

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JULY 2, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 63

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

HON. THADDEUS KIRKLAND, member of the House of Representatives, offered the following prayer:

Let us pray:

Our Father and our God, it is once again, O Lord, that we come into Your presence with thanksgiving, for You said in Your Word, O God, in all things we are to give thanks. And so, God, we are thankful today because You provide us with an opportunity that we have never seen or experienced before, a day filled with brand-new mercies. In spite of what happened yesterday, You continue to provide us with brand-new mercies, and for that, O God, we are grateful.

We are also grateful, God, because we know that You are Jehovah-rapha, the God that heals, and You exhibited that power by raising up both Representative James and Representative Surra from their sickbeds to be with us today.

We also know, O God, that You are a comforter, for You provide that to Representative King in his hour of need, letting him know that earth has no sorrow that heaven cannot heal.

So, God, we are grateful today for all that You do with us and through us, and now as we enter into Your work, we pray, O God, that You would provide us with the same things that You provided Solomon, that which being wisdom and understanding, so that we might govern these Thine people.

Father God, allow us to work together and come together, and, dear Lord, be in the midst of all that we do, for You said, where two or three are gathered together touching and agreeing, that You would be there. And so, God, we are asking that this spirit would be amongst us, work through us, and have Your way in our lives as we work through this budget in these tough and trying times. We know that You can and we know that You will. These and all the blessings we ask in the mighty miraculous name of Your son, Jesus Christ. Our soul says, with thanksgiving, amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Sunday, July 1, 2007, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. The Journals of Monday, April 23, and Tuesday, April 24, of 2007 are now in print. Will the House approve those Journals?

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any leaves on the Democrat side? The majority whip requests a leave of absence for the gentleman from Philadelphia, Mr. JAMES; the gentledady from Luzerne County, Ms. MUNDY; and the gentleman, Mr. Matt SMITH, from Allegheny County. Without objection, those leaves are granted.

The Chair recognizes the gentledady, Miss Major, who requests leaves of absence for the following members: the gentleman from Northampton County, Mr. DALLY; the gentleman from Butler County, Mr. ELLIS; the gentleman from Delaware County, Mr. KILLION; and the gentledady from Bucks County, Ms. QUINN. Without objection, the leaves of absence will be granted.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is very pleased to note the presence on the floor of the House of the gentleman, Mr. Surra. Welcome back, Mr. Surra.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Siptroth
Boback	Haluska	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, S.
Brennan	Harhai	Murt	Solobay
Brooks	Harhart	Mustio	Sonney
Buxton	Harkins	Myers	Staback
Caltagirone	Harper	Nailor	Stairs
Cappelli	Harris	Nickol	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hershey	Oliver	Sturla
Civera	Hess	Pallone	Surra
Clymer	Hickernell	Parker	Swanger
Cohen	Hornaman	Pashinski	Tangretti
Conklin	Hutchinson	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Cruz	Keller, W.	Perzel	Turzai
Curry	Kenney	Petrarca	Vereb
Cutler	Kessler	Petri	Vitali
Daley	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Rapp	White
Eachus	Longietti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman	Markosek		

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Dally	James	Mundy	Smith, M.
Ellis	Killion	Quinn	

LEAVES ADDED—1

Preston

LEAVES CANCELED—3

Ellis Mundy Quinn

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. RAMALEY called up **HR 117, PN 821**, entitled:

A Resolution designating the month of September 2007 as "Ovarian Cancer Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Siptroth
Boback	Haluska	Moul	Smith, K.
Boyd	Hanna	Moyer	Smith, S.
Brennan	Harhai	Murt	Solobay
Brooks	Harhart	Mustio	Sonney
Buxton	Harkins	Myers	Staback
Caltagirone	Harper	Nailor	Stairs
Cappelli	Harris	Nickol	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hershey	Oliver	Sturla
Civera	Hess	Pallone	Surra
Clymer	Hickernell	Parker	Swanger
Cohen	Hornaman	Pashinski	Tangretti
Conklin	Hutchinson	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Cruz	Keller, W.	Perzel	Turzai
Curry	Kenney	Petrarca	Vereb
Cutler	Kessler	Petri	Vitali
Daley	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Ramaley	Wheatley
Donatucci	Levdansky	Rapp	White
Eachus	Longietti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman	Markosek		

NAYS—0

NOT VOTING—0

The SPEAKER pro tempore. A quorum being present, the House will proceed to conduct business.

EXCUSED—7

Dally	James	Mundy	Smith, M.
Ellis	Killion	Quinn	

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

STATEMENT BY MR. KIRKLAND

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, as we were praying this morning, we inadvertently invoked the name of Representative King, and we were praying for him as well, but we wanted to make sure that Representative Matt Smith realizes that we are praying for him as he goes through his bereavement process.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING**DEMOCRATIC CAUCUS**

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Eachus, for an Appropriations Committee announcement as well as a caucus announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For all the information of the members, I thought what I could do, on behalf of the Democratic leadership, is inform members what the afternoon schedule will look like.

At 1:45 the Appropriations Committee will meet in the majority caucus room. At 2 o'clock we will have a Democratic Caucus meeting, and we will be back on the floor at 3 p.m. So once again, Appropriations at 1:45; Democratic Caucus meeting at 2 o'clock, and we will be back on the floor by 3 p.m.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman kindly clarify. Mr. Eachus, would you kindly clarify whether we will be back on the floor voting at 3 or 3:30?

Mr. EACHUS. Thank you, Mr. Speaker.

I will clarify. I stepped off and spoke to our staff. It will be 3:30 back on the floor; my apology, 3:30 back on the floor.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet at 1:45 in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentelady, Miss Major, for a caucus announcement.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to call a Republican caucus immediately at the call of the recess; that is Republicans will caucus immediately at the call of the recess.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

TRANSPORTATION COMMITTEE MEETING

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

Mr. MARKOSEK. For the purpose of an announcement of a meeting, Mr. Speaker.

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

Mr. MARKOSEK. Thank you.

I would like to announce a meeting of the Transportation Committee at 3 p.m. in room G-50, Irvis Office Building; that is Transportation at 3 p.m., room G-50.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Transportation Committee will meet at 3 p.m.

STATEMENT BY MR. SURRA

The SPEAKER pro tempore. Members, may we have your attention.

The gentleman returning to bless us with his presence today would like to say a few words, the gentleman, Mr. Surra.

Mr. SURRA. Mr. Speaker, you are bad.

I am going to take it easy, and believe me, I am under orders to take it easy, but it is a heck of a way to find out that you have a lot of friends. But it is certainly a wake-up call. It is a scary thing to wake up in the middle of the night thinking you have pretty serious heartburn, and after about 2 hours of bullheadedness, you finally admit to yourself, this is really bad heartburn. And then after my son, who talked me out of walking up to the Capitol to drive to the hospital, he got the car and picked me up. Then we went to the wrong hospital. It was no longer a hospital. I think somebody had to be looking down on me, because we made enough mistakes that I really should not be here, and really, I should not be here right now, but people in our business are not good at sitting around and not doing anything. I told the doctor that there is more stress for me sitting here in this bed than being back in the Capitol. And to tell you how bad it was, yesterday I was watching a Eukanuba dog show on television, and you might as well put a gun to my head.

But from the bottom of my healing heart, I want to thank all of you. You know, there are a lot of people who say a lot of things, and it has been a tough couple of years for this General Assembly, but I want to tell you, there are a lot of very fine people here from both sides of the aisle, and I found that out over the last few days.

Thank you very much. Let us get this budget passed.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The House now stands in recess until 3:30.

AFTER RECESS

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

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

BILLS REREPORTED FROM COMMITTEE

HB 27, PN 2183 By Rep. D. EVANS

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for witness relocation.

APPROPRIATIONS.

HB 883, PN 2184 (Amended) By Rep. D. EVANS

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and testing; and making editorial changes.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

BILL REREPORTED FROM COMMITTEE

SB 34, PN 1252 By Rep. D. EVANS

An Act permitting a mother the freedom to nurse her child in public; providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity; and providing for a private right of action.

APPROPRIATIONS.

The SPEAKER. This bill will be placed on the active calendar.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Marguerite Quinn on the floor. Her name will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House Bill Meyerowitz and his son, Grayson, who are seated to the left of the Speaker. Please rise and be recognized. They are the guests of Representative Josh Shapiro.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Phyllis Mundy on the floor. Her name will be added to the master roll.

CALENDAR CONTINUED

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 496, PN 2086**, entitled:

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, further providing for definitions, for licensing and registration fees, for powers of Environmental Quality Board, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive materials; and making repeals.

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

The SPEAKER. On the question, the Chair recognizes Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.
Mr. Speaker, realizing the significance and the importance of this measure and what it deals with, I would urge all to concur. Thank you.

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

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Bianucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Sip troth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner

DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longietti	Ramaley	White
Evans, D.	Mackereth	Rapp	Williams
Evans, J.	Maher	Raymond	Wojnaroski
Everett	Mahoney	Readshaw	Yewcic
Fabrizio	Major	Reed	Youngblood
Fairchild	Manderino	Reichley	Yudichak
Fleck	Mann	Roae	
Frankel	Mantz	Rock	O'Brien, D.,
Freeman	Markosek	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dally	James	Killion	Smith, M.
Ellis			

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 881, PN 1978**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property, for provisions relating to unlawful devices and methods and for exceptions to unlawful use of lights while hunting.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Representative Nailor, who moves that the rules be suspended for the immediate consideration of amendment A02368.

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

The SPEAKER. The House will be at ease temporarily.

MOTION WITHDRAWN

The SPEAKER. On the motion to suspend the rules, the Chair recognizes Representative Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I have spoken to the prime sponsor of the legislation, and I have agreed to suspend and pull this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Representative Keller.
Mr. M. KELLER. Thank you, Mr. Speaker.
Will the sponsor of the bill stand for interrogation?
Mr. HALUSKA. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may begin his interrogation.

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

It is just a quick question that I have regarding the language that the Senate has inserted. Am I correct that as amended in the Senate, this bill now gives the Game Commission the authority to grant permits to individuals other than farmers, their families, and their employees to assist landowners in the harvesting of deer responsible for crop damage?

Mr. HALUSKA. Yes, Mr. Speaker. That was the amendment that the Senate added into the bill.

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

So I am correct then that it is the intent of the language that the permit requirements were only for those third persons, not the farmers and their families and employees?

Mr. HALUSKA. Yes, Mr. Speaker.

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

And with that clarification, I ask the members for their support of HB 881 as amended by the Senate. Thank you.

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—195

Adolph	Galloway	Marshall	Roebuck
Argall	Geist	Marsico	Rohrer
Baker	George	McCall	Ross
Barrar	Gerber	McGeehan	Rublely
Bastian	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Benninghoff	Gingrich	Mensch	Santoni
Beyer	Godshall	Metcalfe	Saylor
Biancucci	Goodman	Micozzie	Scavello
Bishop	Grell	Millard	Schroder
Blackwell	Grucela	Miller	Seip
Boback	Haluska	Milne	Shapiro
Boyd	Hanna	Moul	Shimkus
Brennan	Harhai	Moyer	Siptroth
Brooks	Harhart	Mundy	Smith, K.
Buxton	Harkins	Murt	Smith, S.
Caltagirone	Harper	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Stairs
Causer	Hershey	O'Brien, M.	Steil
Civera	Hess	O'Neill	Stern
Clymer	Hickernell	Oliver	Stevenson
Cohen	Hornaman	Pallone	Sturla
Conklin	Hutchinson	Parker	Surra
Costa	Josephs	Pashinski	Tangretti
Cox	Kauffman	Payne	Taylor, J.
Creighton	Keller, M.	Payton	Taylor, R.
Cruz	Keller, W.	Peifer	True
Curry	Kenney	Perry	Turzai
Cutler	Kessler	Perzel	Vereb
Daley	King	Petrarca	Vitali
DeLuca	Kirkland	Petri	Vulakovich
Denlinger	Kortz	Petrone	Wagner
DePasquale	Kotik	Phillips	Walko

Dermody	Kula	Pickett	Wansacz
DeWeese	Leach	Preston	Waters
DiGirolamo	Lentz	Pyle	Watson
Donatucci	Levdansky	Quigley	Wheatley
Eachus	Longietti	Quinn	White
Evans, D.	Mackereth	Ramaley	Williams
Evans, J.	Maher	Rapp	Wojnaroski
Everett	Mahoney	Raymond	Yewcic
Fabrizio	Major	Readshaw	Youngblood
Fairchild	Manderino	Reed	Yudichak
Fleck	Mann	Reichley	
Frankel	Mantz	Roae	O'Brien, D.,
Freeman	Markosek	Rock	Speaker
Gabig			

NAYS-3

Bennington	Swanger	Thomas
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NOT VOTING-0

EXCUSED-5

Dally	James	Killion	Smith, M.
Ellis			

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.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Brian Ellis on the floor. His name will be added to the master roll.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 27, PN 2183**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for witness relocation.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

On the question, the Chair recognizes the lady from Philadelphia, Representative Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to give credit where credit is due. I want to take this opportunity to thank you, Mr. Speaker. Prior to ascending to the esteemed position as Speaker of this House,

as the former chair of Judiciary, you were very supportive of this bill when I worked on this legislation last year. I need to thank Corey Coleman, who worked extremely hard; the district attorney's office; Annmarie Kaiser in the Attorney General's Office; and all of the members of this body for supporting this legislation.

Thank you, Mr. Speaker.

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-199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Bianucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Sipthroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longietti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED—4

Dally James Killion Smith, M.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 221, PN 1260**, entitled:

An Act providing for the establishment of the Historic Preservation Incentive Grant Program for historic commercial and residential sites.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Tangretti.
Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I once again ask the members of this General Assembly to add a vital tool to the economic development toolkit of this Commonwealth. On no less than four occasions, we have passed similar legislation in this House unanimously and sent it to the Senate where, unfortunately, it did not see the light of day. I am hopeful that it will be different this time, this budget season.

Unlike the original concept of a historic tax credit, this is a Historic Preservation Grant Program with up to \$10 million for the purposes of residential and commercial properties who are either historic or in a historic district and meet the criteria relative to the Department of the Interior standards.

It has proven to be a tremendous economic development tool for many of the communities across this Commonwealth. As a matter of fact, the Federal tax credit program for historic properties is used mostly by Pennsylvania of all the other States compared.

So I would ask once again, beg your indulgence, ask for your support, and hopefully those people on the other side of this building will see the wisdom of this chamber's efforts to get this done.

Thank you very much, Mr. Speaker.

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—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Bianucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longiotti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D., Speaker
Frankel	Markosek	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally James Killion Smith, M.

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 1589, PN 2181**, entitled:

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects, for special provisions for certain redevelopment assistance capital projects and for preemption of local ordinances for Department of Corrections projects; and making appropriations.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Samuelson.
Mr. SAMUELSON. Thank you, Mr. Speaker.
I just ask that this bill go over temporarily. The text is not available on the computer screen.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

* * *

The House proceeded to third consideration of **SB 72, PN 426**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Biancucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causser	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longiatti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D., Speaker
Frankel	Markosek	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally	James	Killion	Smith, M.
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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 return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 116, PN 1271**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the adoption of guidelines for fines; further providing for exemptions from jury duty and for selection of prospective jurors; providing for statewide jury information system; and further providing for no limitation applicable.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Bianucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali

DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longiatti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D., Speaker
Frankel	Markosek	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally James Killion Smith, M.

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

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 823, PN 2097**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions, for immunity from liability, for release of information in confidential reports, for studies of data in records, for investigating performance of county agencies, for citizen review panels, for child abuse services and for reporting.

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

Mr. **DERMODY** offered the following amendment No. **A02539**:

Amend Sec. 5 (Sec. 6365), page 7, line 21, by inserting after "agency"

in accordance with a protocol developed by the county agency, the department and the district attorney

Amend Sec. 5 (Sec. 6365), page 10, line 8, by inserting after "agency."

in accordance with the protocol and

Amend Sec. 5 (Sec. 6365), page 13, by inserting between lines 9 and 10

(f) Construction.—The provisions of this section shall be construed to assist in the improvement of services designed to identify and prevent child abuse. The provisions shall not be construed to impede or interfere with criminal prosecutions of persons who have committed child abuse.

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

The SPEAKER. On the amendment, the Chair recognizes Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that was worked on after a committee meeting by the District Attorneys Association, the Department of Public Welfare, Children and Youth Services. We came up with a plan that provides for the establishment of protocols, working with the CYS and the DA and the department, for establishing the review panel and selecting leadership for that review panel, and it also requires that the act be construed so that the whole purpose of the act and the review panel is to identify and prevent child abuse.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Biancucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longiatti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	

Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally	James	Killion	Smith, M.
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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,
Will the House agree to the bill on second consideration as amended?

Mr. SOLOBAY offered the following amendment No. **A02301:**

Amend Sec. 1 (Sec. 6303), page 2, line 19, by inserting brackets before and after "intentional"

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

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

On agreement with the prime sponsor, we are going to pull this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GABIG offered the following amendment No. **A02479:**

Amend Sec. 1 (Sec. 6303), page 2, line 19, by inserting after "act"

or omission

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

The SPEAKER. On the amendment, the Chair recognizes Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I believe that we just voted on the prime maker's amendment, which included the district attorney's office being involved with the protocol. They had opposed the bill as it was written in committee and I believe worked with the prime sponsor and myself and others, and I think in light of that amendment, my amendment is basically superseded or was taken care of in Mr. Dermody's amendment. So I will be withdrawing that amendment. Hold on.

Oh, I am sorry. This is an agreed-to amendment, Mr. Speaker; sorry.

The SPEAKER. So the amendment before the House is A02479.

Mr. GABIG. That is correct.

Mr. Speaker, I am sorry about the confusion. I have another amendment that my previous comments refer to, which I will be withdrawing, and I will not have to stand up. I will just indicate that to the Speaker at the time, but this is an agreed-to amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Bianucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longietti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally James Killion Smith, M.

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 second consideration as amended?

The SPEAKER. The Chair is not aware of any other amendments?

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1130, PN 2132**, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, providing for campaign report format.

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

Mr. **SABATINA** offered the following amendment No. **A02473**:

- Amend Title, page 1, line 12, by striking out "format"
- Amend Sec. 1 (Sec. 18.1), page 1, line 18, by striking out "Format"
- Amend Sec. 1 (Sec. 18.1), page 2, line 6, by inserting a period after "CITY"
- Amend Sec. 1 (Sec. 18.1), page 2, lines 6 and 7, by striking out "in an electronic format instead of a paper format."

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Sabatina, on the amendment.

Mr. SABATINA. Thank you, Mr. Speaker.

I wish to withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman intend to offer his next amendment?

Mr. SABATINA. Yes, Mr. Speaker.

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

Mr. SABATINA offered the following amendment No. A02555:

Amend Sec. 1 (Sec. 18.1), page 1, line 18, by striking out "Report Format" and inserting

Reports

Amend Sec. 1 (Sec. 18.1), page 2, line 2, by inserting a comma after "PERSON"

Amend Sec. 1 (Sec. 18.1), page 2, line 3, by inserting after "COMMONWEALTH"

or the county board of elections

Amend Sec. 1 (Sec. 18.1), page 2, lines 6 and 7, by striking out "THE CITY in an electronic format instead of" in line 6 and all of line 7 and inserting

any other office of a county or city of the first class.

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

The SPEAKER. The Chair recognizes Representative Sabatina on the amendment.

Mr. SABATINA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for the support of my colleagues on this amendment and the subsequent bill. This is an agreed-to amendment. What this amendment and bill do is eliminate the requirement placed on Philadelphia political action committees and subsequent requirements that need to be addressed with campaign finance.

In the State of Pennsylvania, State officials are required to file in two places with the Department of State and their county commissioner. However, in the city of Philadelphia, they have an additional requirement to file with the Department of Records. I have been contacted by a number of people, both on the city and State levels, and they have relayed their concerns and the problems associated with filing this third place.

When you file with the Department of Records, you are required to manually input your campaign report in a terminal that they provide you. This has been a problem for a lot of the elderly and the less computer-savvy people out there in filing these campaign finance reports, not to mention the long lines associated with waiting in line to file, manually filing them, and treasurers of such campaign committees who serve as treasurer on a voluntary basis have expressed their concern in that they have to take days off from work in order to accommodate this restriction. My amendment to Representative Youngblood's bill eliminates this requirement.

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

The following roll call was recorded:

YEAS-190

Table listing names of representatives who voted 'YEAS-190', including Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Beyer, Bianucci, Frankel, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Rock, Roebuck, Rohrer, Ross, Rubley, Sabatina, Sainato, Santoni, Saylor, Scavello.

Table listing names of representatives who were present or absent, including Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longiatti, Mackereth, Maher, Mahoney, Major, Mann, Mantz, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Schroder, Seip, Shimkus, Siptroth, Smith, K., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS-9

Table listing names of representatives who voted 'NAYS-9', including Bennington, Freeman, King, Manderino, Pallone, Samuelson, Shapiro, Taylor, R., Wagner.

NOT VOTING-0

EXCUSED-4

Table listing names of representatives who were excused, including Dally, James, Killion, Smith, M.

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of HB 1140, PN 2018, entitled:

An Act prohibiting the investment of State funds in certain private business entities doing business in Sudan; and providing indemnification to certain persons.

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

Mr. **NICKOL** offered the following amendment No. **A01811**:

Amend Sec. 9, page 16, line 18, by inserting after "portfolios."
Nothing in this section shall require the board of a public fund to take action as described in section 6(b) unless the board determines, in good faith, that the action described in this section is consistent with the fiduciary and prudent investing responsibilities of the board as described in 24 Pa.C.S. § 8521 (relating to management of fund and accounts) and 71 Pa.C.S. § 5931 (relating to management of fund and accounts).

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

PARLIAMENTARY INQUIRY

AMENDMENT WITHDRAWN TEMPORARILY

The **SPEAKER**. The Chair recognizes Representative Nickol on the amendment.

Mr. **NICKOL**. Mr. Speaker, a point of parliamentary inquiry.

The **SPEAKER**. The gentleman will state his point of parliamentary inquiry.

Mr. **NICKOL**. I have four amendments to the bill, and what I would like to do is speak about the bill in general on second consideration, if possible, and then offer the amendments one after another, the first one being A02025. Would that be permissible?

The **SPEAKER**. The gentleman is in order.

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

Mr. **NICKOL** offered the following amendment No. **A02025**:

Amend Sec. 9, page 16, line 13, by inserting after "including" any fiduciary or prudent investing responsibilities as described in 24 Pa.C.S. § 8521 (relating to management of fund and accounts) and 71 Pa.C.S. § 5931 (relating to management of fund and accounts) and

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

The **SPEAKER**. The Chair recognizes Representative Nickol on the amendment.

Mr. **NICKOL**. Thank you, Mr. Speaker.

First, I want to observe that I doubt there is a legislator in the hall of the House who does not agree with the premise that the slaughter in Darfur needs to be stopped. I am sure that we are all repulsed by the actions of the government of Sudan in seeding the violence and the procrastination in allowing international troops onto its soil to help bring the violence it helped unleash under control.

To this end, I joined with the majority chairman of the Appropriations Committee on January 30, and we introduced HR 36. This would have set in motion a select committee to meet with the pension boards and other stakeholders to study

courses of action this Commonwealth might take to influence the situation in Sudan.

Representative Evans and I both served together for many years on the PSERS (Public School Employees' Retirement System) Board representing this body. Earlier this year we joined with other members of the PSERS Board to look at what might be done with regard to Sudan. So PSERS took it on itself to contact 23 companies that were listed as doing business in Sudan to assess their involvement and express our concerns.

HR 36 was referred to the House State Government Committee and remains there to this day without any action. However, on April 23, almost 3 months after HR 36 was offered and after the process was started at PSERS, the chair of the House State Government Committee introduced their own bill, HB 1140, and we are considering that bill today.

I fully appreciate the sincerity of emotion displayed by the chairman in introducing HB 1140. It goes beyond question that she is interested in a positive outcome in Sudan. I seriously part company with her, however, in the process used to bring this bill to the floor and the lack of consideration granted various groups whose views should have been heard before acting on any bill of this magnitude. I am also concerned that her approach is likely to have more impact on the taxpayers of Pennsylvania than the government of Sudan. The chair is much quicker than I am to jump to the conclusion that this bill, largely drafted by a student-led group out of Washington, DC, named the Sudan Divestment Task Force, is the direction to go.

The students are single-minded. They want to put pressure on the government of Sudan by putting pressure on anyone investing or doing business in Sudan, especially elected officials on pension boards. We as legislators have a much more complex mission than the students. We cannot be single-minded about Sudan. We need to balance our desire to put pressure on the government of Sudan with our other duties and responsibilities, one of which is to the members of the retirement systems.

What HB 1140 refers to as "public assets" are really not public. These assets actually represent the retirement life savings of State employees and school employees, a larger share of their assets to the pension fund coming directly from their pockets in the form of employee contributions than from the Commonwealth itself, which has taken a contribution holiday for much of the last decade.

You will find that groups like AFSCME (American Federation of State, County, and Municipal Employees), PSEA (Pennsylvania State Education Association), the Pennsylvania Federation of Teachers, the Pennsylvania Association of School Retirees, the Pennsylvania Association of Retired State Employees, and others hardly view their retirement life's savings as public assets. All these groups view this bill with great concern because of the potential impact on the pension systems, neither of which, neither PSERS nor SERS (State Employees' Retirement System), are fully funded at present. You are likely to hear from these groups as the days go on because they are just presently getting organized to contact legislators regarding their concerns. This bill was, unfortunately, not even on their radar screens a couple days ago because the State Government Committee did not include them in the process of its consideration.

Please reflect for a moment on the concerns of the members of the retirement systems, both active members and retired. Again, neither PSERS nor SERS are fully funded. That means

the money in these pension funds today is insufficient to pay the retirement benefits already promised members of these retirement systems. Members of these groups are hearing from legislators in this room that the State cannot afford to grant a COLA (cost-of-living adjustment) or any other benefit enhancements because of the potential impact on the pension fund, yet we sit here today prepared to take action on a bill that could cost each pension fund more than a COLA or an early retirement window. Yet none of these groups were asked to testify by the State Government Committee in its consideration of the bill.

Another responsibility is to the Commonwealth, State universities, school districts, and other employers required to contribute to the retirement systems, and the taxpayers who ultimately provide the funds to make the contributions, and when you are talking about school pension systems, PSERS, you are talking about a particularly sensitive subject, local property tax payers potentially picking up part of the tab, yet none of the contributing employer groups were asked to testify by the State—

The SPEAKER. The gentleman will cease for a moment.

The House is entirely too loud. Caucuses in the well of the House and in the back of the House will break up immediately. The Sergeants at Arms will ask members to take their seats. Members will take their seats. Thank you.

Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

Another responsibility is to the Commonwealth, the State universities, school districts, and other employers required to contribute to the retirement systems, and the taxpayers who ultimately provide the funds to make the contributions, and when you are talking about the school pension system, PSERS, you are talking about a particularly sensitive subject, local property tax payers potentially picking up part of the tab, yet none of the contributing employer groups were asked to testify by the State Government Committee in its consideration of HB 1140.

We also have two State pension funds, PSERS and SERS, which have been among the nation's top performing pension funds in terms of their investment returns over the last several years. They are aggressively trying to earn us out of what has been termed the pension fund in crisis here in Pennsylvania. To do otherwise would cause employer contributions and tax rates to soar by several billion dollars in 2012, 2013. Yet neither pension fund was permitted to testify by the State Government Committee in its consideration of HB 1140.

Now, let me turn specifically to my amendment 2025. What that amendment does, and it is an amendment sought by the two retirement funds, is it strengthens the protections to the system fiduciaries in carrying out provisions of this act. The prime sponsor has cited the fact that the legislatures of several other States have passed legislation requiring their pension funds to divest of holdings of companies doing business in Sudan. Some of these States have only taken action with regard to their own State funds, not pension funds, and the financial impact for them was minuscule because State funds are generally not invested in international equities, the asset class most affected.

Others have made changes to the legislation that has considerably narrowed its scope. So the claim as to what other States have done is somewhat misleading and should be

carefully examined. Many of the State legislatures started from the same model used to draft HB 1140, but after consulting their pension funds and others, modified that language. My first two amendments, including this one, add language paralleling that added by the legislature of California before the divestment legislation was signed into law by Governor Schwarzenegger.

This first amendment adds language that specifically protects the pension funds from sections of the respective governing codes dealing with fiduciary and prudent investing responsibilities.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I was having a very hard time restraining myself here for a point of order or a personal privilege.

As chairman of the State Government Committee, I assure you that I asked. We invited the pension funds to speak at the hearing that we had in Philadelphia. We did not shut anybody out. If I am about anything, I am about process, and the members of my committee know that. The pension funds did not come. I do not know why. They said, I do not know, the notice came too soon, too late, something. They did not participate. They were not there. Subsequently we have written them repeatedly and in some cases have gotten answers that are helpful, in some cases have not gotten responses, and have gathered a lot of information.

I did not run a process – and I want everybody to know this, because it is very important to me – I did not run a process in which somebody who has a material interest in what is going on was not invited, was discouraged from participating, or was not listened to, and as a matter of fact, as we get more into the gentleman's amendments, I will tell you the amendments that the pension funds suggested to us and which were adopted by the committee without any dissent, because I am very interested in making sure that they are represented in this process. So I really am upset about statements made that in some way I did not play fair with the process and did not allow somebody to speak. That is not true.

As for amendment 2025, I have no objection to it. It makes a clause that is being amended a little bit more specific regarding the fiduciary responsibility. We do not think it changes the outcome of the bill. So that amendment, the one that we are dealing with now, is acceptable to me. I would suggest people vote "yes."

The SPEAKER. On the amendment, the Chair recognizes Representative Blackwell. He waives off.

Representative Roebuck? The gentleman waives off.

Representative Baker? Waives off.

Representative Nickol.

Mr. NICKOL. Just to correct the record with regard to PSERS's and SERS's invitations. They did attend a meeting with the chairman in which she attended the meeting and generally left the meeting and left one of the students lecture the two pension funds, I am told, and left them under the impression there were going to be several—

The SPEAKER. The gentleman will cease.

The gentleman is not speaking on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Benninghoff	Gillespie	Mensch	Saylor
Bennington	Gingrich	Metcalfe	Scavello
Beyer	Godshall	Micozzie	Schroder
Biancucci	Goodman	Millard	Seip
Bishop	Grell	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	King	Petri	Vitali
DeLuca	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Phillips	Wagner
DePasquale	Kotik	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longiotti	Ramaley	White
Ellis	Mackereth	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Dally	James	Killion	Smith, M.
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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,

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

The SPEAKER. Will the gentleman inform the Chair which amendment he would like to offer next.

Mr. NICKOL. Mr. Speaker, I would like to offer amendment 1811.

On the question recurring,

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

Mr. NICKOL reoffered the following amendment No. **A01811:**

Amend Sec. 9, page 16, line 18, by inserting after "portfolios."
Nothing in this section shall require the board of a public fund to take action as described in section 6(b) unless the board determines, in good faith, that the action described in this section is consistent with the fiduciary and prudent investing responsibilities of the board as described in 24 Pa.C.S. § 8521 (relating to management of fund and accounts) and 71 Pa.C.S. § 5931 (relating to management of fund and accounts).

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Nickol on the amendment.

Mr. NICKOL. Thank you, Mr. Speaker.

This is the second amendment that had been offered in California and was signed into law in that State. It requires the boards for each system to divest, according to the provisions of the act, when the board determines such action is consistent with their fiduciary duty and prudent investing responsibilities.

The SPEAKER. Representative Josephs, on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

At the request of the pension boards, we adopted an amendment in committee, as I said, without dissent, without a lot of discussion, just explanation. You can find that, if you are looking at the bill, on page 17. It starts on line 17, goes over to line 18. It is very thorough. It was language proposed by the boards. I think adding this amendment will only be confusing. It is duplicative. It is not needed. The pension boards have not contacted me at least and said that they want amendment 1811. They were silent or approving when we adopted the amendment that we worked on in committee.

I ask for a "no" vote on amendment 01811.

The SPEAKER. Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I should clarify that this amendment was requested by the two pension boards. At the time they submitted their early language, it did not have much turnaround time, and this was language they took from the law that was passed in California and signed into law by Governor Schwarzenegger.

Thank you, Mr. Speaker.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

If this amendment was requested by anybody, they did not make me known to that, did not allow me to know that.

We already have incorporated an amendment on the indemnification. Furthermore, there is a stop-loss provision in this bill, which works this way: If the fund should lose .5 percent, not 5 percent, .5 percent of its total investment due to these kinds of divesting from the Sudan – and it is not every company; I will talk about that later; I hope the Speaker will give me that latitude since he gave that latitude already to the

gentleman with the amendments – this stop-loss provision allows the fund managers to reinvest in companies that are complicit in genocide if it will cost the funds .5 percent loss. Considering that one of our funds, PSERS, has \$62 billion – that is the public school employment retirement service – and the State employment retirement service has a \$34 billion worth, any number that you multiply, even .5 percent, looks huge. But compared to the holdings of each one of these funds, it is not very significant, and I do not believe that this will happen. In the first place, I do not believe that our—

The SPEAKER. Will the lady cease for one second.

The noise level is again entirely too loud. The Chair thanks the members.

The lady is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

First, I do not believe that our fund managers are so lacking in skill, expertise, diligence, or energy that they will allow the funds to lose even .5 percent; and second, I do not believe that it is good business. We have a global economy here, Mr. Speaker. Investing in countries that are embarked upon genocide is not good social policy, but it is not good fiscal policy either. There are substitutes to the very few companies, the very small amount of dollars that we have invested in companies that are complicit in the Sudanese genocide.

I think this amendment is superfluous, it is confusing, it is duplicative, and again I ask for support. I would like a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Baker.

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

Let me just preface my remarks by commending the gentlelady, Ms. Josephs, for the legislation. She was very gracious in allowing the amendment requested by the Attorney General as well as the retirement board, and I again commend her for working with us on the State Government Committee to allow that to happen.

However, I do rise to support the gentleman from Adams County and York. His amendment is proffered at the request of the retirement boards. It does further amplify and clarify the language, and I wholeheartedly support his amendment, and I believe the remaining amendments that he has offered are at the request of the retirement boards. They are very, very concerned about performing their fiduciary responsibilities in a fiscally responsible manner, so I do urge the members to support the gentleman, Mr. Nickol's amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair will again ask members to take their conversations to the anterooms if they are necessary. The volume of the conversation on the floor is entirely too loud.

Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I want to call the members' attention to the fact that a stop-loss order winds up happening only after the loss. The loss that we are talking about here is the financial stability and ultimately the successfulness of our retirement funds and the retirement funds for the teachers. Now, when we have to make up that stop loss, it is very simple how it is done, and I want to make sure all the members are paying attention to this. That stop loss is made up by an increase in school taxes and an increase in our taxes.

We want to actually examine this and make sure that it does the purpose that it is attempting to do to influence policy in Darfur in Sudan, but we want to do it in a way that does not

raise our taxes. So therefore, the amendment is incredibly on point and we ought to adopt it, because it specifically makes sure that we do not put ourselves in the position where we have the loss in the first place.

I urge the members to vote for this amendment.

The SPEAKER. Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

As one of the Representatives from the House on the State Employees' Retirement Board, we have had discussions on this, we have had discussions on this issue with our managers, and we are looking at the issue and doing what we can, but at the same time, the loss to the State Employees' Retirement Board would be someplace between \$1 1/2 billion and \$2 billion. We are not talking about millions; we are talking about billions. It would be a tremendous loss.

At this point we have been able to earn on our investments about 16 percent over the last couple of years. We know we cannot keep that up there forever, but at the same time we are looking at a huge spike coming down the road, and I think this would only make sure that that spike not only comes down the road but probably comes a little bit quicker.

And as I said, we are looking at the issue. We talked to our managers about it. We are trying to address the issue as we can without endangering the viability of the system. So I would urge a "yes" vote.

The SPEAKER. Representative Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment, and this is coming from a former pension officer for a union, which I served as president.

Mr. Speaker, I am constantly hearing some of the arguments in this situation that I heard about apartheid in South Africa. Now, we had hearings. I am hearing that certain funds were not given the opportunity to testify concerning this situation. Now, while I understand the fiduciary responsibilities of these management people, I think it is somewhat hypocritical, not somewhat hypocritical, Mr. Speaker, it is hypocritical of these same folks who are now— Mr. Speaker, may I have order, please?

The SPEAKER. The gentleman is correct. Members will take their seats. Members in the center aisle will take their seats. Members and staff will clear the aisles.

Representative Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

As I was saying, Mr. Speaker, some people are being very disingenuous and I might say hypocritical. This situation has been going on for some time, this conversation. It is a little over 4 years now. The time that we are trying to do something about it to influence the stopping of killing of innocent Black people, when nothing was said, Mr. Speaker, prior to the State Government Committee under the chairmanship of Representative Josephs trying to do something about it, now all of a sudden we want to find ways to be responsible. Well, nothing could be further from the truth, because you had over 4 years to deal with this.

This is a very serious situation. The same arguments that are given on this floor today are some of the same arguments, Mr. Speaker, that were given, as I stated, for apartheid in South Africa. Now, understanding the fiduciary responsibilities, as I once had, on a pension fund board, I do not believe— If I can save one life dealing with this situation, Mr. Speaker, I think it is worth it. This amendment would do nothing to help

stop that. We have to look at the bigger picture, Mr. Speaker, in trying to slow— We always want to slow things down, but I ask the question, what is more important, people being killed or us trying to stop that from happening? Sometimes, Mr. Speaker, some people place money interests over life.

Mr. Speaker, we cannot have it both ways. I urge my colleagues to vote against this amendment because it is the right thing to do. Thank you very much.

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to oppose this amendment. Now, what this amendment does in reality is to permit pension boards to essentially ignore the divestment provisions of this bill if they arbitrarily determine that those provisions conflict with what is called prudent investor standards. Let us understand what this issue is about. This issue is about life and death, and it is about what we as legislators can do in a small measure to try to address a situation that all of us say we condemn. We say we condemn genocide. Here we have an opportunity to be very clear that we will take action to make that a reality.

One of those speakers previously talked about being single-minded about Sudan. Yes, I am single-minded about Sudan because what is happening in Sudan is fundamentally wrong, and we as legislators ought to do what we can to go on record firmly to redress that which is wrong.

There was a conversation about tax losses and pension losses. Well, if we invest our moneys more wisely, there will be no tax increases, there will be no pension losses, and we can indeed guarantee that the pension dollars we get are not dripping in blood, the blood of innocent people in Sudan, and we ought to be about doing that, Mr. Speaker. We ought to be firmly committed as legislators to doing what is right.

I personally do not want my pension to be pension built upon the blood of innocent people. I do not want my pension to come to me because of what is going on in that nation, where we are getting benefit from the death of innocent people. You ought to all be ashamed to do that, Mr. Speaker. We ought to be committed to doing what is right. Even if it means we might not get quite as much money, we will be committed to doing what is right because we have a commitment to try and protect innocent lives.

How long did this nation look the other way in South Africa? How long did we look the other way with Nazi Germany? Are we going to do it again in Sudan? The evil that we ignore, Mr. Speaker, condemns us all. We ought to stand up and say it is wrong. It is not about money; it is about human life.

Thank you, Mr. Speaker.

The SPEAKER. Representative Michael O'Brien.

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

Perhaps I sit here today and listen to this debate filtered through a bit of a different ear, as an Irish-American whose ancestors were victims of the Great Hunger, An Gorta Mor, a genocide against my people, as the world stood and did nothing. And again, when the Turks, when the Turks began a genocide against the Armenians, the world stood silently and said nothing. And again, Mr. Speaker, when the Nazi regime perpetrated a genocide against the Jews, the world stood silently and said nothing.

Today, Mr. Speaker, today, Mr. Speaker, the Commonwealth of Pennsylvania has the opportunity to no longer stand silently. I urge a "no" vote.

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, early on Friday evening a woman from my district called me and she said she wants to visit the White House within the next week or so, and they said call your Representative's office, so she called my office. I explained to her that probably what the White House meant was call the Congressman's office, and we figured out together who her Congressman was. But I cite this to indicate that people do not often know who has the power to do what, but they want things done, and one of the things that people want done is to have a foreign policy that really works in accordance with the values of American citizens, that protects the rights of people who are dying through no fault of their own around the world. And the fact is, as a State legislature, there is very little we can do. We can pass resolutions, and we do pass resolutions from time to time, but I have never met a member of Congress who has been particularly influenced by a congressional resolution. They do not sit around waiting for us to pass resolutions to decide foreign policy issues. And there have been various other things that have been suggested that we do in terms of regulating products, and the Federal courts and the various international trade commissions have pretty much stopped us from regulating any country's products.

The area of pension fund investment is really the major area of State power that has been carved out that we have. The State Department during the Reagan administration, when there was a national movement to divest funds from South Africa, which many of us in the Pennsylvania legislature supported and which the Philadelphia city council and the mayor of Philadelphia were very instrumental in pushing forward, the Reagan administration's State Department said, that is okay, and gradually over time the idea of the disinvestment of pension funds, which are purely State moneys which can be invested anywhere, has taken on enormous national significance as a way that State governments can demonstrate the will of their citizens on the kind of foreign policy our country ought to affect without interfering with the purview of the Secretary of State and the President of the United States and the U.S. Congress to make major foreign policy decisions.

Now, the Nickol amendment says that there can be divestment as long as the pension fund agrees that there ought to be divestment. Well, we do not have equal power with the pension fund managers. They are not a separate branch of government. There are three branches of government; there are not four branches of government. We should be the policymakers; they should be our agents.

Now, you have not heard in this debate and you are not going to hear of any pension fund losses that have been incurred because of divestment in South Africa. You have not heard in this debate about any pension fund losses that have been incurred because of divestment in Sudan. Divestment is a national tool that is used by State governments, that is used by local governments. It is used by universities; it is used by churches. There has been no history whatsoever of significant losses due to State pension funds or other institutional pension funds because of divestment policies. What this does is it puts a significant amount of pressure upon other governments. It was only pension fund divestment that led to the voluntary abdication by the leaders of the South African government and a true democracy being set forth in South Africa, and we could have a major, major impact in stopping the genocide in Sudan

if we pass this legislation along with other States and other institutions and other cities around the nation.

I believe this amendment simply gives the pension fund the power to override us. They should not have the power. We ought to be able to stand proud and say that when there was a genocide in Sudan, when people were dying for no good reason, we did something about it. We showed our constituents that we really cared. We understood what our powers were, and we exercised our powers in the best interests of the values of the United States and the best interests of the citizens of the country.

I strongly urge the defeat of this amendment.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence. Without objection, Representative PRESTON will be put on leave for the remainder of the day. The Chair hears no objection.

CONSIDERATION OF HB 1140 CONTINUED

The SPEAKER. The Chair recognizes Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to oppose this amendment and subsequent amendments that will virtually strip the effect and the moral imperative behind this piece of legislation.

My late mother-in-law was a survivor of Auschwitz. I never got a chance to meet her, because while she survived, the trauma affected her life and shortened her life. I deal with a substantial community of aging Holocaust survivors in my own community, each and every one of whom feels a very special responsibility to situations around the world that harken back to the Nazi Holocaust perpetrated against the Jews and others. They do not believe we should be standing idly by, that we should take every possible opportunity, small or large or significant, at a State level, at a local level, and certainly at the national level where we have failed miserably, to bring everything we can to bear to end another holocaust.

Our record in the 20th century and now in the 21st century in doing that has been quite miserable. We had another opportunity in the 1990s in Rwanda when the Hutu tribe nearly obliterated an entire tribe of Tutsis. We stood by and did nothing. We now have an opportunity, albeit late, to make a statement and to have an impact and not allow or to bring to a halt the current holocaust that is taking place, the genocide in the Darfur region of Sudan. We cannot stand idly by.

The motto for those who survived and those who memorialized the victims of the Holocaust during the Second World War lived by the credo "We Shall Never Forget," but if we do not act here, we will not be true to history, we will not be genuine in terms of our interests in preventing these incidents again, and we will be perpetrating, in my view, a lack of responsibility to make sure that we remember what happened in the past, remember the history of these atrocities that have taken place throughout our history, and make sure they do not happen or make every effort to make sure that they do not happen and continue today. We have that very special responsibility, and this is the overriding principle that I believe

is behind this piece of legislation, and these amendments, quite frankly, eviscerate that. Thank you.

I ask that this and other amendments be opposed. Thank you.

The SPEAKER. Representative Turzai.

Mr. TURZAI. There is no doubt that what is occurring in the Sudan and in Darfur is a tragedy, but I want to just place on the record, amongst a few other places, particularly in the continent of Africa but also on other continents as well, that there are tragedies occurring. A book I have recently been reading called "Dark Star Safari" by Paul Theroux talks about the tragedies in Zimbabwe with Mugabe and the slaughter that is going on there. You mentioned, my colleague from Allegheny County mentioned Rwanda and the tragic slaughter of the tribes there; Uganda. Let us not forget Syria and the complete oppression of their people in that despotic State. We remember what is going on in Tibet in Asia, how the Chinese are wiping out the Tibetan nationality. In South America, for years there was the oppression in Nicaragua, where priests and nuns were killed and the press was taken away, and there has been a return to power of those folks in Nicaragua who have done that same thing.

For goodness' sakes, the maker of this amendment, for anybody to say that the maker of this amendment is somehow supportive of the despots in the nation in question or the despots anywhere or to liken his submission of this resolution to what happened tragically to the Jewish citizens and other citizens under the Nazi regime is just wrong and unfair. The fact of the matter is, the gentleman is trying to balance concern and making a statement with what is happening in the world and the recognition that the General Assembly in Pennsylvania, for goodness' sakes, has little say into what happens and balancing also the protection of the investments of thousands of Pennsylvania employees, both teachers and State workers. This maker has done nothing today or in his past but act responsibly on trying to protect the investments, paying out future retirement moneys, and I applaud him for his past work and I applaud him for his attempts today.

Thank you very, very much.

The SPEAKER. Representative Baker, for the second time.

Mr. BAKER. Thank you, Mr. Speaker.

I rise to once again support this amendment. I do not think the gentleman in any way necessarily opposes the divestiture. We have a real obligation in this Commonwealth of Pennsylvania—

The SPEAKER. Will the gentleman cease.

There seems to be— There it is. There seemed to be a problem with the volume of the microphones, and the gentleman could not be heard.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, the Nickol amendment in no way indicts the intent and purpose of this legislation. The amendment, again, merely tries to bring some fiscal responsibility, accountability, transparency to the pension funds to thousands and thousands of workers and employees and retirees.

I have a letter in my file as the Republican State Committee chairman that says if this is not done right, it potentially could lead to losses in the pension funds between PSERS and SERS of \$500 million. Now, if you do not believe that is significant, it could jeopardize COLAs, it could jeopardize 30-and-out potential, it could lead to massive employer-employee contributions, tax increases at the school district level imposed by our school districts onto our residents. The one resounding theme that I keep hearing is

people are concerned about property tax increases. Well, folks, if we do not do this responsibly, if we do this irresponsibly, it could really be a serious problem in our property tax increases.

I just want to also say, I do not agree with one of the previous speakers when he said America did nothing about the Nazi regime. My goodness, Mr. Speaker, our relatives, our forefathers, bled and died to defend the freedoms of America and defend those that champion freedom. My own wife's family, two uncles were killed by fighting the Nazis. So to suggest that nothing was done by Americans is an insult to the veterans and the freedoms of America. It is not fair, and it should not be allowed.

Again, this amendment does not necessarily oppose divestiture, and I do not think there is one member on this side of the aisle that does not believe what is going on in Sudan is horrendous, is atrocious, and should be condemned, but when it involves fiduciary responsibilities and fiscal responsiveness, it has to be done right and correct, and these amendments that Mr. Nickol has proffered are offered by SERS and PSERS. And I know that there are representatives of SERS and PSERS on both sides of the aisle, and I am hoping that at least if we are going to do this on final passage, for goodness' sakes, let us do it right and in a responsible manner.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Frankel for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

First of all, I do not want to imply that the maker of this amendment does not have but the best of intentions. I have known him for a very long time, and that is not the intent. But sometimes practical considerations need to be overcome by moral imperatives, and I know there is a tension.

Secondly, I want to just correct some history. While I would cede no praise, because our men and women who fought in the Second World War did courageous work, our government did fail; our government and other governments did fail. They had opportunities to intervene in Nazi Germany, to bomb rail lines to concentration camps. We were slow to act. The men and women who fought for us and fought to liberate those camps did great work, but our government was slow, very slow, to act. It was nonexistent when it came to what happened in Rwanda, and today at the Federal level this administration has been entirely ineffective in bringing an end to the fighting and the genocide in Darfur.

So it is incumbent on all of us, I believe, to make every possible effort to send a message to create the incentives for this rogue government to be brought to justice, and the only way that we know that that can be done is to create the financial hardships on them and those who may finance and help finance those efforts.

So I again would ask that this amendment be defeated.

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

The following roll call was recorded:

YEAS-90

Adolph	Fairchild	Marsico	Rapp
Argall	Fleck	Mensch	Raymond

Baker	Gabig	Metcalfe	Reed
Barrar	Geist	Micozzie	Reichley
Bastian	Gillespie	Millard	Roae
Bear	Gingrich	Miller	Rock
Benninghoff	Godshall	Milne	Rohrer
Beyer	Grell	Moul	Ross
Boback	Harhart	Mustio	Rubley
Boyd	Harris	Nailor	Saylor
Brooks	Helm	Nickol	Scavello
Cappelli	Hennessey	O'Neill	Smith, S.
Causer	Hershey	Payne	Sonney
Civera	Hess	Peifer	Stairs
Clymer	Hickernell	Perry	Steil
Cox	Hutchinson	Perzel	Stern
Creighton	Kauffman	Petri	Stevenson
Cutler	Keller, M.	Phillips	Swanger
Denlinger	Kenney	Pickett	Taylor, J.
DiGirolamo	Mackereth	Pyle	Turzai
Ellis	Maher	Quigley	Vulakovich
Evans, J.	Major	Quinn	Watson
Everett	Mantz		

NAYS-108

Belfanti	Gerber	McCall	Shimkus
Bennington	Gergely	McGeehan	Siptroth
Biancucci	Gibbons	McI. Smith	Smith, K.
Bishop	Goodman	McIlhattan	Solobay
Blackwell	Grucela	Melio	Staback
Brennan	Haluska	Moyer	Sturla
Buxton	Hanna	Mundy	Surra
Caltagirone	Harhai	Murt	Tangretti
Carroll	Harkins	Myers	Taylor, R.
Casorio	Harper	O'Brien, M.	Thomas
Cohen	Hornaman	Oliver	True
Conklin	Josephs	Pallone	Vereb
Costa	Keller, W.	Parker	Vitali
Cruz	Kessler	Pashinski	Wagner
Curry	King	Payton	Walko
Daley	Kirkland	Petrarca	Wansacz
DeLuca	Kortz	Petrone	Waters
DePasquale	Kotik	Ramaley	Wheatley
Dermody	Kula	Readshaw	White
DeWeese	Leach	Roebuck	Williams
Donatucci	Lentz	Sabatina	Wojnaroski
Eachus	Levdansky	Sainato	Yewcic
Evans, D.	Longiotti	Samuelson	Youngblood
Fabrizio	Mahoney	Santoni	Yudichak
Frankel	Manderino	Schroder	
Freeman	Mann	Seip	O'Brien, D., Speaker
Galloway	Markosek	Shapiro	
George	Marshall		

NOT VOTING-0

EXCUSED-5

Dally	Killion	Preston	Smith, M.
James			

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 second consideration as amended?

The SPEAKER. Representative Nickol? Representative Nickol?

Mr. NICKOL. Yes; amendment—

The SPEAKER. Would you please come to the rostrum for a second.

(Conference held at Speaker's podium.)

On the question recurring,

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

Mr. **NICKOL** offered the following amendment No. **A01812**:

Amend Sec. 5, page 11, line 18, by striking out "90" and inserting

180

Amend Sec. 5, page 12, line 6, by striking out "90-day" and inserting

180-day

Amend Sec. 5, page 12, line 10, by striking out "quarterly" and inserting

semiannual

Amend Sec. 6, page 13, line 3, by striking out "90" and inserting

180

Amend Sec. 6, page 13, line 7, by striking out "90" and inserting

180

Amend Sec. 6, page 13, line 12, by striking out "90" and inserting

180

Amend Sec. 6, page 13, line 20, by striking out "90" and inserting

180

Amend Sec. 6, page 13, line 29, by striking out "nine" and inserting

12

Amend Sec. 6, page 14, line 3, by striking out "15" and inserting

24

Amend Sec. 8, page 15, line 27, by striking out "12" and inserting

six

Amend Sec. 12, page 19, line 21, by striking out "60" and inserting

120

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Nickol on the amendment.

Mr. **NICKOL**. Thank you, Mr. Speaker.

Back in January, at the same time I introduced the resolution along with the majority Appropriations chair out of concern for the situation in Darfur, the PSERS Board also took action and sent letters to 23 companies that we understood were doing some business in Darfur, and this amendment has really come from that problem in terms of getting responses, so I would like to share with the members.

The amendment itself extends the timelines for implementation of the act that are currently carried in it, mainly because we have tried this ourselves. We sent out letters, for example, on January 31 of 2007, and frankly, our problem was in getting responses from any of these companies that we were trying to engage and just find out what their operations were. So to get any responses, we have had to go through several rounds of letters, and we still do not have responses from a number of those different companies, which, if you look at the

outlines of the bill, makes it very difficult for the two pension funds to operate within those time confines of 90 days, because if you do not get responses, my presumption would be that you probably have to sell all that stock. Now, when you are going to sell all that stock for potentially no reason, just because you did not get a response, it does not mean the company is or is not doing business; it is just the timelines that would present the problem.

Another one of the problems that PSERS has had in trying to ascertain what these companies are doing is that ironically, a number of the responses we did get said that the companies were not doing business in Darfur, even though they were listed on some of these lists, and other companies that did respond were basically saying that they had no involvement in any way in atrocities, even though we had understood from some of these divestment groups that supposedly they did. So I am not sure how the pension funds are supposed to react when you get that kind of response back, if you are supposed to send some kind of an ambassador over to check out the companies or not or how you are supposed to really react. But the 90 days is just too tight a time frame to get any meaningful responses, and so what this amendment is, it is proposed by the pension boards to give themselves a little bit more time in order to get proper responses. The cost, I might add, is that if you just want them to dump the stock, they can do that at a loss, but I do not know what happens, I guess, when you come back in with a letter later that shows that that company was not actually doing any prescribed activity.

I would appreciate the members' consideration of this amendment. Thank you.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

First, I want to add my voice to those who said, I do not question for a minute the sincerity and the good faith of the gentleman who is proposing these amendments. It is the outcome that I am talking about, what is going to happen, just because of the natural and normal way that people who handle assets and funds are going to act if we should pass these amendments.

Like the previous amendment, I am asking for a "no" vote, and I am asking for that based actually on the same experience – I thought for a while the gentleman was changing and arguing my side – that he offered to the General Assembly only a few minutes ago. It is true, and I commend them, that the fund managers of one of the funds did write a letter to these companies in which they had invested to ask them, and companies that they thought might be involved in the Sudan, to ask them whether they were involved in the Sudan and how they were involved. They did this pursuant to a resolution that was passed September 15, 2006, and they did this letter within not quite 90 days but 100 days, a very much shorter time than what the gentleman in his amendment proposes.

More interestingly, I think, in the letter that was sent out to these 23 or 24 companies, the pension fund said they were concerned not only because of justice and humanitarian values, which we have been talking about here, but they say that they

have, quote, "...an apprehension that those events" – talking about the genocide – "that those events could significantly affect the value of the Public School Employees' Retirement Board investments in companies doing business in the Sudan." The Public School Employees' Retirement Board acknowledges implicitly, in quotes, which I just read, that doing business in the Sudan may affect the value of its investments in Sudan because of the nature of the events happening there and the nature of the government there. They have already identified companies who might be targeted for disinvestment. So have a great number of people who are on the Internet and whose information can be accessed. So have 18 States which have divested their, some of them pension funds, some of them pension funds and other funds. There is a list; it is known. Nobody here has to do original research. We can identify those companies and write to them within 90 days.

Since the gentleman talked about the bill in chief, I want to give a little overview so people will understand as well what the scheme looks like under HB 1140, because I think that an impression has been given here that this is not carefully crafted. This is surgical. This is not a blunt instrument, HB 1140. We are not targeting every company that does business in the Sudan. We are only targeting those companies – and you can look; it is on your screen; I will be happy to answer questions if anybody wants more detail – but in short, we are only targeting companies that are complicit in the genocide. We are not targeting people who are making bandages or schoolbooks or building roads or hospitals or educational institutions.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

The SPEAKER. The gentledady will cease.

POINT OF ORDER

The SPEAKER. For what purpose does Representative Gabig rise?

Mr. GABIG. Point of order.

Mr. Speaker, I know there was a change here, but the gentledady is speaking on the bill and not the amendment, and I know that Representative Nickol was corrected earlier for not being on the amendment. So if we could just get back to the amendment, I would appreciate it.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, when Representative Nickol first approached the microphone, he asked for latitude to speak on the bill, and that was afforded the gentleman, and because of the sensitive nature of the topic, the Chair has indulged every speaker with a certain degree of latitude. The Chair is trying to be fair in its administration and its discretion. When the Chair reminded Representative Nickol to confine his remarks to the amendment, it also was an agreed-to amendment at the time.

The gentleman, Representative Gabig.

Mr. GABIG. I would only ask that the gentledady stay on the amendment rather than on the bill. She certainly has an opportunity to do that.

The SPEAKER. Since the gentleman has objected to the latitude the Chair has offered the members, the Chair will

instruct the members to keep their remarks strictly to the amendment.

The Chair will ask the lady to resume her debate.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment has to do with time frames.

The SPEAKER. If the lady will cease one moment.

The conference on the side aisle will please break up. Members will take their seats. The lady is in order and may continue.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I will confine myself to speaking about time frames, because this amendment is about time frames. In my bill, we have given the fund 90 days, 3 months, to identify companies that are possible targets for divestment. We know pursuant to the resolution passed by the Public School Employees' Retirement Fund and Board that they can do that very close to 90 days, because they did it in 100 days.

The second time frame which is subject to this amendment has to do with this second step in this very, very surgically, carefully written bill. After these companies have been identified, after they respond or do not respond, after that 90 days there is another 90-day period, which the gentleman wants to amend so I believe I have the latitude to speak about it, in which the pension funds engage with these companies whether or not they have responded and whether or not they have gotten information from other sources, like other States' pension funds or universities or cities. That is the right of every shareholder, and now our pension funds have the right to engage and try to change the behavior of these companies, and indeed, over the course of time the behavior has been changed from— Siemens has changed its behavior and has ceased to be a target for divestment in most States and cities, colleges, universities, and so has a London company, Rolls-Royce, which had been complicit and which made a policy statement after engagement which disqualified it from divestment. It does not take a really long time for shareholders to make their displeasure or their pleasure known to companies for whatever reason. Our time frame is 90 days. I am against having that made longer, which this amendment would do.

Finally, the third, and fourth really, time frame, and I am not talking about all the time frames in this amendment because it is just too much talk in a time frame, but the third and fourth step in this timed progression of identification and engagement is actual divestment. It is divestment of only 50 percent of the assets that this company owns, and you have under my bill 9 months to do that. I do not think we need longer than 9 months. And the fourth step, which is 100-percent divestment, is another 6 months on top of that 9 months. That is 15 months before we get to 100-percent divestment, and the 6 months that went before it, the identification and the engagement, is meant to change these companies' behavior. There is no need to wait and wait and wait. These companies, as soon as they have big funds like ours complaining about their behavior, can change them, can change their behavior, within the time frames that we are talking about.

Again, I think that the gentleman from Pittsburgh said it, several gentlemen from Philadelphia, we are balancing here public policy which says Pennsylvania stands against genocide, and let me say in answer to a gentleman from Allegheny County, yes, indeed, there are lots and lots of injustices going on in this world, but the United States government for the first time in our history has identified one genocide, and this is it.

We are not talking about some mushy but albeit really important actions against injustice, wrong kinds of wars, very bad behavior around the world; we are talking about one genocide that has been identified in a historic move by this government, and that is the genocide we are seeking to help end.

Please vote "no" on this amendment. We are the ones that make policy. We want to stand up for Pennsylvanians who do not want blood on their hands. This is a "no" vote. Please support me in that vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to be an international affairs expert; I will leave that to those who have been schooled and who have the expertise in that particular field, but we had a resolution to study this issue, and I know that that resolution that had been prepared, I think by the majority chairman of Appropriations, Dwight Evans, and others, has not moved forward. But in this very complex civil war that is occurring over there and in which other nations are also attempting to influence the outcome and the people of Darfur, Sudan, has been intolerable. We all recognize that. It has been very tragic without means.

But my concern is, is there a way that we can get information, either from the Federal government or is there an international community such as the United Nations that can give us information that would be helpful? I know that we have been reading about this issue in the news media, but I think that we need to hear, if it is at all possible, just to get additional information that would be helpful and clarifying, and that is, as we target these companies, the companies that we are asking our pension funds to divest, seeing what direction we should go. I know this: I know that our country is very generous. It has the very best with humanitarian efforts to help people globally around the world, and how will our influence in this country be affected if somehow those companies that we have an influence in we divest? I do not know that.

And so, Mr. Speaker, there are a lot of things unsettled. I myself would like to really pursue this much more aggressively, if I had the opportunity, and I am going to be supporting the Nickol amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Mr. Speaker, very briefly in response to the last speaker.

There really is nothing to study. This is not something that people are debating. Genocide is taking place in Darfur, period. It is not debatable. We do not need to study that, and we certainly do not have to wait for the United Nations to take years and years and years to find some resolution. We have an opportunity to do something now, and to delay action for additional months and months and months is not taking care of individuals who are suffering as we speak.

I have had the opportunity to meet with a number of young survivors from Darfur who have been traveling around the country and speaking about this, whose mothers and fathers, brothers and sisters, and children have been slaughtered. Now, this is a very modest effort to do something about that, to make a statement, to speak for the millions of Pennsylvanians who feel frustrated that we as a country and as a community have not been very effective. This is an opportunity not just to do something symbolically but certainly to add significant material incentives for action to change, for behavior to change.

We have the opportunity to do that. And what we are asking is not something that is unique. We are not, again, as usual, we are not the trailblazers in this country. Other States have acted. Other States have been proactive. They have seen the tragedy that is unfolding, and they have acted and have divested.

So again, Mr. Speaker, I would ask that we defeat this amendment.

The SPEAKER. Representative Clymer, for the second time.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker hit on one of the issues that I had presented, and that is talking to people and trying to understand what we can do. So may I interrogate the previous speaker?

The SPEAKER. The gentleman will stand for interrogation, but the Chair will remind both gentlemen that their remarks and the interrogation will be limited to the amendment before us.

Mr. CLYMER. Well, Mr. Speaker, there may be some latitude.

Mr. Speaker, you had said that you had the opportunity to talk and to interact with those people who came from the Sudan and whose families were killed, members of their families were killed, and they have seen the tragic offhand. Specifically what did they tell you that the United States of America could do to intercede?

Mr. FRANKEL. They have been traveling around the country, specifically State by State, to support legislation just like this bill. They have been at rallies. They have been talking about what we can do, what our communities can do, rallying support for divestment around this country. Their mission here is, since our national government has been so ineffective, to at least look at what we can be doing at the State level, and they have specifically come to speak about HB 1140. They did so in Pittsburgh. I think they did so in Philadelphia. They have been doing that in other States that have considered and accepted and supported this legislation.

Mr. CLYMER. Mr. Speaker, one further question: Would those individuals that you talked about, would they be willing to come to Harrisburg so that we could also speak to them and get the same wonderful insights that you have, that we could share those insights?

Mr. FRANKEL. Mr. Speaker, you know, I appreciate that, but this is so well documented. I mean, they certainly put a personal face on the facts and they presented something tangible for us to talk about. But the facts are not disputable. I mean, what they did was they provided the emotional and compelling story on a personal level that we could touch and feel it, but if we read the newspapers, if you look at the determinations around the globe, there is no dispute that genocide is taking place.

So I do not think that we should delay consideration of this legislation in order to have hearings or meetings. I think their expectation is that we will act and act as promptly as possible. I think that anything to delay that would not make sense. It is very simple. Genocide is taking place. We for one of the very first times as a State are taking up the opportunity to not only make a statement but to do something tangible to prevent that or to at least bring it to an end.

Mr. CLYMER. Mr. Speaker, no one has said, or at least I have not said that, I thought I had mentioned very clearly that the genocide is horrible. The tragedies over in the Sudan are things that are unconscionable, and certainly all of us here want

to do what we can to bring that to a conclusion. But I asked those questions in light of my past interrogation.

So I conclude, and thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are there any other members seeking recognition?

Representative Josephs, for the second time.

Ms. JOSEPHS. I just ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. Before the Chair recognizes the prime sponsor of the amendment, as is the courtesy in the House, is there any other member that seeks recognition?

Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I might just point out the timelines here in the legislation and point out that this is not a bill that just requires a pension fund just to immediately divest of assets held in a company that does business in Sudan. This is a bill that requires them to go through a process before they can divest. Currently there are 90 days for them to form their list. Now, to form the list, they basically have to mail out to the company and engage the company to get some type of a response. The experience of PSERS, and we have already gone through this process because of our own concerns – SERS probably has not; I am not really aware if SERS has done this or not – but the experience of our pension fund and one of the reasons we are offering this amendment, or I am offering this amendment on their behalf, is that we found that in 90 days it is not possible to get responses from most of these companies. It took several letters till we got most of our responses, when we first made the mailing in January.

Also, it then gives that company 90 days in which to get out of Sudan, which is a rather, you know, for a company just to dump all their assets within a 90-degree period of time is quite difficult to accomplish. So their turnaround then is 90 days. These time limits in the bill are extraordinarily tight, even if you are well-intentioned to want to follow through with the provisions in this bill.

I might just add one point. The gentleman from Allegheny County was saying this is all well documented; there is nothing to study. I wish we could be so sure. There are probably 3 companies on this list of the 23 that I can tell you that a number of pension funds have dropped, and I can stand here and say that we probably should drop them as well because we know their involvement. There are 20 companies on this list where their level of involvement is not known to us at all, some that have not responded, some that some of these groups have listed on their list, some that are not listed on other lists that we are really not sure of what their operations are.

To try to get a response from these companies before you take action and divest of them at enormous cost, I just think you need workable time frames in this bill. That is all this amendment does. It does not remove either pension fund from the obligations of this legislation. It just simply gives them workable time frames.

I appreciate the members' consideration of this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—92

Adolph	Gabig	Mensch	Rapp
Argall	Geist	Metcalfe	Raymond
Baker	Gillespie	Micozzie	Reed
Barrar	Gingrich	Millard	Reichley
Bastian	Godshall	Miller	Roae
Bear	Grell	Milne	Rock
Benninghoff	Harhart	Moul	Rohrer
Beyer	Harper	Moyer	Ross
Boyd	Harris	Murt	Rublely
Brooks	Helm	Mustio	Saylor
Cappelli	Hennessey	Nailor	Scavello
Causar	Hershey	Nickol	Schroder
Civera	Hess	O'Neill	Smith, S.
Clymer	Hickernell	Payne	Sonney
Cox	Hutchinson	Peifer	Stairs
Creighton	Kauffman	Perry	Steil
Cutler	Keller, M.	Perzel	Stern
Denlinger	Kenney	Petri	Stevenson
Ellis	Mackereth	Phillips	Swanger
Evans, J.	Maher	Pickett	Taylor, J.
Everett	Major	Pyle	Turzai
Fairchild	Mantz	Quigley	Vereb
Fleck	Marsico	Quinn	Vulakovich

NAYS—106

Belfanti	Freeman	Mann	Shimkus
Bennington	Galloway	Markosek	Siproth
Bianucci	George	Marshall	Smith, K.
Bishop	Gerber	McCall	Solobay
Blackwell	Gergely	McGeehan	Staback
Boback	Gibbons	McI. Smith	Sturla
Brennan	Goodman	McIlhatten	Surra
Buxton	Grucela	Melio	Tangretti
Caltagirone	Haluska	Mundy	Taylor, R.
Carroll	Hanna	Myers	Thomas
Casorio	Harhai	O'Brien, M.	True
Cohen	Harkins	Oliver	Vitali
Conklin	Hornaman	Pallone	Wagner
Costa	Josephs	Parker	Walko
Cruz	Keller, W.	Pashinski	Wansacz
Curry	Kessler	Payton	Waters
Daley	King	Petrarca	Watson
DeLuca	Kirkland	Petrone	Wheatley
DePasquale	Kortz	Ramaley	White
Dermody	Kotik	Readshaw	Williams
DeWeese	Kula	Roebuck	Wojnaroski
DiGrolamo	Leach	Sabatina	Yewcic
Donatucci	Lentz	Sainato	Youngblood
Eachus	Levdansky	Samuelson	Yudichak
Evans, D.	Longietti	Santoni	
Fabrizio	Mahoney	Seip	O'Brien, D., Speaker
Frankel	Manderino	Shapiro	

NOT VOTING—0

EXCUSED—5

Dally	Killion	Preston	Smith, M.
James			

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 second consideration as amended?

Mr. **NICKOL** offered the following amendment No. **A02024**:

Amend Bill, page 19, by inserting between lines 19 and 20 Section 13. Reimbursement.

After the end of the fiscal year of each public fund, the public fund shall submit to and the Budget Secretary shall certify the determination of the losses incurred by the public fund as a result of compliance with the provisions of this act and the Commonwealth shall promptly reimburse the public fund for such losses from the General Fund.

Amend Sec. 13, page 19, line 20, by striking out "13" and inserting

14

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

The **SPEAKER**. The Chair recognizes Representative Nickol on the amendment.

Mr. **NICKOL**. Thank you, Mr. Speaker.

We come to my final amendment, my favorite amendment. It is a chance for you all to put your money where your mouth is. Essentially what this amendment would do, it requires the Commonwealth to reimburse SERS and PSERS for losses associated with divestment if they incur any, as reported by each of the systems and certified by the Budget Secretary. This amendment is fairly straightforward. It requires little in the way of explanation. If we are going to conduct foreign policy with pension money that really does not belong to us, we should be willing to reimburse the pension funds for any lost earnings that can be documented.

If you vote against this amendment, perhaps you would prefer that any losses get funded by local property tax payers. Perhaps you would like to talk to the folks from AFSCME, PSEA, Pennsylvania Federation of Teachers, the retired teachers group, the retired State employees group, because this is their money that you are using. This gives us a chance to send a message to those companies doing business in Darfur, and we will put our tax dollars in back of it instead of their money.

Thank you, Mr. Speaker.

The **SPEAKER**. Representative Josephs.

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

This amendment is a true poison pill. I find it very hard to, and I do not impute the gentleman's motive at all, but its effect is really sort of insulting to our pension managers to think that they cannot do the kind of job that pension managers in California, Colorado, Florida, Hawaii, Indiana, Iowa, Kansas, Minnesota, New York, Rhode Island, Texas, and Vermont can do. In none of those States is there a requirement that the decisions the pension fund managers would make would be backed up by funds from the General Fund of that State, nor am I aware of a similar amendment backing up decisions made by fund managers in Los Angeles and my city, Philadelphia, or Pittsburgh.

I just find it hard to believe that our pension funds are so different and our pension managers are so uniquely unprepared that we have to protect our funds in a way that, to my knowledge, no other entity has asked for. Furthermore, the losses that are cited are the worst-case scenario. They include, among them, transactions fees, I presume from selling and buying, selling these funds after this long period of identification engagement and divestment, selling those funds,

which I believe will be a very small number and a small dollar amount, and buying new assets. But the pension funds do transactions every day, and those transaction fees of course cost money. They do them for all kinds of reasons. They cost money.

I would like to see a figure – and I do not know what it is; I do not think anybody here can answer – instead of looking at the gentleman's fiscal note and taking it on face value. But to subtract from the transactional fees, the number, dollar number of transactional fees that the funds would be paying anyway, that is normal business for our funds.

I am confident, and so is California and so are all those other States and cities and universities that I have mentioned, I am confident that these losses will not only be minimal, but we will have a healthier fund, a fund that pays better because we are not invested in a country that commits this kind of act, which cannot be a good investment; cannot be a good investment. I predict after this bill passes us and passes the Senate, we will have a healthier, better yielding, a more fiscally sound fund than we have today.

I ask you for a "no" vote. Thank you, Mr. Speaker.

The **SPEAKER**. Representative Blackwell.

Mr. **BLACKWELL**. Thank you, Mr. Speaker.

Mr. Speaker, I rise again to oppose this amendment and any other attempt to delay or stop this type of action.

But I just want to say this and remind folks of, I want to quote a phrase from a late great civil rights hero: "Injustice anywhere is a threat to justice everywhere." Thank you, Mr. Speaker.

The **SPEAKER**. Representative Ross.

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

And, Mr. Speaker, I rise in hopes that the gentlelady from Philadelphia is correct and that there is minimal negative effect and that the fund managers, in fact, can do all of what she says they can do. In fact, if that is the case, then there is no negative impact and she should see no harm in this amendment as it is proposed. And quite frankly, it does still do one thing, even if it is minimal in the amount of offset that it has to cover: It reassures the pension fund recipients that are out there that are watching this debate today, that they are not being put at risk.

We would do all of what has been suggested by the previous speaker from Philadelphia who asked us to not delay and to immediately attend to this issue. We would also do all of the divestments that they were talking about. The only thing that this amendment does is it protects the pension holders, the people that are counting on us to make sure that we support them, and it also prevents any negative effects for the State retirees as well.

I think we ought to logically give them that reassurance, and I would point out also that this proposal as is constructed is quite different in language from California and some of the other States, too. So there is a special reason for us to provide them with that security.

I would therefore urge a positive vote on the amendment.

The **SPEAKER**. Representative Baker.

Mr. **BAKER**. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment, which I believe may be the last one the gentleman from Adams and York Counties is proffering.

Mr. Speaker, the Pennsylvania State Education Association, PSEA, as well as the AFSCME Union oppose this legislation. However, I cannot speak to their position should this amendment go in, but I would suspect that it would at least

soften their position with respect to final passage if it did go in. And with all due respect, I disagree with the gentlelady's comment that this is a poison pill. To me, this just seems to be a good-government amendment from the perspective at least of the School Boards Association, PSEA, AFSCME Union, and the taxpayers because ultimately, the taxpayers and the contributors are going to have to pay for those losses if this amendment does not go in and the State does not cover any losses.

At the very least, this amendment mitigates and alleviates the full impact to our local taxpayers, and for those reasons alone, Mr. Speaker, I rise to support this amendment. Thank you very much.

The SPEAKER. Does Representative Frankel desire recognition?

Mr. FRANKEL. Yes; thank you.

The SPEAKER. The gentleman is recognized.

Mr. FRANKEL. Just very briefly. Look, again, we are trailblazers in this area. Other States are leading the charge making their statements. Really, it is about time that we join them, and this amendment clearly is aimed at blocking that effort. Other States are not guaranteeing and this legislation is crafted in a way to really do targeted divestments in a way that has very limited ability to have negative fiscal impacts to the pension funds.

We really need to act and we need to act now. People are being slaughtered. A genocide is being perpetrated. We have our opportunity to do something, albeit in a very small way. We should take that opportunity. We should not put additional obstacles in the way of getting the State to divest from the Sudan.

Thank you.

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I agree with the broad philosophical and moral positions stated by Representative Frankel. I would also like to add that what a loss is, is really in the eye of the beholder. If the pension fund bought a stock at \$50 a share and the stock is now at \$45 a share, the fact that it is sold at \$45 a share does not change the fact that the stock is now worth \$45 a share, even if it is retained. Yes, there would be a loss in the sense that it was bought at \$50 and now was sold at \$45, but you do not know whether the State will actually lose money until we know what happens to the replacement stock. It may be that a technical loss of \$5 a share is replaced by a stock that far outperforms the original stock. If we hold on to that stock at \$45 a share and it goes up to \$50 a share so that 5 years later it is now at \$50 a share, you know, we do not really have very much. It may well be that the replacement stock goes up in value much more than the original stock will go up in value.

There are inherent difficulties in figuring out profits and losses, and we just use various accounting conventions in order to assess taxes, but to have the State feel that it has to accept it because we force a pension fund to realize the stock's loss, that we have to pay it back, makes no sense. This amendment does not say that if the State makes a gain, if the pension fund makes a gain as a result of this, if it sells a stock purchased at \$50 a share for \$55 a share, it does not say that the pension fund has to reimburse the State for the extra \$5. It does not say that if the pension fund has a replacement stock that outperforms the original stock, the State has to get that money back.

The value of each pension fund holder's future depends on the legal rights that the pension fund members have. The pension fund has to pay money as required by the State legislature. That is true each and every time we pass a bill. We are legally bound to pay the obligations to each and every member of the pension fund. We are legally bound to pay the obligations of each and every member of the pension fund regardless of whether we invest or disinvest in Sudan or Iran or anywhere else. We are legally bound to pay the assets, to pay our obligations to pension fund members, regardless of whether the pension fund invests in the stock market at all, as we authorized it to do in the 1980s; whether we invest in hedge funds, as we have authorized it to do more recently; whether they invest in options, as we have allowed them to do more recently; whether they invest in real estate or not, as we have allowed them to do more recently.

At no time that we have changed what the pension fund has been allowed to invest in have we said that if the pension fund loses money in any such investment, the State has to reimburse the pension fund for that. At no time have we done that. This is just designed to create a rhetorical obstacle by allowing the pension fund or opponents of this investment to say, look; they bought a stock at \$50; the stock is now worth \$45 a share; therefore, this creates a loss. All this is, is rhetoric. It is not true losses. It is not something that we should be concerned about.

I strongly urge a "no" vote on the Nickol amendment so that the House, and Senate hopefully, will stand tall with the people of Pennsylvania who are deeply and sincerely concerned about the genocide in Sudan.

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Representative Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

A couple of things.

It is true that there are probably a few words' difference, maybe a couple paragraphs, between what I am proposing and which the majority of States have taken up, the 18 States and others who are considering, but all these bills are based on a model that was developed after the Federal district court in northern Illinois struck the Illinois attempt to divest, trying to meet and meeting those objections. So most of the bills that I am looking at, most of the States that I have read out have bills that are very much like what I am proposing, although I am not going to argue every single word.

Second, I want to talk a little bit about the pensioners themselves. I know that there are some groups that in excess of caution have been throwing—

The SPEAKER. Will the gentlelady cease.

The Chair will remind the members the noise level is again becoming increasingly too loud. Members will take their seats.

Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

But I have talked to my pensioners. I have talked to some other people who are pensioners. The response I get back – informal, anecdotal – is, I do not want blood on my hands; I do not want my money going to a company which helps a government perform genocide.

As the gentleman from Philadelphia pointed out, the pension funds are not obliged to pay us money if they make a profit; no reason in the world, except to hold up this bill, which the effect will be, for us to pay any money because they lose some paper value.

I sincerely and with great hope ask you, everyone here, to vote "no" on amendment 2025. Thank you, Mr. Speaker.

The SPEAKER. Are there any other members seeking recognition before the Chair recognizes the prime sponsor of the amendment?

Mr. NICKOL. Thank you, Mr. Speaker.

I think the gentleman from Philadelphia made some excellent points with regard to inherent difficulties in determining profits and losses that one of the pension funds might incur. Both pension funds are involved in a lot of securities litigation where this becomes a primary focus of how to determine profits and losses, and there are all kinds of different methods. And I did not want this to be an automatic pass-through where either pension fund could say, hey, we lost \$1 billion and just bill the Commonwealth, and so if you look carefully at the amendment, the Secretary of the Budget will have to certify those losses, and I know the Secretary of the Budget, and I can assure you he would use the most conservative method available to determine what the pension fund losses would be so that the Commonwealth would not be on the hook. So your concerns have been taken care of in this legislation.

Also, the gentlelady from Philadelphia spoke some true words. She said that it is true, there are a few words different between this bill and the laws passed in the other States. And I know two of the States that she led off on, California and Colorado – I did not catch the rest – but I know with both of those States, they did this. The difference between their version and the version we are on now is that they added the first two amendments I offered and we defeated the second one and are about to reconsider voting the first one.

So what we have before us is something that really has not been put into effect, to my knowledge, in these other States. These other States actually discussed these issues with their pension funds. They did not just give them 2 days' notice to a hearing they were invited to and never followed up on an invitation for them to actually appear before the State Government Committee to address their concerns. These considerations were taken into effect in other States. It did plow forward with the Darfur divestment. Where we differ is, we have just defeated the amendments to make our effort similar to the efforts taken by other States.

Let me go back to one of the key points in here, too, because with this amendment we are talking about potential losses, and I think you should know there is an upper limit to the potential losses, because the lady has built into this bill a stop-loss provision if the pension funds lose, if their asset loss is 50 basis points. What is "50 basis points"? Well, when you add the two funds together, that means after they lose \$500 million, then they can go back and start investing in these companies again, is what the stop loss says.

Well, PSERS is above its level already, so it could well take a hit of that size, but fortunately, the Commonwealth is limited to that \$500 million loss. Now, ironically, after we hit the limit of the \$500 million loss with all the transaction fees of selling that stock and all, then this legislation allows us to buy these companies and the stock in these companies back that are doing business in Darfur after that point. To me, that does not make a lot of sense, but in any case, that is part of this legislation, and I am at least glad that the lady put a limit on the loss that the two pension funds could get hit with of \$500 million. I am sure the State employees and the public school employees and their

retirees appreciate your thought. Five hundred million dollars, at least where I come from, is not a chump piece of change.

Finally, I think we are doing what the gentleman from Allegheny County said earlier, accused us of not doing. With this legislation, with the State putting its money at risk rather than someone else's money, retired State and public school employees and active State and public school employees, we would be putting our own money at risk in passing this with this provision. We would be the trailblazers. We would set the stage for the other States.

I urge the members to give positive consideration to this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—113

Adolph	Gabig	Mantz	Raymond
Argall	Galloway	Marshall	Reed
Baker	Geist	Marsico	Reichley
Barrar	Gibbons	Mensch	Roae
Bastian	Gillespie	Metcalfe	Rock
Bear	Gingrich	Micozzie	Rohrer
Benninghoff	Godshall	Millard	Ross
Beyer	Grell	Miller	Rubley
Biancucci	Grucela	Milne	Sainato
Boback	Harhart	Moul	Saylor
Boyd	Harper	Moyer	Scavello
Brennan	Harris	Mustio	Schroder
Brooks	Helm	Nailor	Siptroth
Buxton	Hennessey	Nickol	Smith, S.
Cappelli	Hershey	O'Neill	Solobay
Causer	Hess	Pallone	Sonney
Civera	Hickernell	Payne	Stairs
Clymer	Hutchinson	Payton	Steil
Conklin	Kauffman	Peifer	Stern
Cox	Keller, M.	Perry	Stevenson
Creighton	Kenney	Perzel	Sturla
Cutler	King	Petri	Surra
Denlinger	Kortz	Phillips	Swanger
DiGirolamo	Kotik	Pickett	Taylor, J.
Ellis	Longiatti	Pyle	True
Evans, J.	Mackereth	Quigley	Turzai
Everett	Maher	Quinn	Vereb
Fairchild	Major	Ramaley	Vulakovich
Fleck			

NAYS—85

Belfanti	George	McGeehan	Smith, K.
Bennington	Gerber	McI. Smith	Staback
Bishop	Gergely	McIlhattan	Tangretti
Blackwell	Goodman	Melio	Taylor, R.
Caltagirone	Haluska	Mundy	Thomas
Carroll	Hanna	Murt	Vitali
Casorio	Harhai	Myers	Wagner
Cohen	Harkins	O'Brien, M.	Walko
Costa	Hornaman	Oliver	Wansacz
Cruz	Josephs	Parker	Waters
Curry	Keller, W.	Pashinski	Watson
Daley	Kessler	Petrarca	Wheatley
DeLuca	Kirkland	Petrone	White
DePasquale	Kula	Rapp	Williams
Dermody	Leach	Readshaw	Wojnarowski
DeWeese	Lentz	Roebuck	Yewcic
Donatucci	Levdansky	Sabatina	Youngblood
Eachus	Mahoney	Samuelson	Yudichak
Evans, D.	Manderino	Santoni	

Fabrizio	Mann	Seip	O'Brien, D.,
Frankel	Markosek	Shapiro	Speaker
Freeman	McCall	Shimkus	

NOT VOTING—0

EXCUSED—5

Dally	Killion	Preston	Smith, M.
James			

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 second consideration as amended?

Mr. **SHAPIRO** offered the following amendment No. **A02291**:

Amend Title, page 1, line 2, by inserting after "Sudan", investments in Iran as a sponsor of terrorism and investments in corporations doing business in Iran

Amend Bill, page 1, by inserting between lines 3 and 4

TABLE OF CONTENTS

- Chapter 1. Preliminary Provisions
- Section 101. Short title.
- Section 102. Declaration of Policy.
- Section 103. Definitions.
- Chapter 3. Sudan Divestment
- Section 301. Scrutinized business operations.
- Section 302. Identification of companies.
- Section 303. Required actions.
- Section 304. Reporting.
- Section 305. Expiration.
- Section 306. Other legal obligations.
- Section 307. Reinvestment in certain companies with scrutinized active business operations.
- Chapter 5. Terrorism-related Investments
- Section 501. Policy statement.
- Section 502. Prohibited investments.
- Section 503. Humanitarian aid exception.
- Section 504. Portfolio review.
- Section 505. Investment managers.
- Chapter 11. Miscellaneous Provisions
- Section 1101. Indemnification.
- Section 1102. Audits.
- Section 1103. Severability.
- Section 1104. Effective date.

Amend Bill, page 1, by inserting between lines 5 and 6

CHAPTER 1

PRELIMINARY PROVISIONS

- Amend Sec. 1, page 1, line 6, by striking out "1" and inserting 101
- Amend Sec. 1, page 1, line 7, by striking out "Sudan"
- Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 102
- Amend Sec. 2, page 5, by inserting between lines 27 and 28
 - (21) Foreign terrorists and those organizations and countries that shelter, harbor and support them pose a grave threat to the security and well-being of all the citizens and institutions of this Commonwealth, including specifically the members of the system.
- Amend Sec. 3, page 5, line 28, by striking out "3" and inserting 103

Amend Sec. 3, page 6, by inserting between lines 3 and 4 "Board." The State Employees' Retirement Board or the State Employees' Retirement Board, the Public School Employees' Retirement Board and the Board of Finance and Revenue.

Amend Sec. 3, page 6, by inserting between lines 28 and 29 "Entity." A corporation, partnership, limited liability company, business trust, other association, government entity, other than the United States of America and the states that comprise it, estate, trust, foundation or natural person.

Amend Sec. 3, page 9, line 7, by striking out "4" and inserting 301

Amend Bill, page 9, by inserting between lines 29 and 30

CHAPTER 3

SUDAN DIVESTMENT

Amend Sec. 4, page 9, line 30, by striking out "4" and inserting 301

Amend Sec. 5, page 11, line 17, by striking out "5" and inserting 302

Amend Sec. 6, page 12, line 13, by striking out "6" and inserting 303

Amend Sec. 7, page 15, line 5, by striking out "7" and inserting 304

Amend Sec. 7, page 15, line 17, by striking out "6(a)(2)" and inserting

303(a)(2)

Amend Sec. 7, page 15, line 19, by striking out "6(b)" and inserting

303(b)

Amend Sec. 7, page 15, line 20, by striking out "6(c)" and inserting

303(c)

Amend Sec. 7, page 15, line 21, by striking out "6(e)" and inserting

303(e)

Amend Sec. 8, page 15, line 22, by striking out "8" and inserting 305

Amend Sec. 9, page 16, line 11, by striking out "9" and inserting 306

Amend Sec. 10, page 16, line 19, by striking out "10" and inserting

307

Amend Sec. 10, page 16, line 24, by striking out "6(b)" and inserting

303(b)

Amend Sec. 10, page 16, line 23, by striking out "25(b)" and inserting

303(b)

Amend Sec. 10, page 16, line 30, by striking out "6(b)" and inserting

303(b)

Amend Bill, page 17, by inserting between lines 16 and 17

CHAPTER 5

TERRORISM-RELATED INVESTMENTS

Section 501. Policy statement.

It is imperative that the assets of funds under 24 Pa.C.S. (relating to education), 71 Pa.C.S. (relating to State government) and the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, be prudently managed and invested to ensure that foreign terrorists and those organizations that shelter, harbor and support them derive no benefit from the investments.

Section 502. Prohibited investments.

On and after the effective date of this chapter, the board shall not invest in the stocks, securities or other obligations of any entity engaged in business with Iran. In the event the board becomes aware that it has invested in violation of this subsection, the board shall immediately move to divest itself of the investment in a prudent manner.

Section 503. Humanitarian aid exception.

The board shall permit investments in an entity:

(1) that engages in the provision of goods and services that relieve human suffering or promote health or religious, spiritual, educational, humanitarian or journalistic activities; or

(2) that conducts commercial transactions in Iran pursuant to a permit or license issued by the United States Government or the United Nations and is exempt from divestment and exclusion.

Section 504. Portfolio review.

Within 90 days of the effective date of this chapter and at least annually thereafter, the board shall complete a comprehensive review of its investments to determine compliance with the requirements of section 502. The board shall provide the General Assembly with a copy of the comprehensive review annually. In the event the board becomes aware that it has invested in violation of this chapter, then the board shall immediately move to divest itself of the investment in a prudent manner.

Section 505. Investment managers.

All existing and future investment managers retained by the board on or after the effective date of this chapter who invest in the name of the system shall be notified by the board of their obligation to conduct their investment activities on behalf of the board in a manner designed to comply with the requirements of section 502.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Amend Sec. 11, page 17, line 17, by striking out "11" and inserting

1101

Amend Sec. 12, page 19, line 15, by striking out "12" and inserting

1102

Amend Bill, page 19, by inserting between lines 19 and 20 Section 1103. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 13, page 19, line 20, by striking out "13" and inserting

1104

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates that he withdraws the amendment.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. The Chair would like to wish Representative Seip and his wife, Maj. Starr Seip, a happy 13th wedding anniversary today, and recognizing that she will not be able to celebrate that with Representative Seip, we wish them well in celebrating that when she returns from her service in Baghdad, Iraq. We wish you well.

And will the House join the Chair in wishing Representative Staback a very happy birthday. Representative Staback.

And Representative Pashinski is also celebrating his birthday today. Many happy returns.

RECONSIDERATION MOTIONS FILED

The SPEAKER. The Chair would like to acknowledge it is in receipt of a reconsideration motion that the vote by which SB 34 was passed on the 28th day of June be reconsidered. That motion was filed by Representatives Leach and Gerber.

There has also been a reconsideration motion that the vote by which the amendment 2198 was passed to SB 34 on the 28th of June be reconsidered. That also is filed by Representatives Leach and Gerber. They will be taken up at a later time.

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 496, PN 2086

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, further providing for definitions, for licensing and registration fees, for powers of Environmental Quality Board, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive materials; and making repeals.

HB 881, PN 1978

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property, for provisions relating to unlawful devices and methods and for exceptions to unlawful use of lights while hunting.

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

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

HB 174, PN 2187 (Amended) By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for veterans and members of United States military airborne units.

TRANSPORTATION.

HB 281, PN 2188 (Amended) By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for pedestrians soliciting rides or business.

TRANSPORTATION.

HB 1487, PN 2189 (Amended) By Rep. MARKOSEK

An Act imposing limitations on the use of property in Horsham Township, Montgomery County, known as the Willow Grove

Joint Interagency Installation in the event the Commonwealth acquires the property.

TRANSPORTATION.

HB 1604, PN 2043 By Rep. MARKOSEK

An Act designating a portion of State Route 145 in Northampton County as the Battle of the Bulge Veterans Memorial Highway.

TRANSPORTATION.

HB 1624, PN 2077 By Rep. MARKOSEK

An Act designating a bridge crossing the Catawissa Creek in Catawissa Borough, Columbia County, Pennsylvania, as the William F. Gittler, Sr. Memorial Bridge.

TRANSPORTATION.

HB 1644, PN 2119 By Rep. MARKOSEK

An Act designating a portion of State Route 22/322 from the Mifflintown exit in Juniata County to the Juniata/Mifflin County line, as the Dr. L.G. Guiser Memorial Highway.

TRANSPORTATION.

RESOLUTION REPORTED FROM COMMITTEE

HR 362, PN 2166 By Rep. MARKOSEK

A Resolution urging the Commonwealth and all of its departments, agencies, boards and commissions to procure and utilize, where possible, remanufactured automobile parts and equipment to perform their designated functions.

TRANSPORTATION.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 455, PN 1243**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygiene practitioners.

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

* * *

The House proceeded to second consideration of **SB 728, PN 1233**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for Commonwealth employees group life insurance; further providing, in budget implementation, for the State System of Higher Education; providing for general budget implementation and for 2007-2008 budget implementation and

restrictions on appropriations for funds and accounts; and making a related repeal.

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

CONSIDERATION OF HB 1589 CONTINUED

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—151

Adolph	George	McGeehan	Samuelson
Baker	Gerber	McI. Smith	Santoni
Barrar	Gergely	Melio	Scavello
Belfanti	Gibbons	Mensch	Schroder
Bennington	Godshall	Micozzie	Seip
Beyer	Goodman	Milne	Shapiro
Biancucci	Grucela	Moul	Shimkus
Bishop	Haluska	Moyer	Sipthroth
Blackwell	Hanna	Mundy	Smith, K.
Boback	Harhai	Murt	Smith, S.
Brennan	Harhart	Mustio	Solobay
Brooks	Harkins	Myers	Staback
Buxton	Harper	O'Brien, M.	Stairs
Caltagirone	Helm	O'Neill	Steil
Cappelli	Hess	Oliver	Sturla
Carroll	Hickernell	Pallone	Surra
Casorio	Hornaman	Parker	Tangretti
Civera	Josephs	Pashinski	Taylor, J.
Cohen	Keller, W.	Payne	Taylor, R.
Conklin	Kenney	Payton	Thomas
Costa	Kessler	Perzel	Vereb
Cruz	King	Petrarca	Vitali
Curry	Kirkland	Petri	Vulakovich
Daley	Kortz	Petrone	Wagner
DeLuca	Kotik	Phillips	Walko
Denlinger	Kula	Pickett	Wansacz
DePasquale	Leach	Quigley	Waters
Dermody	Lentz	Quinn	Watson
DeWeese	Levdansky	Ramaley	Wheatley
DiGirolamo	Longiatti	Raymond	White
Donatucci	Mahoney	Readshaw	Williams
Eachus	Manderino	Reed	Wojnaroski
Evans, D.	Mann	Reichley	Yewcic
Evans, J.	Mantz	Roebuck	Youngblood
Fabrizio	Markosek	Ross	Yudichak
Fairchild	Marshall	Rubley	
Frankel	Marsico	Sabatina	O'Brien, D., Speaker
Freeman	McCall	Sainato	
Galloway			

NAYS—47

Argall	Fleck	Mackereth	Rapp
Bastian	Gabig	Maher	Roae

Bear	Geist	Major	Rock
Benninghoff	Gillespie	McIlhattan	Rohrer
Boyd	Gingrich	Metcalfe	Saylor
Causser	Grell	Millard	Sonney
Clymer	Harris	Miller	Stern
Cox	Hennessey	Nailor	Stevenson
Creighton	Hershey	Nickol	Swanger
Cutler	Hutchinson	Peifer	True
Ellis	Kauffman	Perry	Turzai
Everett	Keller, M.	Pyle	

NOT VOTING—0

EXCUSED—5

Dally James	Killion	Preston	Smith, M.
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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.

RESOLUTION PURSUANT TO RULE 35

Mr. WATERS called up **HR 343, PN 2025**, entitled:

A Resolution discouraging the use of the "N" word.

On the question,
Will the House adopt the resolution?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will go over temporarily.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be recommitted to the Committee on Appropriations:

- HB 823;
- HB 1130;
- HB 1140;
- SB 455; and
- SB 728.

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

VOTE CORRECTION

The SPEAKER. Representative Swanger.
Mrs. SWANGER. Thank you, Mr. Speaker.
My vote on HB 1631 was in error recorded as a "yes" vote. I would like to change that vote to a "no," please.
The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.
Mrs. SWANGER. Thank you.

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

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

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

Relative to our schedule, we will caucus at 10 a.m., we will be on the floor at 11 a.m., and our leadership team will be extending invitations to our friends in the Senate for additional dialogue.

The SPEAKER. Are there any further announcements?

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus tomorrow morning at 10 a.m.; that is, Republicans will caucus Tuesday morning at 10 a.m. Thank you.

The SPEAKER. The Chair thanks the lady.

Any further announcements?

STATEMENT BY MR. SCAVELLO

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, may I speak on personal privilege or unanimous consent?

The SPEAKER. If the gentleman will pause for one second. Are there any other announcements?

Without objection, the Chair recognizes Representative Scavello under the provision of unanimous consent.

Mr. SCAVELLO. Thank you, Mr. Speaker.

The other night I spoke about the budget and the need to get this budget done quickly, and I just received an e-mail from the Office of the Governor, as I am sure we all have, that 26,000 Commonwealth employees will be furloughed, will be getting a furlough letter on July 3. You know, it comes back to what I had said earlier on Saturday evening that, you know, we waited 10 days to move this process, and I hope that we are moving this process as quick as possible so that this does not have to occur. And I know there is a tremendous amount of money spent in sending these letters out. You know, we spent about \$25,000, \$30,000 in postage to notify these employees. So I hope that we are doing everything we possibly can to move the process forward.

Thank you, Mr. Speaker.

STATEMENT BY MS. YOUNGBLOOD

The SPEAKER. For what purpose does the lady, Representative Youngblood, rise?

Ms. YOUNGBLOOD. A point of personal privilege, Mr. Speaker.

The SPEAKER. Without objection, under the provision of unanimous consent, the lady is recognized.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

The SPEAKER. Will the gentledady please speak into the microphone.

Ms. YOUNGBLOOD. I am, Mr. Speaker.

I would like to thank all the members in this chamber in supporting the Sabatina amendment on HB 1130. It helped to strengthen HB 1130.

Thank you once again for supporting Representative Sabatina.

The SPEAKER. The Chair thanks the lady.

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, just for the information of the members, I found what looks like very important medication that somebody dropped.

The SPEAKER. May we have the attention of the members of the House. This is a very, very important announcement. May we have your attention for one second.

Representative McCall.

Mr. McCALL. There was just medication found in the well of the House. It looks like it is pretty important, and it looks like it is regimented pretty well. I would just say that the medication will be at the Speaker's Office, is that fine, or on the desk?

The SPEAKER. How about if we leave it in the Chief Clerk's Office?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Representative Moyer from Montgomery County, who moves this House do now adjourn until Tuesday, July 3, 2007, 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 6:22 p.m., e.d.t., the House adjourned.