

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 29, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 30

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

The SPEAKER. The prayer will be offered by Rev. Charles Gommer. He is the guest of Representative Karen Boback.

REV. CHARLES GOMMER, Guest Chaplain of the House of Representatives, offered the following prayer:

Will you pray with me:

O beautiful, for spacious skies,  
For amber waves of grain,  
For purple mountain majesties  
Above the fruited plain!  
America! America! God shed His grace on thee....

O God, our forefathers and mothers had a dream, and they called it America. They gave their lives, their fortunes, their sacred honor to that quest, a nation ruled by the people, for the people, and of the people.

O God, the members of this great House of Representatives have said that they believe in that vision and are committed to that dream. Therefore, we dare ask for Your blessing upon their efforts as they seek to be their best and to do their best for You and the people of this great Commonwealth.

May they never forget that what is said and done here is never hidden from Your scrutiny. To that end, may they feel the weight of their responsibility before You and the people. Grant them this day Your strength and wisdom, Your abiding presence, Your empowering grace, and one last gift, O God – give them the gift of humility.

The great ones, O God, knew not only who they were but to whom they belonged and to whom they were indebted for their powers and their responsibilities. To that end, O God, enable us to be a great people, a wise people, a caring people, a humble people, and most of all, a worthy people.

Be with the Representatives this day. Empower them to be great legislators for the Commonwealth. We ask it in Your name. Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, April 28, 2009, will be postponed until printed. The Chair hears no objection.

Members will please report to the floor of the House.

### GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Tricia Kerlin, Katherine Smith, and Kelsie Russell. They are ninth grade students at Allegheny-Clarion High School. They are guest pages and seated in the well. Welcome to the hall of the House. Will the guests please rise. Accompanying the students are Scott Austin, a U.S. cultures teacher at Allegheny-Clarion High School, and R.J. Feicht, a librarian at Allegheny-Clarion High School. They are seated in the rear of the hall of the House. Will the guests please rise. Welcome to the hall of the House.

The Chair also welcomes, to the left of the Speaker, the husband of our own Representative Karen Boback, Bernie Boback. Bernie, welcome to the hall of the House.

In the balcony, the Chair welcomes the Fireside Academy Homeschoolers, who are the guests of Representative Mario Scavello from Monroe County. Will the guests please rise. Welcome to the hall of the House.

### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who indicates there are no leaves of absence for today.

The Chair recognizes the minority whip, Representative Turzai, who requests the following leave: Representative MOUL from Adams for the day. Without objection, the leave will be granted.

### MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Miccarelli	O'Brien, D.	Perzel
Kotik	Moul	Perry	

LEAVES ADDED—4

Donatucci	Gerber	Pallone	Vereb
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LEAVES CANCELED—1

Gerber

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

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. FAIRCHILD called up **HR 250, PN 1603**, entitled:

A Resolution honoring the achievements of the Wall Street Warfighters Foundation and its commitment to disabled veterans.

On the question,

Will the House adopt the resolution?

GUESTS INTRODUCED

The SPEAKER. On that question, the Chair recognizes the gentleman from Union County, Representative Fairchild.

Representative Melio.

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

The Chair also acknowledges the gentleman from Schuylkill, Representative Seip, at the rostrum.

The House will come to order. The House will come to order. The House will come to order.

The Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Chairman Melio and I, along with Representative Seip, are very proud to welcome to the hall of the House two gentlemen who have sacrificed so much for our freedom and the freedom of those in Iraq and Afghanistan.

Mr. Speaker, we are joined today by M. Sgt. George Holmes and his wife, Charlotte, of the Pennsylvania National Guard, and Marine S. Sgt. John Jones, two of our finest warriors who brought home with them the scars of war.

You see, Mr. Speaker, these two brave servicemen almost died in battle, and they fought very hard, physically and mentally, for their lives. They have given us and the people they protect so very much. It is now time to give back to them and their families.

Through an innovative new program that has its roots in Pennsylvania, these two servicemen are undertaking a program that will help them fulfill a career in the financial services industry. The program, called Wall Street Warfighters, demonstrates the strong commitment shown to our Pennsylvania servicemen and servicewomen, those who serve in the military and with the Pennsylvania National Guard.

The generous support of two Pennsylvania-based financial service firms, R.E. Harper Associates here in Harrisburg and Drexel Hamilton out of Philadelphia, are allowing them to participate in internship programs to learn the fundamentals of the finance world.

Also joining us today, to the left of the Speaker, are Bob DeSousa – Colonel DeSousa – of R.E. Harper Associates; Brooks Hulitt of Drexel Hamilton; and Joel Canfield, executive director of the Wall Street Warfighters program.

HR 250, which Chairman Melio and I have sponsored, honors this program, its sponsors, and Master Sergeant Holmes and Marine Staff Sergeant Jones as being the first participants.

Mr. Speaker, when veterans return home from battle, the common practice is to return to life as it was before being activated, but many of our servicemen and servicewomen, especially those who have suffered life-altering injuries, they are eager to begin new opportunities.

I would like to offer my personal thanks to R.E. Harper Associates, Drexel Hamilton, and the Wall Street Warfighters Foundation for embarking on such an opportunity. We owe a debt of gratitude to all the men and women who don the military uniform and protect our country. They have given us so much. These men and women know so well the sacrifice they have made for our freedoms, and the Wall Street Warfighters program is a noble endeavor which honors this service.

Mr. Speaker, I encourage our colleagues to support HR 250. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I would just like to take this opportunity to thank Representative Fairchild and all the distinguished guests here today with the Wall Street Warfighters Foundation. Could I please ask my colleagues here on the floor, all members, to offer a round of applause to the Wall Street Warfighters Foundation, and a special thank you to John Jones and George Holmes.

They have honorably served their country and sacrificed so much. Both of these men are not content to rest on their past. They, along with the Wall Street Warfighters Foundation, are building new lives for themselves. I salute them for their courage and effort.

I will say to all of you here today, remember these two fine gentlemen, because I predict great success for both of them as well as the others who will follow them in this program.

I want to ask all my colleagues to join us for a press conference in the Main Rotunda at 12:30 today. You can learn much more about the Wall Street Warfighters at this event. I urge you to attend. Thank you.

And on HR 253, Mr. Speaker, it designates May 1, 2009, as "Loyalty Day" in Pennsylvania. This observatory holiday began in 1958 when President Dwight D. Eisenhower signed it into public law. It is a special day for all of us to reaffirm our loyalty to the United States of America and to recognize the wonderful freedom we all share.

The Pennsylvania House of Representatives proudly joins the Pennsylvania Veterans of Foreign Wars in this observance. Proudly display your flag on this day, and please feel free to join us on the grounds of the State Capitol on May 1 when we will present a copy of the resolution to the Veterans of Foreign Wars' State Commander.

I ask for your support on this resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

## LEAVES OF ABSENCE

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

The Chair recognizes the majority whip, Representative DeWeese, who requests a leave for the gentleman, Mr. GERBER from Montgomery, for the day. Without objection, the leave will be granted.

## CONSIDERATION OF HR 250 CONTINUED

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

The following roll call was recorded:

### YEAS—193

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—9

Belfanti	Miccarelli	O'Brien, D.	Perzel
Gerber	Moul	Perry	Vereb
Kotik			

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

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Mr. MELIO called up **HR 253, PN 1606**, entitled:

A Resolution designating May 1, 2009, as "Loyalty Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—193

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

DeWeese	Killion	Quigley	Youngblood
DiGirolamo	Kirkland	Quinn	Yudichak
Donatucci	Kortz	Rapp	
Drucker	Krieger	Readshaw	McCall,
Eachus	Kula	Reed	Speaker
Ellis	Lentz	Reese	

## NAYS—0

## NOT VOTING—0

## EXCUSED—9

Belfanti	Miccarelli	O'Brien, D.	Perzel
Gerber	Moul	Perry	Vereb
Kotik			

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

## GUESTS INTRODUCED

The SPEAKER. In the gallery, as the guest of Representative Rob Kauffman, is Noah Bittle. He is the grandson of a former member, Harry Bittle. Will Noah please rise. Welcome to the hall of the House.

Also in the gallery, the Chair welcomes the Delaware Community College, who are the guests of Representative Schroder. Will the guests please rise. Welcome to the hall of the House.

The Chair also has some special guests, and I guess all guests are special, but when your own daughter and wife are in the hall of the House, they are special guests. We have Our Lady of the Angels Academy that my daughter attends, the fifth grade class: Allison Amodea; Emma Macaluso; my daughter, Courtney – Courtney, you can rise; Samantha McCarthy; Noah DeMatto; Barry Fulton; Zach Gilbert; Trystan Rackham; and Jordon Reis. Will the guests please rise. Welcome to the hall of the House. Sister Monica. And certainly my wife, Betty, who still contends that she is the true speaker of the house.

## ANNOUNCEMENTS BY SPEAKER

The SPEAKER. The Chair would like to remind the members that the Public Official and Employee Ethics Act requires the filing of a statement of financial interest for calendar year 2008. The Ethics Commission— You are required to file the white copy with the Ethics Commission, and that is over in room 309 of the Finance Building. The deadline for that is May 1. The yellow copy goes to the Office of Chief Clerk. So I am reminding all the members to make sure they fill out their statements of financial interest.

The act also requires current and former staff to file a statement of financial interest for calendar year 2008, also with the Office of Chief Clerk, by the May deadline. It is the Chair's understanding that legal counsel for each caucus has provided advice to staff regarding the act.

So it is just a friendly reminder of May 1. It is right around the corner. Make sure you get your statements filed.

I would also like to remind you, as a requirement under our own House rules, House rule 65(b) requires each member to annually, on or before April 30, file an affidavit with the Chief Clerk affirming that neither the member nor any of their immediate family holds a financial interest in violation of section 1512 of the Pennsylvania Race Horse Development and Gaming Act.

For the purposes of the rule, "immediate family member" means a member's spouse, minor child, or unemancipated child.

So the deadline for filing that under rule 65(b) is Thursday, April 30, and those forms are available in the Chief Clerk's Office, by the way.

### FORMER MEMBER WELCOMED

The SPEAKER. And speaking of the Ethics Act, we also have a good friend of many of the members of this House of Representatives, a good friend of the Speaker, Representative Nick Colafella, who served in this chamber for well over 20 years – the gentleman from Beaver, Representative Nick Colafella, and now an Ethics Commission member.

### APPROPRIATIONS COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus, for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, there will be an Appropriations meeting immediately upon the break in the majority caucus room.

Democrats will caucus immediately after the Appropriations meeting in the majority caucus room, and we will be back on the floor here at 12:30.

Thank you.

The SPEAKER. Appropriations will meet immediately at the break in the majority caucus room.

#### REPUBLICAN CAUCUS

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

Miss MAJOR. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the lady.

Are there any further announcements?

### RECESS

The SPEAKER. This House stands in recess until 12:30 p.m., unless sooner recalled by the Speaker.

### RECESS EXTENDED

The time of recess was extended until 1 p.m.

### AFTER RECESS

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

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 276** By Representatives BARRAR, PYLE, BAKER, BOYD, CLYMER, CUTLER, FAIRCHILD, FLECK, GABIG, GABLER, GOODMAN, GROVE, HELM, HORNAMAN, HUTCHINSON, KAUFFMAN, KILLION, MAJOR, MENSCH, METCALFE, MILLER, MOUL, MUSTIO, OBERLANDER, O'NEILL, PAYNE, PICKETT, RAPP, READSHAW, REICHLEY, ROAE, ROHRER, SAYLOR, S. H. SMITH, SWANGER, TALLMAN, TRUE and STERN

A Resolution condemning the recent United States Department of Homeland Security Intelligence Report entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization Recruitment" and calling upon the President of the United States to personally discredit the report before the entire nation and immediately issue an apology to the veterans of the United States of America.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 29, 2009.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1382** By Representatives DePASQUALE, SANTONI, BARRAR, BRENNAN, REICHLEY, BURNS, JOSEPHS, HALUSKA, KOTIK, K. SMITH, YOUNGBLOOD, D. COSTA, BRIGGS, GIBBONS, W. KELLER, FRANKEL and MATZIE

An Act providing for fluoridation of public water.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 2009.

**No. 1383** By Representatives PETRI, ADOLPH, CIVERA, CREIGHTON, EVERETT, FAIRCHILD, FARRY, GINGRICH, GROVE, HENNESSEY, HORNAMAN, M. KELLER, MELIO, MILLARD, MOUL, MURT, O'NEILL, PYLE, QUINN, REICHLEY, SCAVELLO, J. TAYLOR, TRUE and VULAKOVICH

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for cost-benefit analysis; and further providing for powers and duties.

Referred to Committee on STATE GOVERNMENT, April 29, 2009.

**No. 1384** By Representatives MUNDY, EACHUS, PASHINSKI, BOBACK, BRENNAN, BROWN, CARROLL, FABRIZIO, FRANKEL, GINGRICH, GOODMAN, JOHNSON, JOSEPHS, KORTZ, KULA, McGEEHAN, PARKER, PAYTON, SIPTROTH, WANSACZ, YUDICHAK and STABACK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Juvenile Court Judges' Commission.

Referred to Committee on JUDICIARY, April 29, 2009.

**No. 1385** By Representatives ADOLPH, KILLION, MICOZZIE, BAKER, BARRAR, BEAR, BELFANTI, BEYER, BOYD, BRENNAN, CARROLL, CREIGHTON, DALEY, DALLY, DENLINGER, FABRIZIO, FAIRCHILD, FLECK, FREEMAN, GEORGE, GIBBONS, GOODMAN, GRELL, GROVE, HARHAI, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, M. KELLER, W. KELLER, KOTIK, KULA, MAJOR, MANN, MARSHALL, McGEEHAN, MILLER, MUNDY, MURT, MUSTIO, O'NEILL, PHILLIPS, PYLE, QUINN, READSHAW, REICHLEY, ROCK, SANTONI, SCAVELLO, SIPTROTH, K. SMITH, SONNEY, STEVENSON, SWANGER, J. TAYLOR, VULAKOVICH, WATSON, YUDICHAK, PETRARCA and GINGRICH

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

Referred to Committee on FINANCE, April 29, 2009.

**No. 1386** By Representatives DERMODY, KULA, REICHLEY, SIPTROTH, KOTIK, BURNS, STABACK, HALUSKA, FABRIZIO, KORTZ, PALLONE, J. TAYLOR, BRENNAN, K. SMITH, McGEEHAN, MUSTIO, GODSHALL, BELFANTI, HORNAMAN, O'NEILL, CARROLL, JOSEPHS, VULAKOVICH, DeLUCA, HENNESSEY, W. KELLER and GROVE

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

Referred to Committee on CONSUMER AFFAIRS, April 29, 2009.

**No. 1387** By Representatives KULA, DERMODY, PALLONE, KORTZ, BOBACK, BRENNAN, CREIGHTON, DENLINGER, GEIST, HARHAI, HENNESSEY, HORNAMAN, JOSEPHS, W. KELLER, MAHONEY, MURT, PICKETT, READSHAW, SIPTROTH, K. SMITH, J. TAYLOR, VULAKOVICH, WALKO and McILVAINE SMITH

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, imposing requirements on the use of radio frequency identification systems.

Referred to Committee on CONSUMER AFFAIRS, April 29, 2009.

**No. 1388** By Representatives BARRAR, CUTLER, BENNINGHOFF, BOBACK, CREIGHTON, GEIST, GOODMAN, HALUSKA, HARHART, HARRIS, HENNESSEY, KILLION, MILLER, MURT, MUSTIO, RAPP, SAYLOR, SIPTROTH and BEYER

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, further providing for standardized forms, for applications and for preparation and distribution of applications; and providing for government service facilitation.

Referred to Committee on STATE GOVERNMENT, April 29, 2009.

**No. 1389** By Representatives BARRAR, ADOLPH, DENLINGER, FLECK, GINGRICH, HENNESSEY, HESS, ROCK and SCAVELLO

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

Referred to Committee on FINANCE, April 29, 2009.

**No. 1390** By Representatives FREEMAN, ROSS, SANTARSIERO, BELFANTI, BRENNAN, CLYMER, CUTLER, DALEY, GEORGE, GINGRICH, GRUCELA, HARKINS, HARPER, HENNESSEY, HORNAMAN, HOUGHTON, JOSEPHS, KORTZ, KOTIK, MANDERINO, MATZIE, McGEEHAN, McILVAINE SMITH, MELIO, MENSCH, MILLER, MILNE, MURPHY, MURT, MUSTIO, PASHINSKI, PERRY, PRESTON, QUINN, REICHLEY, SIPTROTH, WALKO, WATSON, YOUNGBLOOD and YUDICHAK

An Act updating and expanding the storm water planning requirements to be undertaken by counties; authorizing counties to regulate storm water within a watershed-based planning area; authorizing the formation of water resources management authorities; enabling counties, municipalities and water resources management authorities to develop integrated water resources management plans; imposing duties and conferring powers on the Department of Environmental Protection, the Environmental Quality Board, counties, municipalities and water resources management authorities; providing for financing and for waiver of use for certain grant or loan funds; and making related repeals.

Referred to Committee on LOCAL GOVERNMENT, April 29, 2009.

**No. 1391** By Representatives PASHINSKI, BOBACK, BRENNAN, BRIGGS, BROWN, CALTAGIRONE, CARROLL, DALLY, DONATUCCI, EACHUS, FRANKEL, GROVE, HARKINS, HORNAMAN, JOSEPHS, KORTZ, MAHONEY, MUNDY, MUSTIO, PAYTON, SIPTROTH, VULAKOVICH, YUDICHAK and WANSACZ

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for payments to counties for services to children.

Referred to Committee on JUDICIARY, April 29, 2009.

## SENATE BILLS FOR CONCURRENCE

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

### SB 48, PN 33

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 29, 2009.

**SB 115, PN 188**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2009.

**SB 116, PN 88**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2009.

**SB 117, PN 883**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2009.

**SB 118, PN 90**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2009.

**SB 275, PN 279**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2009.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip, Representative DeWeese, who requests a leave for the gentleman from Philadelphia, Representative DONATUCCI, for the day. Without objection, the leave will be granted.

**BILL REREPORTED FROM COMMITTEE****HB 400, PN 1652** By Rep. D. EVANS

An Act providing for the criteria for independent contractors in the construction industry; and imposing penalties.

## APPROPRIATIONS.

The SPEAKER. That bill goes to the supplemental calendar.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED****HB 448, PN 492** By Rep. GEORGE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an Energy Star related glass or window technologies tax credit.

## ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 689, PN 1706 (Amended)** By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for referendum or public hearing required prior to construction or lease.

## EDUCATION.

**RESOLUTION REPORTED  
FROM COMMITTEE****HR 17, PN 15**

By Rep. GEORGE

A Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program of providing grants for environmental protection and improvement projects under the Growing Greener Program and the Community Conservation Partnerships Program.

## ENVIRONMENTAL RESOURCES AND ENERGY.

The SPEAKER. The resolution will go directly to the calendar.

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER. The Speaker is in receipt of a report from the Committee on Committees, which the clerk will read.

The following report was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

Committee on Committees  
Supplemental Report

In the House of Representatives  
April 27, 2009

RESOLVED, That

Representative John Maher, Allegheny County, resigns from the Transportation Committee.

Representative Jeff Pyle, Armstrong and Indiana Counties, is elected a member of the Transportation Committee.

Representative Jim Cox, Berks County, resigns from the Agriculture and Rural Affairs Committee.

Representative Jim Cox, Berks County, is elected a member of the Finance Committee.

Respectfully submitted,  
Richard A. Geist, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

**CALENDAR CONTINUED****RESOLUTION PURSUANT TO RULE 35**

Mr. SEIP calls up **HR 263, PN 1632**, entitled:

A Resolution designating May 2, 2009, as "Childhood Stroke Awareness Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

GUESTS INTRODUCED

The SPEAKER. On that question, the Chair recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, today with us in the hall of the House I have two constituents here as my guests, seated in the Speaker's area. We have Emilie Heath and her son, Taylor Heath. If you could stand, please, to be recognized.

The SPEAKER. Welcome to the hall of the House.

Mr. SEIP. Thank you for that nice welcome for my constituents.

To my colleagues, Taylor is struggling with an illness that was a result of a terrible stroke when he was born. He is 10 years old right now, and he has had a situation that really affected the use of the entire right side of his body due to a stroke that he had at birth. He also suffers from a seizure disorder which has impacted him cognitively, and he has struggled with many health concerns.

Detection of children having a stroke is always delayed, because people just do not expect children to have strokes. Mr. Speaker, this resolution will bring attention to this problem and hopefully increase awareness and diagnosis so that these illnesses can be addressed sooner and we can get a better prognosis.

I urge my colleagues to extend an affirmative vote on this resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Kotik	O'Brien, D.	Perzel
Donatucci	Miccarelli	Perry	Vereb
Gerber	Moul		

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair welcomes the ninth grade students, principal, and chaperones from Spring Valley High School. They are the guests of Representative Kula, Representative DeWeese, and Representative Mahoney. Again, they are in the balcony. Would the guests please rise. Welcome to the hall of the House.

Members, please report to the floor. We are about to take up the calendar.

FORMER MEMBER AND GUEST WELCOMED

The SPEAKER. If the Chair could have the attention of the members, I would just like to make a special introduction.

To the left of the Speaker is a former colleague of mine. We were elected in 1982. Paul McHale, who was elected to the House of Representatives in 1982, served in the First Gulf War as a colonel in the United States Marine Corps, from there was elected to the United States Congress, and from the United States Congress he became an undersecretary or a deputy secretary in the Department of Defense.

He is joined by Maj. Gen. Martha Rainville. She is United States Air Force (Retired). She is a former Adjutant General of Vermont and the first female TAG officer in U.S. history.

They are to the left of the Chair. Welcome to the hall of the House. Paul. Martha.



## SUPPLEMENTAL CALENDAR A

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 400, PN 1652**, entitled:

An Act providing for the criteria for independent contractors in the construction industry; and imposing penalties.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Lentz, who offers amendment A00970, which is a corrective reprint of amendment A00935.

The clerk will read the amendment.

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

Mr. **LENTZ** offered the following amendment No. **A00970**:

Amend Bill, page 3, line 29, by striking out "will continue to be" and inserting  
is

Amend Bill, page 4, lines 15 through 19, by striking out "For purposes of this paragraph, an office may be " in line 15 and all of lines 16 through 19

Amend Bill, page 4, line 22, by striking out "scope of"

Amend Bill, page 4, line 24, by striking out "independent contractor to" and inserting  
personnel to

Amend Bill, page 4, lines 25 through 30; page 5, line 1, by striking out "UNLESS " in line 25, all of lines 26 through 30, page 4 and "FORCE" in line 1, page 5 and inserting  
other than employees of the independent contractor and other contractors that can demonstrate by credible evidence that they meet the criteria of this subsection

Amend Bill, page 6, lines 12 through 14, by striking out "with the intent of evading the requirements of the " in line 12 and all of lines 13 and 14

Amend Bill, page 6, line 21, by inserting after "General"  
or the District Attorney of the appropriate county

Amend Bill, page 7, by inserting between lines 8 and 9  
Section 6.1 Presumption of independent contractor status.

(a) Rebuttable presumption.—An employer that enters into a written contract for construction services containing the requirements set forth under subsection (b) creates a rebuttable presumption that the individual contracted with is an independent contractor and the employer has an affirmative defense to an allegation under this act that the individual is an employee if all of the following are true:

(1) The contract is signed by both parties.

(2) The employer has in its possession the documents identified in subsection (c).

(b) Contract terms.—A written contract between an employer and an individual presumed to be an independent contractor under this section must contain all of the following:

(1) The name, home and business address of the individual and the individual's tax identification number or Social Security Number.

(2) A description of the work to be performed under the contract and plain, precise terms for payment.

(3) A section in substantially the following form:

Independent Contractor Status. The parties to this contract

acknowledge that they intend that the Contractor be considered an independent contractor as described in the act of \_\_\_\_\_, 2009 (P.L. \_\_\_\_, No. \_\_\_\_), known as the Construction Workplace Fraud Act (the "Act") and not an employee of the Hiring Party. In furtherance of that intention, the parties agree as follows:

(A) By his signature on this contract below, the Contractor certifies that he meets all of the following criteria:

(i) He maintains a separate business location that is separate from the location of the Hiring Party, with the Contractor's own office, and operates with owned or leased equipment and other facilities.

(ii) He operates under contracts which are in writing and which articulate plainly the precise terms of payment for work performed, the work to be performed and a specific prohibition against the retention by the Contractor of any other personnel to perform any part of the work described in the contracts other than employees of the Contractor and other contractors that can demonstrate, by credible evidence, that they meet all of the criteria of this paragraph (A).

(iii) He includes income and losses from services rendered in a Federal income tax schedule as an independent business or profession.

(iv) He will incur the primary expenses related to the work performed under this contract.

(v) He is responsible for the satisfactory completion of the work to be performed under this contract and is liable for a failure to complete the work.

(vi) He realizes a profit or loss under contracts to perform work.

(vii) The success or failure of his business depends on the relationship of business receipts to expenditures.

(viii) He has through ownership, or a written and executed leasing arrangement with a person other than the Hiring Party, the tools, equipment and other assets necessary to perform the work under this contract.

(ix) He makes services available to other businesses, governmental agencies in this Commonwealth or to the general public through business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

(x) He has continuing or recurring business liabilities or obligations.

(xi) He performs services through a business in which the Contractor has a principal proprietary interest.

(xii) He is a United States citizen or is authorized under Federal law to work in the United States, as defined under section 274A of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. §1324a).

The foregoing are collectively referred to herein as the "Independent Contractor Requirements." Failure of the Contractor to meet the Independent Contractor Requirements during the term of this contract shall constitute a material breach by the Contractor of this

contract. In that event, the Hiring Party shall have the right to terminate this contract immediately upon notice to the Contractor without penalty.

(B) By his signature on this contract below, the Hiring Party certifies that he has verified, after reasonable investigation, that as of the date of this contract the Contractor meets the Independent Contractor Requirements except for those requirements set forth in subparagraphs (iii), (vi), (vii), (ix) and (xi) of paragraph (A) above, which he has not verified.

(C) The Contractor agrees that he shall not engage any other personnel to perform any part of the work described in this contract other than employees of the Contractor and other contractors that can demonstrate by credible evidence that they meet all of the Independent Contractor Requirements.

(D) The Contractor agrees that he shall maintain liability insurance during the term of this contract of at least \$1,000,000 and shall provide proof thereof to the Hiring Party upon request.

(c) Documentation.—At the time of entering into the contract described in subsection (b), the employer shall obtain from the individual, and maintain for a period of three years thereafter, the following information:

(1) Proof of liability insurance in the amount of at least \$1,000,000.

(2) Proof that the individual is a United States citizen or is otherwise authorized under Federal law to work in the United States, as defined under section 274A of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. § 1324a).

(d) Loss of presumption.—If, during the term of the contract, the employer receives knowledge that the individual does not meet the criteria set forth in section 4(b) and the employer does not terminate the contract as permitted by the provisions of the contract set forth in subsection (b), the employer shall no longer be entitled to the presumption and affirmative defense set forth in subsection (a).

(e) Penalty.—An employer that signs a contract described in subsection (b) knowing that any of the certifications made by the employer in the contract is false shall be subject to the administrative penalties set forth in section 7(b) in addition to any other penalties for violation of this act to which the employer may be subject.

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

The following roll call was recorded:

YEAS—191

Adolph	Evans, J.	Levdansky	Reichley
Baker	Everett	Longiotti	Roae
Barbin	Fabrizio	Maher	Rock
Barrar	Fairchild	Mahoney	Roebuck
Bear	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gergely	Melio	Schroder
Brooks	Gibbons	Mensch	Seip
Brown	Gillespie	Metcalfe	Shapiro
Burns	Gingrich	Metzgar	Siptroth
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Smith, S.
Casorio	Grove	Milne	Solobay

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

NAYS—0

NOT VOTING—1

Pallone

EXCUSED—10

Belfanti	Kotik	O'Brien, D.	Perzel
Donatucci	Miccarelli	Perry	Vereb
Gerber	Moul		

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. It is the Chair's understanding that the gentleman from Lancaster, Representative Boyd, has withdrawn all of his amendments. The Chair thanks the gentleman – and so do the members.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, Representative DeWeese, who requests leave for the gentleman from Westmoreland County, Representative PALLONE, for the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 400 CONTINUED

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

Mr. **TURZAI** offered the following amendment No. **A00955**:

Amend Bill, page 7, lines 22 and 23, by striking out ", as" in line 22 and "determined by the secretary pursuant to section 8" in line 23  
Amend Bill, page 9, lines 24 through 30; page 10, lines 1 through 23, by striking out all of said lines on said pages and inserting  
Section 8. (Reserved).

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Allegheny, Representative Turzai.

Mr. **TURZAI**. Thank you very much, Mr. Speaker.

Mr. Speaker, this particular bill, HB 400, ostensibly addresses the issue of when a person is an independent contractor of an employer or an employee of an employer. With respect to that, there are significant, significant penalties when a decision has been made that there has been a violation of the application of this particular bill.

The bill is going to apply to the Minimum Wage Act, the Wage Payment and Collection Law, the Unemployment Compensation Law, and the Workers' Compensation Act – very, very broad and significant watchdog activities with respect to the employers in Pennsylvania. And the bill is being very demanding with respect to, under each of those laws, what constitutes an independent contractor and what constitutes an employee.

Let us put that issue aside for now. Under this scheme, under this draconian measure, there are five types of remedies for a violation – five remedies. Under the criminal remedies, you can actually have somebody put in jail as a felon and imprisoned and fined. There is debarment. You can be prohibited from getting any contract whatsoever with the State. There are administrative remedies that have significant fines, and there are private causes of action that employees can in fact get into court under civil actions and seek redress on the basis of a violation of this particular bill should it become law.

Well, one of the other things that it provides, the fifth one, is a stop-work order, and the bill permits the Secretary, just the Secretary herself, to issue stop-work orders against employers who supposedly violated this act – a bureaucrat, a functionary – and such an order will require the cessation, the end, of all business operations for that employer at the work site where the violation occurred within 72 hours of the determination.

Mr. Speaker, that is draconian. It is almost a gestapo tactic that a Secretary, a bureaucrat, can actually say, no more work on a particular project, and that is only one of five particular remedies for this very, very broad imposition of new regulatory aspects with respect to how you declare somebody an independent contractor or an employee.

I have seen the impact of how it already exists and how tough it is on businesses. You do this, I promise you that you will be telling folks, close your shop in Pennsylvania; forget about good-paying jobs in Pennsylvania; do not care about working families in Pennsylvania; do not care about entrepreneurs in Pennsylvania; put "closed for work" in Pennsylvania, and one of the things that is a problem is this stop-work-order provision.

My amendment eliminates this draconian measure of a stop-work order, this notion that the Secretary of Labor can almost essentially unilaterally say like, hey, no more work on that project; we are going to put a community on hold; we are going to put jobs on hold; we are going to put families on hold; and we are essentially going to tell employers, go down to South Carolina or North Carolina.

This amendment says at least one of these five remedies has to go. I will tell you, the debarment, the criminal remedies, and the stop-work order all seem draconian to me. But my particular amendment says, let us at least begin to change this law or this proposal by eliminating the ability to have a stop-work order.

I would urge all of the members to please vote in favor of my amendment to bring at least some beginning common sense and coherence to this approach between independent contractors and employees, and let us not have this as a huge anvil being used by big government – big, autocratic government – over the entrepreneurs and the workers in our State.

Thank you very, very much. I urge a "yes" vote on the amendment.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Lentz, on the amendment.

Mr. **LENTZ**. Thank you, Mr. Speaker.

I would urge the members to vote "no" on this amendment. I learned a long time ago that if you invoke the gestapo in arguing against something, you probably do not have much of a substantive argument. I am not sure that the fact that you are entitled to a court hearing, the fact that it is a discretionary action by the Secretary of Labor that they may stop work at a site, that you can go into court with a lawyer and make arguments or that you can go before the Department of Labor and make arguments as to why you should not have the work stopped, and all the while the work is ongoing. I am not sure how that is at all comparable to the gestapo.

I heard a lot of other buzzwords in that argument – big government and, I think, that we were hurting families and driving businesses out of the State. Let us be very clear about this act and all of the punishments that are available: We are talking about intentional criminal conduct. Now, it is a funny thing, I have never heard the gentleman who sponsors the amendment or anyone else on that side of the aisle stand up and take such a horrified position about the harshness of a punishment that we have outlined for intentional criminal conduct. And by the way, it is intentional criminal conduct that costs this State millions and millions and millions of dollars, something we might be acutely aware of this fiscal year. So yes, if you, under this act – which we made much easier to comply with under the Lentz amendment that we just passed unanimously – if you intentionally misclassify workers in order to avoid paying taxes, in order to avoid providing workers' comp insurance, in order to hire illegal aliens as laborers or carpenters on a work site; if you do that intentionally, then you should be subject to harsh penalties, and the stop-work order is one of those.

We do not want to pass a bill that can basically have the contractors, who make millions of dollars on some of these larger projects, thumb their nose at Department of Labor and say, what are you going to do to me? You cannot stop the project. And again, this is not stopping all projects that this

company is involved in. This is stopping the project where they are intentionally breaking the laws of the Commonwealth of Pennsylvania, which I would think would make them very unsympathetic to anybody in this body.

So I would ask the members to reject this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I have a question for the maker of this amendment, if the maker would stand for interrogation.

The SPEAKER. The gentleman agrees to stand for interrogation. The gentleman, Mr. Barbin, may proceed.

Mr. BARBIN. We are all aware that there is a problem with employee classification in Pennsylvania. I note that in section 8 of your amendment, you have a statement that after you delete the powers that are specified in this law, you will set forth a section reserving the power for some later date. My question for you is how long can the Commonwealth of Pennsylvania wait for this problem to be corrected? We are no longer a government that should just say no. If you have an amendment, why does your section 8 not specify when you will take care of this problem? I have constituents in my home district that have been subject to this practice and they have lost jobs because of this classification issue.

Mr. TURZAI. With all due respect, that is just standard Legislative Reference Bureau practice. What they do is when you delete a section from a particular proposal, they just mark "reserved" because that is how they do it technically. With all due respect, if you actually believe there is a problem in the identification of independent contractor and employee, there remain – at least for now – there remain four other remedies including criminal remedies, debarment, administrative remedies, and private causes of actions by employees. This eliminates the draconian notion of a stop-work order within 72 hours that hurts communities, employers, entrepreneurs, and workers.

Mr. BARBIN. And I will ask you again then for a specific response to my question: When is it that a stop-work order or some immediate remedy is going to be provided to my constituent that allows them to stay on a job when instead of being able to be given the work they are pushed off a job and they use this section, employee misclassification, to bring in someone else to do the work? When are we going to handle this problem? If we do not give the Secretary this power, how are we going to handle the problem?

Mr. TURZAI. My answer is hopefully never, because this particular remedy is outrageous and there are four other remedies and you are acting as if there are real problems. There is an appropriate way to handle classification of independent contractor and employee, and a stop-work order is never, in my estimation, an appropriate remedy.

The other thing I would tell you, the notion that the prior speaker, that you are going to hide behind the term "intentional" – I am sorry, Mr. Speaker, this is a business transaction. This is not even an issue of fraud. The notion of independent contractor versus employee has a long, long case history that has been done on a case-by-case basis in courts throughout Pennsylvania. It is not always so easy to determine because different factors arise. Anybody who practices in this area knows this. What you are looking for is, by fiat, to take away any discretion with

respect to businesses and impose draconian measures so that the Secretary of Labor can almost have dictatorial or autocratic powers to just go in and say, if you do not do what I want, I am going to shut you down tomorrow. That is not how a democratic America works. It is not how a market economy works, and folks like you want to have it that big government has completely big sway and I completely disagree with your approach to how we should be dealing with business in the State of Pennsylvania.

I want more family-sustaining jobs. I want to encourage entrepreneurship. I want to encourage people to locate and expand in Pennsylvania. What you want to do is send them to North and South Carolina and that day has got to come to an end. I am sorry, I think your barbaric tactics under this particular approach are wrong.

Mr. BARBIN. Mr. Speaker, I would say only at this point, I am glad I look at things differently than the maker of this amendment. I would ask for a "no" vote for the amendment.

The SPEAKER. The Chair recognizes the gentlelady from Mercer, Representative Brooks, on the amendment.

Mrs. BROOKS. Thank you, Mr. Speaker.

Mr. Speaker, I completely agree that if the contractor breaks the law, there should be consequences for that contractor. However, stopping a project and stopping a senior housing project penalizes the hundred senior citizens that are waiting for that home to be built. Stopping a project where there are a hundred jobs in a store, that penalizes the employees that are waiting for those jobs. So we should be penalizing the contractor. We should not be penalizing the workers and we should not be penalizing the employees or the residents of the projects that will be stopped.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Northampton County, Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I think this question should be directed to the maker of the bill, I think, rather than the amendment, if he would be willing to be stand.

The SPEAKER. The question before the House is on the amendment.

Mr. DALLY. And I am trying to understand how this amendment plays into the rest of the bill in terms of appeal rights. That is my question.

The SPEAKER. The gentleman is in order.

Mr. DALLY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lentz, will stand for interrogation. The gentleman may proceed.

Mr. DALLY. Mr. Speaker, section 10 of the legislation says, "The secretary may seek enforcement of any order or subpoena in the Commonwealth Court." What are the appeal rights of the individual who is charged with the stop-work order?

Mr. LENTZ. If you look at page 10 of the bill, it says, on line 25, paragraph (a), "Actions taken under sections 7 and 8" – which would include the stop-work order – "are subject to the right of notice and adjudication and the right of appeal in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure)."

So administrative court rules for appellate rights, for due process – long-standing rules of due process, which I do not think anybody would describe as draconian. They are as old as the common law itself.

Mr. DALLY. So are those appeal rights— Is that appeal vested in the Commonwealth Court then?

Mr. LENTZ. Yes.

Mr. DALLY. Okay. The purpose for my inquiry, Mr. Speaker, is there is a recent case where a company was debarred and instead they went to Federal court for an injunction. I am just wondering whether, in the event that the Secretary of Labor oversteps her bounds, whether injunctive relief is available to that business in the Commonwealth Court. I do not know if you can answer that or not.

Mr. LENTZ. I am sorry. Just to clarify my last answer, the initial due process is at the administrative level. That is appealable to the Commonwealth Court, but if you could restate your question; I apologize.

Mr. DALLY. Yes, Mr. Speaker.

My inquiry was recently there was a company that was issued with a debarment order and they sought injunctive relief before a Federal court, and I am wondering whether this process allows that to occur in the Commonwealth Court instead. Can a company seek injunctive relief, because obviously, immediate relief from a court is what is necessary to prevent any harm to the company in the event the Secretary of Labor is wrong.

Mr. LENTZ. So the question is, could they go to another court besides the Commonwealth Court?

Mr. DALLY. What I am asking you is, is injunctive relief available in the Commonwealth Court for a business that is the subject of a stop-work order?

Mr. LENTZ. Well, you would have to exercise your appeal process so to the extent you could go right to the Commonwealth Court if you lost at the administrative level, the Commonwealth Court could grant you the relief you need. I do not really think it would be described as injunctive relief. You have a right within the time period before this stop-work order is issued to exercise your appeal process. So you have an opportunity to go into court and have your case heard.

Mr. DALLY. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**GUESTS INTRODUCED**

The SPEAKER. Before the group in the balcony leaves, the Chair would like to welcome to the hall of the House New Oxford Elementary School from New Oxford, Pennsylvania. They are the guests of Representative Tallman from York. Welcome to the hall.

**LEAVE OF ABSENCE CANCELED**

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

**CONSIDERATION OF HB 400 CONTINUED**

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Representative Turzai.

Mr. TURZAI. Mr. Speaker, let us just take a quick look and then we will get to the specifics of this type of a strong-hammer remedy.

Okay, the gentleman from Delaware County, the sponsor of the bill, says somebody who intentionally treats someone as an independent contractor when they are really an employee – oh, those bad, bad people. They are treating somebody who legitimately has business reasons to want them to be independent contractors and maybe they make some mistake in a factor and therefore they should be classified as an employee instead. Give me a break. This is not a murder. This is not rape. This is not some convoluted fraud, Ponzi scheme. These are good people who are trying to make money. That is what you do in a market economy, you make money because you want to be able to take care of your family and the other people. You want to pay your independent contractor fairly, too. That is the whole idea.

This is not some big criminal conspiracy that is going on out there in Pennsylvania, Mr. Speaker. All this is about is an expansion, an expansion to four areas of the law: workers' compensation, unemployment compensation, wage payment law, and wage collection, where, essentially, the other side wants to say that you do not get to have independent contractors anymore. You do not get that anymore. We are moving everybody to employees. We want everybody subject to this. We do not really, in the end, want employers to have a choice and we are going to do it through two ways: We are going to do it, one, through these new definitions and, second, we are going to be so heavy-handed coming from the Department of Labor that you are going to be fearful to ever declare anybody an independent contractor. That is the point. This particular stop-work-order provision, why it is so noxious – yes, it can just stop a project and stop employment, but the reality is, the reality is it stops the project before you ever have the real hearing, when you try to get to an appellate court and there are no guidelines in here for the due process hearing and it is decided not by a judge. This is not decided by a judge. This is decided by the politically appointed Secretary of Labor. Think about that. This is not a hearing in front of a judge. It is not a hearing in front of a jury. It is a de facto decision by a political appointee heading up the Department of Labor, and then you have to go into court to protect yourself once your project is already shut down, hurting your employees, hurting your family as an entrepreneur, and hurting your community.

This is un-American, it is antijob, it is antientrepreneur, and it is the worst that we would want in Pennsylvania. Let us eliminate this provision. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—78**

Baker	Fleck	Major	Reese
Barrar	Gabig	Marsico	Reichley
Bear	Gabler	Mensch	Roae
Benninghoff	Geist	Metcalfe	Rock
Boback	Gillespie	Metzgar	Rohrer
Boyd	Gingrich	Millard	Ross
Brooks	Grell	Miller	Saylor
Causar	Grove	Milne	Scavello
Christiana	Harhart	Murt	Schroder

Clymer	Harper	Oberlander	Smith, S.
Cox	Harris	Payne	Sonney
Creighton	Helm	Peifer	Stern
Cutler	Hennessey	Phillips	Stevenson
Dally	Hess	Pickett	Swanger
Day	Hickernell	Pyle	Tallman
Delozier	Hutchinson	Quigley	True
Denlinger	Kauffman	Quinn	Turzai
Ellis	Keller, M.K.	Rapp	Vulakovich
Everett	Krieger	Reed	Watson
Fairchild	Maher		

## NAYS—114

Adolph	Eachus	Lentz	Sabatina
Barbin	Evans, D.	Levdansky	Sainato
Beyer	Evans, J.	Longiatti	Samuelson
Bishop	Fabrizio	Mahoney	Santarsiero
Boyle	Farry	Manderino	Santoni
Bradford	Frankel	Mann	Seip
Brennan	Freeman	Markosek	Shapiro
Briggs	Galloway	Marshall	Siptroth
Brown	George	Matzie	Smith, K.
Burns	Gerber	McGeehan	Smith, M.
Buxton	Gergely	McI. Smith	Solobay
Caltagirone	Gibbons	Melio	Staback
Carroll	Godshall	Micozzie	Sturla
Casorio	Goodman	Mirabito	Taylor, J.
Civera	Grucela	Mundy	Taylor, R.
Cohen	Haluska	Murphy	Thomas
Conklin	Hanna	Mustio	Vitali
Costa, D.	Harhai	Myers	Wagner
Costa, P.	Harkins	O'Brien, M.	Walko
Cruz	Hornaman	O'Neill	Wansacz
Curry	Houghton	Oliver	Waters
Daley	Johnson	Parker	Wheatley
Deasy	Josephs	Pashinski	White
DeLuca	Keller, W.	Payton	Williams
DePasquale	Kessler	Petrarca	Youngblood
Dermody	Killion	Petri	Yudichak
DeWeese	Kirkland	Preston	
DiGirolamo	Kortz	Readshaw	McCall,
Drucker	Kula	Roebuck	Speaker

## NOT VOTING—0

## EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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?

Ms. QUINN offered the following amendment No. **A00954**:

Amend Bill, page 8, line 24, by striking out "SHALL" and inserting

may

Amend Bill, page 8, line 26, by striking out "AN" and inserting a majority

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentlelady from Bucks County, Representative Quinn.

Ms. QUINN. Thank you, Mr. Speaker.

I am offering amendment 954 to protect our workers, and in doing so, to protect our families and our economy. The amendment attempts to do two things: First, I believe this amendment will empower the Secretary of Labor and Industry to use his or her discretion when an intentional violation or job misclassification of workers occurs. This is the same discretion that we just heard the prime sponsor of the bill argue for when it comes to the stop-work order. It will, for example, allow the Secretary to take into consideration that a single infraction, which could be an underpayment of as little as \$10 by a company who employs many if not hundreds of our constituents, might not have to result in a debarment, a debarment that could have a far-reaching economic impact.

It will allow the Secretary to take into consideration mitigating circumstances such as a recession, a climbing unemployment rate, and other things before issuing what is essentially an economic death penalty. By striking the word "shall" and replacing it by the word "may," we are allowing the Secretary to make the best decision when it comes to the rights of our workers. Section 8 of the bill, the part about the stop-work issue, gives the Secretary the discretion by using the word "may" instead of "shall." I believe the debarment order should give the Secretary that same discretion.

Additionally, the language in my amendment clarifies how the department order can be applied. As written, anyone who has interest in a company that has been debarred, even if that is a 1-percent interest, anyone is subject to having not just the company that ran afoul of the law debarred, but any other company in which he or she has ownership debarred. Please, please consider how far reaching and potentially destructive this can be. I believe this is a technical fix. I do not believe the maker of the bill expected this to go so far.

Let me make myself clear: I am all for penalizing the perpetrator, but not for penalizing the innocent victims. My amendment is going to protect the workers, the janitors, the secretaries, middle management, everyone, all those people not making the main decision here. My amendment is going to give the Secretary flexibility, and in doing so, protect our workers and families.

Mr. Speaker, I believe this is a reasonable amendment and I hope that my colleagues will take it into consideration. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny, Representative Maher, on the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

The gentlelady who offers this amendment I think is offering an important improvement. If you refer to the bill on page 8, line 20, about debarment, it says if the Secretary receives information indicating a failure to properly classify, the Secretary shall go forward with the debarment. As it is written, this would not permit the Secretary to exercise judgment even as to the credibility of the information. So that is to say that, as written, every allegation must result in a punishment that will put Pennsylvanians out of work. I think it is important instead of it being "shall," to shift that to being "may," which would enable the Secretary to weigh, at a minimum, whether or not the allegation, the information received, is credible, as opposed to

making it automatic that an allegation shall result in this drastic outcome that will put Pennsylvanians out of work.

It does not take the teeth out of it. The Secretary, if she believes that the information is credible, has the same power, but this allows the Secretary to exercise discretion and judgment to weed out real concerns from those which lack credibility. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny, Representative Mustio, on the amendment.

Mr. MUSTIO. Mr. Speaker, I am actually looking for some documentation. Are there other questioners on the amendment?

The SPEAKER. The Chair recognizes – yes – the Chair recognizes the gentleman from Allegheny, Representative Turzai.

Mr. TURZAI. Yes.

The SPEAKER. The gentleman will yield.

On the amendment.

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

I rise in support of Representative Quinn's amendment. It is a very commonsense approach to the remedy of debarment. It is well thought out. Representative Marguerite Quinn has been a leader in trying to have a balanced approach and not a heavy-handed approach to the issue of independent contractor and employee and this amendment, which makes debarment a "may" proposition and limits the scope of debarment to firms that a guilty employer has a majority interest in. The notion that it should be "shall" is, again, it is just draconian, and Representative Quinn is attempting to find an important balance to make sure that good projects go forward, that good companies stay involved and located in Pennsylvania, and that there are well-paying jobs in her district and throughout the State. That is what she is up to here, and I applaud her for her hard work on this issue over the last 2 years. I would urge a "yes" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support Representative Quinn's amendment.

I want to digress for a minute and let you all know that I support HB 400. I do believe that there is a problem out there in misclassification of employees versus subcontractors. I voted for the bill in the previous session. However, there is always language in a piece of legislation that needs to be corrected. This is not a Republican versus Democrat piece of legislation. This is a very simple, commonsense solution – the word "shall" to "may." Let us give the Secretary of Labor and Industry the discretion to decide whether the disbarment should take place. At this time in our economy, it is not the time to be shutting down companies that employ hundreds of hardworking, good paying, tax-paying residents.

Please, take a look at the amendment. It is a "may" versus "shall." This will keep hardworking Pennsylvanians working. It will give the opportunity for this company to correct the violations, and it will bring in additional tax revenue instead of laying these folks off. So put our political differences aside, our geographics aside, and please support this amendment. It is a good amendment and it will make a good bill better. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Mustio, still wish to be recognized? The Chair recognizes the gentleman from Allegheny, Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I rise in support of the amendment as well. I was having difficulty finding the documentation and I had gone down to talk with the majority party staff in researching this issue 4 or 5 years ago with them. It is my belief that current law already permits, on a "may" provision, stop-work orders. I would ask the Speaker's indulgence, perhaps, if we could maybe get some verification of that, which would certainly bring this amendment in line with current law. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Representative Barbin.

Mr. BARBIN. Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentelady indicates she will stand for interrogation. The gentleman may proceed.

Mr. BARBIN. Previously the gentleman from Allegheny County, Representative Maher, indicated that the amendment was based upon the knowledge of the Secretary receiving information about misclassification. Is it not true that the underlying bill requires not only information being provided to the Secretary, but also a conviction on the basis of that information? Is that not true that HB 400 requires it?

Ms. QUINN. Yes; you are correct.

Mr. BARBIN. Okay. And if that is true then, this is not a question, the "shall" requirement only requires the Secretary, in these circumstances, to debar someone who has been convicted. Is that true?

Ms. QUINN. Mr. Speaker, am I being questioned on the amendment or the bill, because I would rather defer those questions to the prime sponsor?

Mr. BARBIN. It is—

The SPEAKER. The gentleman will suspend. The question does relate both to the bill and the amendment so the gentleman is in order.

Ms. QUINN. Could you repeat your question? I lost my—

Mr. BARBIN. Yes. Is it not a fact that the bill as stated, before you seek the amendment to change the language to "may," only requires the Secretary to notify public bodies if there has been information and conviction? Is that not true?

The SPEAKER. The gentleman will yield.

## POINT OF ORDER

The SPEAKER. The gentleman will state his point of order.

Mr. GABIG. Mr. Speaker, that interrogation is improper because he either knows the answer or he should read the bill. It is not on the amendment. It is not right to ask that of the gentelady here. He either knows what the answer is, if he has read the bill, or he should read the bill. It is not on the amendment. It is not a proper interrogation. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Barbin, is in order.

Mr. BARBIN. Thank you, Mr. Speaker.

The SPEAKER. He was trying to elicit an answer.

Ms. QUINN. Thank you. Then I will answer his question.

You are correct. What I am seeking to do here is to give the Secretary, as I said earlier, the flexibility. The debarment came only after a conviction was established.

Mr. BARBIN. Well is that not—

Ms. QUINN. So I am saying that I am trying to give the flexibility that a death penalty, or what is essentially a death penalty for the company and many of our constituents in terms of economic reaching, that does not have to parlay into a debarment.

Mr. BARBIN. So it would be fair to say that even if you are convicted of misclassification, your language would allow the Secretary not to debar on the contract.

Ms. QUINN. My language would allow the Secretary to make a determination if the violation was de minimis, as I used the example of as small as \$10. It would give them that flexibility to say whether or not they are going to come out and just close a company or whether or not they are going to evaluate all of the information.

Mr. BARBIN. Thank you. I have one more question, Mr. Speaker.

Your other amendment goes to inserting or changing the word "and" to "majority." Is it possible—

The SPEAKER. The gentleman will suspend. The question before the House is amendment 00954.

Ms. QUINN. Thank you.

Mr. BARBIN. My question for the maker of the amendment is, the word "majority" replacing the word "and," does that not allow a person who has been convicted to transfer the ownership interest in their company for purposes of avoiding the law?

Ms. QUINN. That was not the intent of the amendment. The intent of the amendment was that if someone has a minority interest – and I used the example, as little as 1 percent – that all of the other companies in which that same owner could have an interest would not be subject to debarment. Thank you.

Mr. BARBIN. Thank you, Mr. Speaker.

I would urge my colleagues to vote "no" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Representative Lentz.

Mr. LENTZ. Mr. Speaker, thank you.

I would urge the members to vote "no" on the amendment. Just to back up and talk about how you would get to the point of debarment and the purpose of debarment. As the previous speaker highlighted, you not only have to have been found to have intentionally misclassified employees, you also have to have been convicted of that offense. We are all aware of the many hurdles that the government, the Commonwealth, has to go through in order to obtain a conviction.

Debarment prevents a company from getting contracts that are paid for with tax dollars, State taxpayer dollars. So let us think about the concept here. You have a company in the construction industry that avoids paying potentially hundreds of thousands of dollars in taxes that they are supposed to pay – payroll taxes, unemployment taxes, taxes on workers' compensation insurance. They intentionally avoid paying that by misclassifying their employees. They are convicted of that offense. They are convicted of the premeditated act of saying, you know what? I do not want to pay the taxes that the legitimate contractors are paying. I want to avoid those, so I am going to commit a crime and I am going to misclassify my employees. They are convicted of that and now they come

before us and they say, I want to qualify for State contracts. I want to get some of those taxpayer dollars from the State that I did not contribute to because I was too busy violating the law and avoiding paying those taxes.

As a matter of public policy, I cannot imagine anybody that would say that a person convicted of the offense of shorting the Commonwealth of legitimate tax revenue should then be permitted to share in that tax revenue by getting State contracts. Why on earth would that be a "may"? So it is good public policy for it to be a "shall" motion on people who intentionally engage in this conduct and who are convicted of the conduct, and I would urge the members to reject the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Mensch.

Mr. MENSCH. Thank you, Mr. Speaker.

I rise along with my colleagues to support and encourage a vote for this particular amendment. Now, when the author of the amendment began to speak, she commented that this was about jobs and this was about families. What we have to understand is that a debarment is something that we just cannot take too seriously. It is very, very important. We have a situation that I am familiar with right now in the southeast area where a particular company has been debarred and it is going to cost 450 jobs – 450 jobs. We are not talking about one independent contractor, we are talking about 450 people. Debarment is a very serious action. Before we give this power, carte blanche, to a Secretary, we need to consider seriously the implications of this kind of an action.

Now, I have heard people arguing here. I am not an attorney, but I have heard some of the attorneys arguing against this amendment, suggesting that because it has been decided that it is a violation, it automatically needs to be debarred. But those gentlemen know that in the court of law there are sentencing guidelines and we do not always give the harshest sentencing just because someone has been found guilty. What Representative Quinn is suggesting here is that we have the ability to empower the Secretary to use their judgment, to consider all sides of the case and then be able to render a decision. That is very practical. It is very commonsense. We are talking about people's lives. We are talking about families. We are talking about our State's economy.

I support this amendment. I encourage all of my colleagues in the House to vote for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I, too, rise in support of this amendment. This amendment does not hurt the bill. I commend the gentleman for the good job he has done in clarifying an area of the law that has long been confused. All the amendment does is say that the Secretary decides if the company should be debarred from further work or not. It converts a "shall" to a "may." In the criminal realm, it converts a mandatory sentence to a possible sentence. It takes nothing away from the Secretary and in fact leaves the Secretary with the power to order the debarment. There is nothing wrong with this amendment that will hurt the bill.

It would, however, allow the Secretary of Labor and Industry to balance the community's needs, the employees who had no part of this who are going to lose their jobs; the community's needs, the tax base that will be lost against the offense. We let



judges make these decisions all the time. I would hope that you would support this amendment as something that strengthens the bill and takes nothing away from the Secretary of Labor and Industry.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentleman from Allegheny, who waives off.

The Chair recognizes the gentleman from Delaware, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I have been wrestling with this because I have heard good arguments on both sides. I just wanted to kind of throw a couple of ideas out there and a couple of concerns I had for whatever they are worth. One was the idea of the distinction between maybe a 400-employee firm with one offense versus a 400-person firm that had maybe a chronic series of many different employee offenses here and the ability to treat those two differently.

Another concern I had was the idea of what if you had a large company providing a unique service to the Commonwealth of Pennsylvania and putting us in a position where we simply had to not use that company that was providing some sort of unique service or that would probably put the Commonwealth at a disadvantage by not using that service provider because of one infraction.

And then the third concern I had involved if you had a situation where one employer could be debarred, you sort of get into a situation where competitive employers who might be the recipients of those contracts, that the employer would have gotten to do a little detective work themselves and you have a situation where you actually have sort of sabotage between competing companies.

I am just a little concerned about this discretionary or lack of discretionary provision here. So I just wanted to raise those points just for the benefit of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from York County, Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise today in support of Representative Marguerite Quinn's amendment to this bill. I find it interesting that as we go through these things that we are trying to dictate something that should happen in every instance and I think that is the whole purpose of our Secretary of Labor. The Secretary of Labor, or any Secretary in the Governor's Cabinet, has to have the ability and discretion to look at the interest of Pennsylvania as a whole and the citizens of this Commonwealth as well as, particularly, the interest of the employees of the company it serves. To sit there and mandate that the Secretary has to do something when it may be to the detriment of the taxpayers of this Commonwealth and to the detriment of the Commonwealth overall, I do not think serves us well. We know many times in the General Assembly we have passed legislation that we have to go and explain to our taxpayers and say, well, you know, I wish the Secretary or I wish so-and-so had that discretion, but we did not put that in the bill. All of us at some point in time are subject to those kinds of things that people come, whether it is a business or an individual taxpayer, that come before us in our district offices.

This is a case— We have a Secretary, Sandi Vito, who just recently was confirmed by the Senate, and what we are saying by not giving the Secretary this ability is that we do not trust her. We do not believe that she will make the right decisions for

the people of the Commonwealth of Pennsylvania. I find it interesting, too, that she is not just the Secretary of Labor, but she is the Secretary of Labor and Industry in this Commonwealth, which is so critical as we move forward to try and come out of this recession. So please keep that in mind and support Marguerite Quinn on this. Let the Secretary make the decision of what is best for Pennsylvania and the interest of our employees and our taxpayers. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny, Representative Gergely.

Mr. GERGELY. Thank you, Mr. Speaker. Will the lady rise for interrogation?

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

Mr. GERGELY. Thank you.

As we have looked at the "may" provision in this, if you would go down to line 27 of the same page in the same part of the statute as debarment, as has been argued, the Secretary does have a decisionmaking ability and this is not for 3 years guaranteed, this is up to 3 years. Do you agree that it could just be a month of debarment?

Ms. QUINN. That would depend on her decision.

Mr. GERGELY. But she would have the ability to make that decision?

Ms. QUINN. She could.

Mr. GERGELY. So therein lies the fact that we are convicting, the other part of this as Representative Lentz has said, is "...has been convicted of the violation...." Why I am opposed to this amendment is I want them debarred. They were convicted of a violation. I do not stand to have them to be debarred for 3 years, but we already can agree that the Secretary can make the decision – it could be a month, it could be a year, it could be up to 3 years. Is that correct?

Ms. QUINN. Correct. However, you are not just debarring the person who made the decision and broke the law, you are debarring a whole company. I think this chamber needs to be very mindful of the fact that the punishment does not necessarily fit the crime, especially when you are imposing the crime on an innocent breadwinner.

Mr. GERGELY. Right. I think the gentlelady brings up a great point, but it is only for public contracts. Correct?

Ms. QUINN. It is for public contracts and some of our companies are made up and have been for many years, in the course in which they have been doing business, focusing on public work.

Mr. GERGELY. Well, in my opinion, they could still obtain private work even if they have been debarred.

Ms. QUINN. They can, but as you well know, in hard economic times and especially when some of the new dollars that are being driven down into our economy are being put right into public jobs as opposed to private, it is really still a death sentence for some of these companies.

Mr. GERGELY. Well, I think that is where we disagree, because if they have been convicted, I think the fair and equitable companies that have not broken the law have the right and deserve the right to pursue these contracts that they would be excluded from, be it a week to 3 years. I ask the body to oppose the amendment. Thank you.

Ms. QUINN. Well, I still think that where we agree here is that you want to be fair to companies that have not broken the law and I am asking you to be fair to employees who have not

broken the law and keep them working, keep our economies in our communities flowing.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise in support of the amendment before us. This amendment would give flexibility to the Secretary of Labor to impose, or not, the rather severe sanction of debarment. We heard earlier in debates on other amendments that the Secretary should have discretion, that we can trust the judgment of a public official. This amendment does just that. It gives the Secretary of Labor discretion. It could, it seems as we have heard the debate unfold, it could avoid a very unnecessary and overly harsh result. It makes good sense and I support the amendment, I ask my colleagues to as well. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. Since the gentleman, Mr. Hennessey, just spoke on the floor, we will recognize, in the balcony, the Chair welcomes the sixth grade students from Pope John Paul II Catholic Elementary School in Coatesville, who are the guests of Representative Tim Hennessey, Representative Curt Schroder, Representative Chris Ross, and Representative Tom Houghton. Will the guests please rise. Welcome to the hall of the House.

### CONSIDERATION OF HB 400 CONTINUED

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

Mr. MAHER. Thank you.

I just want to remind the members that debarment does not so much punish the company involved, or certainly it does, but it punishes the innocent. It punishes employees who will be without work as a result of debarment. It is a very severe sanction on individuals who, by and large, had no ability to control the conduct of the company. So before these individuals are punished for the actions of their front office, it seems to me that we should have a little bit of faith in the ability of the Secretary of Labor and Industry to decide whether or not the circumstance merits punishing the innocent.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

I have a lot of respect for the gentlewoman from Bucks County. She is a very thoughtful legislator, but on this one, I am going to have to slightly disagree.

In these economic hardship times and we are talking about public programs, we should be able to decide who ought to get contracts or not. If a contractor is hiring people who are not from the State, maybe not even from the country, it is appropriate for us to disbar them. So I am going to urge a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

I rise in support of the Quinn amendment for a salient point I think needs made for the members' benefit. Over these past few years we have bounced around many ideas that contained with them mandatory sentencing, and it was always argued back that we had to give our judges the flexibility to make decisions according to their best judgment. The Quinn amendment stands firmly behind that principle. We have to allow Secretary Vito, or whoever the Secretary of Labor and Industry is, to be trusted to exercise best judgment. The simple change from "shall" to "may" gives her that flexibility and allows our Commonwealth to reach a peaceful middle ground where her judgment will decide whether or not an employer and, consequently, the employees have violated the law.

I urge a "yes" vote on the Quinn amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any other members seeking recognition? The Chair recognizes the gentleman from Lehigh, Representative Day.

Mr. DAY. Thank you, Mr. Speaker.

I rise today to support Representative Quinn's amendment. In these tough economic times, we find ourselves where an action such as this could cause a loss of many jobs not only to each district, but to the Commonwealth of Pennsylvania in general. I tell people in my district that we put people in these positions so that they can use discretion to administer the law that we are about to enact. We have an opportunity, by supporting this amendment, to allow someone not just to read from a book and say, we shall do this, but we have an opportunity to have someone in a position, especially during these tough economic times where many jobs could be lost by such an action, to review the case and possibly may or may not proceed.

That is the conclusion of my comments. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Blair, Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The maker of the amendment says she will stand for interrogation.

Mr. STERN. We have heard a lot of discussion—

The SPEAKER. You may proceed.

Mr. STERN. Thank you, Mr. Speaker.

We have heard a lot of discussion today about not only the company, but the employees that are impacted by these stop orders. I was just curious, do you have the— And there was recent discussion with a case recently here with Labor and Industry with a company in Bucks County. Can you give me the numbers, Representative, that were impacted, employees that were impacted by that last particular order?

Ms. QUINN. Yes. Mr. Speaker, I will give you those numbers, but I want to make it clear that this amendment is not being proffered to represent one company. This amendment is being proffered to be for all workers in the Commonwealth. That being said, most recently a company has been debarred, a company that has 450 employees, 390 of which live in Pennsylvania. Seventeen counties will be affected by this job loss, from Berks to York, Bucks to Montgomery. In fact, in Montgomery County there will be 71 families that will be

affected. In Lehigh County, I have got 51. Bucks, yes, has the highest at 139. Schuylkill County, one. You know, I do not want to bore everyone with these numbers, but they are real numbers, but again, this amendment is not just about that company. I am offering it for all Pennsylvania workers.

Mr. STERN. And I appreciate that. Are there any workers affected or any employees or families from Blair County, for example?

Ms. QUINN. You did not make the list.

Mr. STERN. Okay, well, I will speak on the amendment. I would like to—

The SPEAKER. On the amendment, the gentleman is in order.

Mr. STERN. —urge the members to vote in support for the amendment. As the previous speaker indicated, this amendment is more about jobs and it is about Pennsylvania families and those that are impacted by this just one company that she was referencing, and I am not referring to any other company but I think that this is a microcosm of what is out there, possibly, and we should be supporting those that are working in a community. So I would encourage members to support this amendment. I think it is job-friendly. I think it is worker-friendly. We should not be penalizing the workers for what the employers are doing. They should be taken to task otherwise. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

Again, I would urge the members to vote "no" on the amendment and just remind everyone again that we are talking about intentional conduct for which there has been a conviction. And it is interesting that the members on the other side of the aisle have suggested that they are interested in protecting the jobs of Pennsylvanians and that is why they want to take away this "shall" provision on debarment. The people that are engaged in the practice of misclassification are taking jobs from Pennsylvania. The people that are engaged in the practice of bringing in illegal workers and classifying them as independent contractors, they are taking jobs from the people of Pennsylvania. So it is a little bit backwards to suggest that when a company is convicted of this offense and subsequently not allowed to get taxpayer dollars on projects that somehow that is killing jobs. The people killing jobs are the people engaging in the conduct that we are seeking to deter by passing this act, and if you keep weakening the repercussions of that criminal conduct, you are not going to deter it. So I would urge the members to reject the amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I have one more concern. I think it sort of plays off the other Representative from Delaware County's argument, which is you have to have been convicted — there has to have been a conviction to trigger this. But I think that argument can cut both ways because the conviction exposes the person who actually did the intentional wrong to a felony of the third degree and up to 3 years in jail. That is a very targeted, very severe penalty and has a very strong deterrent effect. I mean, if a felony conviction is not going to deter you, what is?

I also think that it also brings about a very severe punishment on the person who actually did the misrepresentation. It could be that the person who did the misrepresentation of the

employee status also may benefit financially, or it could be a huge company and he stands no gain at all. So I have a concern about taking the discretion away with regard to debarment because to get to that point that a severe penalty already is going to be inflicted on the person who has actually done the crime — I am just sort of trying to avoid a situation where you have a large firm where one person in it may have done something criminal, but then you may have 400 other people possibly being affected by that when you already have 1 person who is really looking at felony penalties, so I just wanted to throw that into the mix. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentledady from Luzerne, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

It is incredible to me. I cannot believe that I am hearing what I am hearing. Penalties serve as a deterrent as well as a punishment, and if we are serious about misclassification as a criminal offense then we need to get serious about the punishment because the punishment will serve as a deterrent for these companies to do what they are doing now, which is costing Pennsylvania citizens their jobs.

So let us defeat the Quinn amendment and let us be serious about what we are about with HB 400. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Any other members seeking recognition? The Chair recognizes the gentledady from Bucks, Representative Quinn.

Ms. QUINN. Thank you. And thank you for all those who spoke for and against this.

Mr. Lentz is correct. Intentional conduct merits intentional consequences. I have no intention of trying to get anyone off the hook. If a company is convicted, they are still going to be subject to penalty for the laws that they broke. My amendment addresses the issue of debarment only, so let us focus on that. I am trying to give the Secretary the flexibility, the benefit of the doubt, to exercise his or her own judgment. In my view, my amendment is pro-job, it is for all of them.

We need to let the punishment fit the crime, but beyond that, we need to let the punishment be targeted at the perpetrators of the crime. Think of it, it is akin to this: If in this chamber someone was found guilty of a criminal offense, if they could be subject to debarment, everyone — staff, janitorial, clerical, HR (human resources) — goes. I think we have to take that into consideration. Go after the person who perpetrated the crime. Do not have a far-reaching effect at the men and women who are doing everything they can in a tough economic situation — I will say crisis — to keep their families afloat.

We were just off for the past couple of weeks and I do not know about you, Mr. Speaker, but I had more than one appointment with a couple or a husband or a wife coming in to me with darn near tears in their eyes because they are out of work, they are losing their house. Why are we going to add to that? How could we sit back and allow mandatory debarment? Let us give our Secretary the discretion that my amendment will provide. My amendment will allow us to go just after those companies that have a majority interest and not just have a shotgun approach to all companies out there who might have an interest.

Please, come on. I am not trying to rock the apple cart of HB 400. I believe these are reasonable changes and they are pro-job. I think a vote against this is really a vote that we do not trust our Secretary's discretion. Please support this amendment.

Please support your families and your constituents and please support our Pennsylvania economy. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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

The following roll call was recorded:

## YEAS—95

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

## NAYS—97

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

## NOT VOTING—0

## EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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. COX offered the following amendment No. **A00930**:

Amend Bill, page 7, lines 10 through 23, by striking out all of said lines and inserting

(a) Grading.—An employer, or an officer or an agent of the employer, who intentionally violates section 5(a) commits:

(1) A misdemeanor of the third degree for a first offense.

(2) A misdemeanor of the second degree for a second or subsequent offense.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Berks, Representative Cox.

Mr. COX. Thank you, Mr. Speaker.

I will keep this short and sweet because it is really not a complicated amendment. If this amendment gets in, a person who intentionally violates provisions of this act will commit a misdemeanor of the third degree for the first offense and a misdemeanor of the second degree for any subsequent offenses. A quick translation there: Instead of a defined penalty of 3 1/2 years being the maximum for the first offense and no more than 7 years for the subsequent offenses, this makes a simple change and says for the first offense someone may serve up to 1 year and for a second-degree misdemeanor, which would be subsequent offenses, it is up to 2 years. It just changes the grading of the offense and it makes it a more commonsense provision for what we have, what we are trying to punish here. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Montgomery, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I want to support this bill, but I am a little bit worried about people I know who are better plumbers or carpenters or landscapers than they are with paperwork. A felony is just too much of a penalty. I think that this amendment, which makes it a misdemeanor, will frighten most employers into behaving because nobody wants to go to jail. But a felony is just too much for a guy who is a good plumber but not good with paperwork or a good carpenter but not good with paperwork, and there are many of those types of entrepreneurs who will be snagged by this bill.

Therefore, I think the misdemeanor penalty is a more appropriate penalty in this case and I support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Delaware County, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

I urge the members to vote "no" on this amendment. Ever since I was a prosecutor, I have always been struck by the great sympathy that people tend to have with criminals that they

might have more in common with than criminals that they do not have anything in common with. I have heard the constant references to this being the kind of crime that you can be convicted of by accident or just by being on a job site or as they often say in criminal court, being in the wrong place at the wrong time. We do not have crimes in the State of Pennsylvania that you can be convicted of because you did them by accident. We only have crimes and convictions for intentional conduct. That means you knew what you were doing when you did it. In this case, we are talking about an act which is rampant throughout the United States, particularly in the construction industry which we are addressing here today. A practice, which as I have mentioned in previous remarks, robs the people of Pennsylvania of millions and millions of dollars in legitimate revenue, robs carpenters and plumbers and laborers of jobs that they would otherwise have but they are not getting because an illegal immigrant who is being categorized as an incorporated entity is getting the job.

So this is not a matter of being bad with paperwork or having a sloppy accountant. This is people that sit down and say, I am going to avoid paying unemployment taxes. I am going to avoid paying all the other taxes that legitimate people in the construction industry pay and I am going to do it to the detriment of the taxpayers of the State of Pennsylvania to the tune of millions and millions of dollars. So if we want to make that kind of conduct a misdemeanor 3, then vote for the amendment. But if you want to stop the practice, if you want those people that sit down and say, I am going to rob the people of Pennsylvania of tax revenue, to think twice before they do it, then make it a real crime. Make it a felony. Do not make it the equivalent of a mutual fight on the street or littering or some of the other petty offenses that are categorized as misdemeanor 3. Make it a real offense. Make it an offense that is going to deter the conduct, that is going to inspire the people that do it and continue to do it to the detriment of the working men and women of Pennsylvania to stop. If we do not do that then there is really no point in addressing the problem.

So I urge you to reject this amendment and keep some teeth in this bill.

The SPEAKER. Will the House agree to the amendment?

The Chair recognizes the gentleman, Representative Petri, from Bucks.

Mr. PETRI. Mr. Speaker, I rise to support this amendment and I am going to state for the record why: Right now in Pennsylvania there are a lot of job competitions and bids come out every day, and when they come out on the bid sheets, our contractors are actively pursuing these jobs. Never before have you seen so many people competing for jobs. And what we want to do, I believe, is strongly encourage people to approach the job and the project by bidding it fairly and honestly. What that means is that there are certain requirements in those public jobs that a contractor anticipates every bidder will have to follow.

Now, what I am seeing happen and what I am hearing from my contractors in my district, is that they approach this process in that manner and that they are losing the bid. They are coming in less. Well, that is competition and that is fair except that in this case I am hearing repeatedly that the primary bidder, the successful low bidder, is coming in hundreds and hundreds of thousands of dollars less, and in many cases, the second bidder is bidding it at cost. Now, how can that be? How can it be that a job that requires everybody basically to have the same

materials, same labor costs and the like, how can it be that you would lose it by hundreds of thousands of dollars?

So I think we do have to have teeth in our law in order to protect the bidders and the public taxpayer, the taxpayers who are paying for these public jobs, and so therefore, I support this amendment.

The SPEAKER. The Chair thanks the gentleman.

## GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair welcomes St. Michael the Archangel Elementary School from Southern Lehigh School District. They are the guests of Representative Karen Beyer. Will the guests please rise. Welcome to the hall of the House.

## CONSIDERATION OF HB 400 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Representative Mensch.

Mr. MENSCH. Thank you, Mr. Speaker. I will be very brief.

We have talked about a company in Bucks County that has been debarred recently. I think those 450 employees would be very surprised to learn that they are now being classified as illegal aliens. The argument just a bit ago against this amendment was that is only applies to illegal aliens and we were just stopping illegal aliens from taking jobs from legal Americans, but that is not the case. We have evidence. We have a situation right now in our own State, in our own economy, where we are losing jobs for real Americans – valid, solid American citizens, 450 families. These are not illegal aliens. The illegal alien argument is very much a hyperbole. It is a scare tactic. It is like big oil was before. Come on, Mr. Speaker. Let us put some common sense back into this legislation.

Mr. Speaker, I support this amendment. I encourage everyone to vote for it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—104

Adolph	Frankel	Maher	Reed
Baker	Gabig	Major	Reese
Barrar	Gabler	Manderino	Reichley
Bear	Geist	Marshall	Roae
Benninghoff	Gillespie	Marsico	Rock
Boback	Gingrich	Mensch	Rohrer
Boyd	Godshall	Metcalfe	Ross
Brooks	Grell	Metzgar	Saylor
Causer	Grove	Micozzie	Scavello
Christiana	Hanna	Millard	Schroder
Civera	Harhart	Miller	Smith, K.
Clymer	Harper	Milne	Smith, S.
Cox	Harris	Mirabito	Sonney
Creighton	Helm	Murt	Staback
Cutler	Hennessey	Mustio	Stern
Dally	Hess	O'Neill	Stevenson
Day	Hickernell	Oberlander	Swanger
Delozier	Hornaman	Payne	Tallman
Denlinger	Houghton	Peifer	Taylor, J.
DiGirolamo	Hutchinson	Petri	Thomas
Ellis	Kauffman	Phillips	True

Evans, J.	Keller, M.K.	Pickett	Turzai
Everett	Kessler	Pyle	Vitali
Fairchild	Killion	Quigley	Vulakovich
Farry	Kortz	Quinn	Wansacz
Fleck	Krieger	Rapp	Watson

NAYS—88

Barbin	Dermody	Levdansky	Sainato
Beyer	DeWeese	Longietti	Samuelson
Bishop	Drucker	Mahoney	Santarsiero
Boyle	Eachus	Mann	Santoni
Bradford	Evans, D.	Markosek	Seip
Brennan	Fabrizio	Matzie	Shapiro
Briggs	Freeman	McGeehan	Siptroth
Brown	Galloway	McI. Smith	Smith, M.
Burns	George	Melio	Solobay
Buxton	Gerber	Mundy	Sturla
Caltagirone	Gergely	Murphy	Taylor, R.
Carroll	Gibbons	Myers	Wagner
Casorio	Goodman	O'Brien, M.	Walko
Cohen	Grucela	Oliver	Waters
Conklin	Haluska	Parker	Wheatley
Costa, D.	Harhai	Pashinski	White
Costa, P.	Harkins	Payton	Williams
Cruz	Johnson	Petrarca	Youngblood
Curry	Josephs	Preston	Yudichak
Daley	Keller, W.	Readshaw	
Deasy	Kirkland	Roebuck	McCall,
DeLuca	Kula	Sabatina	Speaker
DePasquale	Lentz		

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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. It is the Chair's understanding that the rest of the amendments have been withdrawn.

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.)

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 985, PN 1597**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for employee protection.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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 986, PN 1139**, entitled:

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

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—192

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

Creighton	Helm	Oliver	Thomas
Cruz	Hennessey	Parker	True
Curry	Hess	Pashinski	Turzai
Cutler	Hickernell	Payne	Vitali
Daley	Hornaman	Payton	Vulakovich
Dally	Houghton	Peifer	Wagner
Day	Hutchinson	Petrarca	Walko
Deasy	Johnson	Petri	Wansacz
Delozier	Josephs	Phillips	Waters
DeLuca	Kauffman	Pickett	Watson
Denlinger	Keller, M.K.	Preston	Wheatley
DePasquale	Keller, W.	Pyle	White
Dermody	Kessler	Quigley	Williams
DeWeese	Killion	Quinn	Youngblood
DiGirolamo	Kirkland	Rapp	Yudichak
Drucker	Kortz	Readshaw	
Eachus	Krieger	Reed	McCall,
Ellis	Kula	Reese	Speaker
Evans, D.	Lentz		

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

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

STATEMENT BY MR. KESSLER

The SPEAKER. The Chair recognizes the gentleman from Berks, Representative Kessler, under unanimous consent.

Mr. KESSLER. Thank you, Mr. Speaker.

I would just like to thank my colleagues for their "yes" votes on these two bills. There was a mortgage broker located in my district that scammed about 800 families out of \$40 million. It affected 55 of our districts, which included counties such as Lancaster, Berks, Montgomery, Carbon, Chester, Schuylkill, Northampton, York, Lehigh, Philadelphia, Lebanon, Erie, Adams, Luzerne, Centre, Monroe, Northumberland, Juniata, and Columbia Counties. If these bills would have been in place prior to this happening, there would have been a very, very good chance that this would not have occurred and these 800 families would not be out of \$40 million. Thank you again for your votes.

The SPEAKER. The Chair thanks the gentleman.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 926, PN 1653**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for membership of the Pennsylvania Workforce Investment Board; and establishing the Pennsylvania Center for Health Careers.

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

The SPEAKER. Is it the Chair's understanding that the gentleman, Representative Cox, is withdrawing the amendments to this legislation? The Chair thanks the gentleman.

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

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. D. EVANS called up **HR 269, PN 1658**, entitled:

A Resolution recognizing the week of May 3 through 9, 2009, as "National Charter Schools Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—192**

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

DiGirolamo	Kirkland	Rapp	Yudichak
Drucker	Kortz	Readshaw	
Eachus	Krieger	Reed	McCall,
Ellis	Kula	Reese	Speaker
Evans, D.	Lentz		

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

\* \* \*

Mr. CONKLIN called up **HR 270, PN 1659**, entitled:

A Resolution designating the week of May 3 through 9, 2009, as "National County Government Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—192**

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



Dally	Houghton	Peifer	Wagner
Day	Hutchinson	Petrarca	Walko
Deasy	Johnson	Petri	Wansacz
Delozier	Josephs	Phillips	Waters
DeLuca	Kauffman	Pickett	Watson
Denlinger	Keller, M.K.	Preston	Wheatley
DePasquale	Keller, W.	Pyle	White
Dermody	Kessler	Quigley	Williams
DeWeese	Killion	Quinn	Youngblood
DiGirolamo	Kirkland	Rapp	Yudichak
Drucker	Kortz	Readshaw	
Eachus	Krieger	Reed	McCall,
Ellis	Kula	Reese	Speaker
Evans, D.	Lentz		

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

\* \* \*

Mr. CURRY called up **HR 271, PN 1660**, entitled:

A Resolution designating the month of April 2009 as "Neuroblastoma Month" in Pennsylvania and highlighting a special event, Dance Philly! Every Step Counts!, to support the Susanna DeLaurentis Charitable Foundation's efforts to combat this deadly disease.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

\* \* \*

Mr. REICHLEY called up **HR 277, PN 1689**, entitled:

A Resolution recognizing May 2009 as "American Stroke Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Adolph	Evans, J.	Levdansky	Reichley
Baker	Everett	Longietti	Roae
Barbin	Fabrizio	Maher	Rock
Barrar	Fairchild	Mahoney	Roebuck
Bear	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siptroth

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

\* \* \*

Mrs. WATSON called up **HR 278, PN 1690**, entitled:

A Resolution observing the first week of May 2009 as "National Physical Education and Sports Week" and the month of May 2009 as "National Physical Fitness and Sports Month" in Pennsylvania, and encouraging residents of Pennsylvania to participate in ACES Day (All Children Exercising Simultaneously) on May 6, 2009.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair recognizes the gentlelady from Lehigh County, Representative Beyer, on the resolution?

Mrs. BEYER. Not on the resolution, Mr. Speaker. I will wait; I apologize.

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

The following roll call was recorded:

YEAS-192

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

\* \* \*

Mrs. WATSON called up **HR 279, PN 1691**, entitled:

A Resolution recognizing the month of May 2009 as "Healthy Babies Month" in Pennsylvania and urging prospective parents to be informed about prenatal care.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Miccarelli	Pallone	Perzel
Donatucci	Moul	Perry	Vereb
Kotik	O'Brien, D.		

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentlelady from Lehigh rise?

Mrs. BEYER. Thank you, Mr. Speaker. Just to correct the record.

On my good friend from Berks County's amendment, A930 to HB 400, I was recorded in the negative and I wish to be recorded in the affirmative.

The SPEAKER. The gentlelady's remarks will be spread upon the record.

Mrs. BEYER. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to submit remarks for the record on "Loyalty Day."

The SPEAKER. The gentleman is in order.

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

Thank you, Mr. Speaker.

Today I rise to recognize May 1 as Loyalty Day in Pennsylvania and to remember those Americans who have given their lives, or a portion of their lives, in defense of this country and in service to the principles for which America stands.

As a veteran of the Vietnam war, I think it is imperative to recognize not only those who have fallen in battle, our veterans, and current members of the Armed Forces, but as a member of my local fire company, I also believe we must pay tribute to those men and women who serve us each day in the police stations, firehouses, and ambulance corps. Their bravery and desire to serve likewise reflects their great love for others and genuine loyalty to the United States.

These outstanding men and women express their loyalty to our country each day through countless acts of courage, selflessness, and caring.

Mr. Speaker, members of the military, police, and emergency services have one thing in common: their desire to preserve our rich heritage of defending what the United States of America stands for.

Due in large measure to the military's dedication to defending freedom, what America stands for continues to serve as ideals worth fighting for.

The brave efforts of America's fighting men and women should be celebrated each day. These ordinary citizens are often asked to go to extraordinary lengths to defend us. They are transported overseas to fight wars and safeguard people around the globe who have been displaced by wars.

Due to the clout their dedication represents to the combatants they are up against, many lives have been saved and the word is becoming a safer place for all its citizens.

Similarly, police officers, firefighters, and ambulance corps perform similar services domestically, battling to keep the streets safe and free of crime and drugs, facing fires and catastrophe with bravery, rescuing accident victims, and maintaining order during natural disasters.

America remains a beacon of hope for the world because of the selfless service of these brave people.

As leaders of the free world, America remains a place where all citizens have the opportunity to life, liberty, and the pursuit of happiness.

Mr. Speaker, we must also salute the people who walk proud with that banner over their shoulder, doing what they can to ensure it continues to wave over our great nation.

Let us never forget how fortunate we are to be Americans and to have great Americans ready to defend and protect us all from the ills that sometimes befall us.

We are not reminded often enough how much we have to be thankful for and proud of as Americans.

Commemorations like the ones we proclaim through House resolutions continue to stress the importance of the values we Americans share and those shared by those that spend their time creating an environment in which we can thrive.

Thank you, Mr. Speaker.

### **BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar:

HB 69;  
 HB 90;  
 HB 108;  
 HB 264;  
 HB 412;  
 HB 951;  
 HB 1273;  
 HB 1287;  
 HB 1288; and  
 HB 1289.

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

### **BILLS RECOMMENDED**

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

HB 69;  
 HB 90;  
 HB 108;  
 HB 264;  
 HB 412;  
 HB 951;  
 HB 1273;  
 HB 1287;  
 HB 1288; and  
 HB 1289.

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

The SPEAKER. Are there any announcements?  
 There will be no votes for tomorrow's session.

### **BILL AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman, Representative Day from Lehigh County, who moves that this House do now adjourn until Thursday, April 30, 2009, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
 Will the House agree to the motion?  
 Motion was agreed to, and at 2:54 p.m., e.d.t., the House adjourned.