibiting third-party guarantees of payment for admission; imposing powers and duties upon the Department of Health; imposing penalties for violation; and making an appropriation.

HEALTH AND HUMAN SERVICES.

HB 1606, PN 2149

By Rep. KENNEY

An Act providing for free breast and cervical cancer screening services to certain eligible women and for the powers and duties of the Department of Health.

HEALTH AND HUMAN SERVICES.

HB 1705, PN 2281 (Amended)

By Rep. KENNEY

An Act providing for health care coverage for the treatment of people with bleeding disorders.

HEALTH AND HUMAN SERVICES.

RESOLUTION REPORTED FROM COMMITTEE

HR 332, PN 2070

By Rep. KENNEY

A Resolution urging the President and the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials.

HEALTH AND HUMAN SERVICES.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 229, PN 980 (Amended)

By Rep. KENNEY

An Act imposing a duty on the Department of Public Welfare prior to the closure of State mental health and mental retardation facilities to make a certification to the General Assembly.

HEALTH AND HUMAN SERVICES.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grell, from Cumberland County.

Mr. GRELL. Mr. Speaker, I move that this House do now recess until Wednesday, June 22, 2005, 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 5:40 p.m., e.d.t., the House recessed.