

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 5, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 33

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

HON. GORDON DENLINGER, member of the House of Representatives, offered the following prayer:

As we come to the time of prayer, would you please meditate on these words by Thomas Chisholm:

Great is Thy faithfulness, O God our Father;
There is no shadow of turning with Thee;
Thou changest not, Thy compassions, they fail not;
As Thou hast been, Thou forever wilt be.

Father in Heaven, we praise You today as our refuge and shelter in the time of storm. We rest in Your compassion and in the knowledge that not a sparrow can fall from the sky without Your notice. Father, today we come before You asking for an outpouring of Your divine compassion on our fellow citizens and on all who work in this place. Remind us anew that it is a high honor and calling to serve the people, and we thank You for the opportunity to do so.

As we begin today, we bring before You those of our own who are hurting and in need of Your healing mercies. We raise up to You our fellow members, staff, and families. Where there is illness, Father, provide healing, and where there is brokenness of spirit, through Your Holy Spirit, we pray that You would provide comfort and peace.

And, Father, as we consider the challenges we all face and the choices that must be made, we pray for an outpouring of Your wisdom and Your grace. We acknowledge our dependence on You, and we pray that You would guide our steps.

Father, through our efforts here, may You be glorified and exalted, and we offer these, our prayers, to You and we do so in Your most holy 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 Monday, May 4, 2009, will be postponed until printed. The Chair hears no objection.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 289 By Representatives CUTLER, CLYMER, HARRIS, MELIO, MENSCH, REICHLLEY, ROCK, STERN, TRUE and VULAKOVICH

A Resolution amending the Rules of the House of Representatives, further providing for members' and employees' expenses.

Referred to Committee on RULES, May 5, 2009.

No. 294 By Representatives CUTLER, SHAPIRO, ADOLPH, BAKER, BARRAR, BEAR, BENNINGHOFF, BEYER, BOYD, BRENNAN, CLYMER, DALLY, DELOZIER, DiGIROLAMO, EVERETT, FABRIZIO, FAIRCHILD, FLECK, GEIST, GEORGE, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARHART, HARPER, HELM, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, KORTZ, MAJOR, MARKOSEK, MARSICO, McILVAINE SMITH, MENSCH, MILLARD, MILNE, MOUL, MUNDY, MUSTIO, D. O'BRIEN, PALLONE, PASHINSKI, PAYNE, PICKETT, PYLE, QUINN, RAPP, READSHAW, ROEBUCK, ROHRER, ROSS, SANTONI, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STERN, SWANGER, R. TAYLOR, TRUE, VEREB, VITALI, VULAKOVICH, WATSON and YOUNGBLOOD

A Resolution designating the month of May 2009 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania, and urging the President and the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for the disease.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 5, 2009.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1429 By Representatives DERMODY, BISHOP, KORTZ, KOTIK, BRENNAN, MURPHY, STABACK, MELIO, KULA, LONGIETTI, SIPTROTH, FRANKEL, CALTAGIRONE, LENTZ and HENNESSEY

An Act providing for joint training and continuing education of nursing care providers and nursing facility surveyors, assisted living service providers and assisted living residence surveyors and for joint training and continuing education of personal care providers and personal care home surveyors.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 5, 2009.

No. 1430 By Representatives CONKLIN, JOSEPHS, GRUCELA, HARKINS, GOODMAN, BRENNAN, DONATUCCI, GIBBONS, HORNAMAN, LONGIETTI, MAHONEY, PAYTON, WALKO, McGEEHAN, REESE, MUNDY, M. O'BRIEN, SANTONI and SIPTROTH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for advance voting and for advisory committee.

Referred to Committee on STATE GOVERNMENT, May 5, 2009.

No. 1431 By Representatives DePASQUALE, SIPTROTH, WAGNER, McGEEHAN, BRENNAN, SCAVELLO, HORNAMAN, BRIGGS, FABRIZIO, BRADFORD, PALLONE, M. O'BRIEN, SWANGER, SANTARSIERO, CARROLL, FAIRCHILD, KULA, M. SMITH, MOUL, HELM, MURPHY, LENTZ, McCALL, MUNDY, MELIO, CASORIO, VULAKOVICH, YUDICHAK, DONATUCCI, TRUE, JOSEPHS, MURT, CALTAGIRONE, GEORGE, GILLESPIE, KOTIK, GOODMAN, YOUNGBLOOD, SHAPIRO, SABATINA, MANN and ADOLPH

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

Referred to Committee on CONSUMER AFFAIRS, May 5, 2009.

No. 1432 By Representatives CUTLER, BOYD, CREIGHTON, DENLINGER, GINGRICH, HICKERNELL, MELIO, MILNE, MOUL, ROAE, SWANGER, TRUE and VULAKOVICH

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing, in retirement systems, for maximum single life annuities.

Referred to Committee on FINANCE, May 5, 2009.

No. 1433 By Representatives CUTLER, BOYD, CREIGHTON, GINGRICH, GOODMAN, HICKERNELL, HORNAMAN, METCALFE, MILNE, MURT, ROAE, SCAVELLO, SWANGER, TRUE and VULAKOVICH

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

Referred to Committee on STATE GOVERNMENT, May 5, 2009.

No. 1434 By Representatives CUTLER, BOYD, CLYMER, CREIGHTON, DENLINGER, FREEMAN, GEIST, GINGRICH, GOODMAN, HICKERNELL, METCALFE, MILNE, MURT, QUINN, ROAE, SCAVELLO, SWANGER, TRUE and VULAKOVICH

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

Referred to Committee on STATE GOVERNMENT, May 5, 2009.

No. 1435 By Representatives CUTLER, BOYD, CREIGHTON, DENLINGER, GEIST, GIBBONS, GINGRICH, GOODMAN, HARPER, HENNESSEY, HORNAMAN, PALLONE, READSHAW and STEVENSON

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

Referred to Committee on JUDICIARY, May 5, 2009.

No. 1436 By Representatives WHITE, SOLOBAY, GEORGE, GERGELY, GIBBONS, HALUSKA, HORNAMAN, KORTZ, LEVDANSKY, PASHINSKI, PETRARCA, SIPTROTH, SWANGER, WANSACZ and YOUNGBLOOD

An Act providing for abandonment of mineral rights in real property, for the recording by surface owners of title to mineral rights in their real property after ten years of nonuse by the subsurface owner; and establishing a right of action to settle title to mineral rights.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 5, 2009.

No. 1437 By Representatives CUTLER, BOYD, CREIGHTON, DENLINGER, FAIRCHILD, GEIST, GINGRICH, HENNESSEY, HESS, HORNAMAN, MILLER, MURT, PASHINSKI, PAYNE, RAPP, READSHAW and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compensation and expenses of witnesses.

Referred to Committee on JUDICIARY, May 5, 2009.

No. 1438 By Representatives CUTLER, BOYD, CLYMER, CREIGHTON, GIBBONS, GINGRICH, PYLE, ROHRER, SCAVELLO and VULAKOVICH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, establishing the Shooting Range Community Safety Grant Program; and making an appropriation.

Referred to Committee on GAME AND FISHERIES, May 5, 2009.

No. 1439 By Representatives CUTLER, BOYD, CREIGHTON, EVERETT, GINGRICH, GROVE, HICKERNELL, MARSHALL, MOUL, MURT, SCAVELLO, SWANGER, TRUE and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing, in ethics standards and financial disclosure, for restricted activities.

Referred to Committee on STATE GOVERNMENT, May 5, 2009.

No. 1441 By Representatives SANTONI, DONATUCCI, BARRAR, BELFANTI, CALTAGIRONE, CARROLL, D. COSTA, DeLUCA, J. EVANS, FABRIZIO, HALUSKA, HARKINS, W. KELLER, KILLION, KOTIK, MAHONEY, PALLONE, SEIP, SIPTROTH and SOLOBAY

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for expanded restaurant licenses, fees, privileges and restrictions; providing for limitation of certain prizes; and further providing for revocation and suspension of licenses and fees and for premises to be vacated by patrons.

Referred to Committee on LIQUOR CONTROL, May 5, 2009.

No. 1442 By Representatives SANTONI, BRADFORD, BRENNAN, BRIGGS, BROWN, CALTAGIRONE, CREIGHTON, FRANKEL, FREEMAN, GOODMAN, GRUCELA, HARHAI, HARKINS, KORTZ, MANN, MOUL, MURT, PASHINSKI, READSHAW, REICHLEY, SIPTROTH, K. SMITH, SOLOBAY and VULAKOVICH

An Act amending the act of December 22, 1989 (P.L.702, No.93), entitled "An act requiring school directors to prohibit the use of steroids by pupils involved in athletics; requiring education regarding the use of anabolic steroids; requiring penalties for unauthorized use of anabolic steroids; and providing for dispensing anabolic steroids and for prescriptions for anabolic steroids," further providing for education regarding use of performance-enhancing drugs.

Referred to Committee on EDUCATION, May 5, 2009.

No. 1443 By Representatives ROHRER, MANDERINO, BENNINGHOFF, BRENNAN, BROOKS, CALTAGIRONE, CARROLL, CLYMER, CREIGHTON, CUTLER, DENLINGER, DeWEESE, ELLIS, FABRIZIO, FLECK, FREEMAN, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARKINS, HARRIS, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KORTZ, MARSHALL, MELIO, METZGAR, MILLARD, MILNE, MOUL, MUNDY, MUSTIO, PALLONE, PASHINSKI, PETRARCA, RAPP, READSHAW, REICHLEY, ROAE, ROCK, SAYLOR, SIPTROTH, K. SMITH, STEVENSON, SWANGER, TALLMAN, TRUE, WAGNER and WHEATLEY

An Act prohibiting the Commonwealth from participation in the Federal REAL ID Act of 2005 and other related laws; and providing for the authority of the Governor and Attorney General to file certain legal challenges.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 5, 2009.

No. 1444 By Representatives BRADFORD, BRIGGS, DERMODY, JOSEPHS, MUNDY, PAYTON, WALKO and WHITE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for permissible argument as to damages at trial.

Referred to Committee on JUDICIARY, May 5, 2009.

No. 1445 By Representatives SOLOBAY, BRENNAN, BRIGGS, CALTAGIRONE, COHEN, D. COSTA, CRUZ, GINGRICH, GOODMAN, GROVE, HARHAI, HORNAMAN, KOTIK, KULA, MANN, McGEEHAN, MELIO, MILNE, M. O'BRIEN, OLIVER, PAYTON, QUINN, READSHAW, ROEBUCK, SIPTROTH, VULAKOVICH, YOUNGBLOOD, KORTZ, MAHONEY and K. SMITH

An Act providing standards for carbon monoxide alarms and for powers and duties of the Department of Labor and Industry; and imposing penalties.

Referred to Committee on LABOR RELATIONS, May 5, 2009.

No. 1446 By Representatives PHILLIPS, BELFANTI, FAIRCHILD, CREIGHTON, DALEY, GEIST, HARRIS, HENNESSEY, HESS, HUTCHINSON, M. KELLER, KILLION, METZGAR, MILLER, MURT, PICKETT, RAPP, REICHLEY, SAYLOR, SCAVELLO, SIPTROTH, STABACK, STERN, J. TAYLOR, VULAKOVICH, WATSON and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing and providing for a task force on school health services; and providing for duties and responsibilities.

Referred to Committee on EDUCATION, May 5, 2009.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests the following leaves of absence: Representative BOYLE from Philadelphia for the week; Representative SABATINA from Philadelphia for the day. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests the following leaves of absence: Representative Dennis O'BRIEN from Philadelphia for the day, and Representative HENNESSEY from Chester for the day. Without objection, those leaves will be granted.

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome Pine Forge Elementary fourth graders who are visiting the Capitol today. Welcome to the hall of the House. Will the guests please rise.

To the left of the Speaker, the Chair welcomes Angelia Priselac of Houtzdale, Clearfield County, and her daughter, Lucia, who is a sophomore at Moshannon Valley High School. Lucia is shadowing Representative George today as part of her graduation project. She is the guest of Representative Camille "Bud" George of Clearfield County. Will the guests please rise. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes Marian Moran of Delaware and Chester Counties, who is the president of the Southeast Chapter of Blue Star Mothers of America; also, Mindy Rottmund, Mary Lou Williford, and Jean Koroly, who are all members of the Blue Star Mothers of America. They are the guests of Representatives Boyd, Killion, Milne, Ross, and Civera. They are here on behalf of HR 248. The Chair welcomes the guests to the hall of the House.

In the balcony, the Chair welcomes students from Lebanon Christian Academy. They are the guests of RoseMarie Swanger. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Shayna Goldstein and her father, David Goldstein. They are the guests of Representatives Rick Taylor and Mike Gerber. Will the guests please rise. Welcome to the hall of the House.

In the back of the House, the Chair welcomes the history honor advanced students along with their chaperones from the Optimist Club of Daniel Boone High School, who are the guests of Representative Dave Kessler. Will the guests please rise. Welcome to the hall of the House.

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Hennessey	O'Brien, D.	Sabatina
Boyle	Miccarelli	Perry	

LEAVES ADDED—3

George	Gerber	S. Smith
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LEAVES CANCELED—5

George	O'Brien, D.	Sabatina	Smith, S.
Hennessey			

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

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Patricia Fairall of Levittown, who is here with her daughter, Tisha Leonard; her two granddaughters, Kaitlyn and Kristine Leonard; and her sister, Martha Martin. They are the guests of Representative Galloway. Welcome to the hall of the House.

In the back of the House, the Chair welcomes Hempfield Area Senior High School Project 18 Club from Greensburg, Westmoreland County. They are the guests of Representatives Krieger, Reese, and Harhai. Will the guests please rise. Welcome to the hall of the House.

Also in the back of the House, the Chair welcomes Esther Kuhn, Debbie Bonam, Steve Merush, Michael Stumbaugh, Susie McCloskey, Susan Bush, Kay Anderson. They are from the Self-Advocates United as 1. They are the guests of Representative Michele Brooks. Will the guests please rise. Welcome to the hall of the House.

The Chair would like to introduce David Floyd, who will be serving as a guest page for Representative Ron Miller today. David is an eighth grade student at Southern Middle School in Glen Rock. Will David please rise. Welcome to the hall of the House, David. He is in the middle aisle.

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

HB 594, PN 651 By Rep. GEORGE

An Act providing for a program for the disposal of home-generated medical sharps, and for powers and duties of the Department of Environmental Protection.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 720, PN 799 By Rep. JOSEPHS

An Act authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

STATE GOVERNMENT.

HB 1069, PN 1251 By Rep. GEORGE

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for powers and duties of counties.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1392, PN 1713 By Rep. JOSEPHS

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Beaver County, being conveyed by Beaver County in return for the imposition of Project 70 restrictions on certain land being conveyed to Beaver County by the Department of Transportation.

STATE GOVERNMENT.

HB 1395, PN 1716 By Rep. JOSEPHS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, prohibiting the furlough of Commonwealth employees.

STATE GOVERNMENT.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes, as a guest page, Joe Marrone, a student at Wyoming Area High School, as well as his mother, who is in the balcony, Mary Beth Marrone. They are the guests of Representative Phyllis Mundy. Will the guests please rise. Welcome to the hall of the House.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. BEAR called up **HR 236, PN 1513**, entitled:

A Resolution designating May 10 through 16, 2009, as "National Nursing Home Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Hennessey	O'Brien, D.	Sabatina
Boyle	Miccarelli	Perry	

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

* * *

Mr. BOYD called up **HR 248, PN 1579**, entitled:

A Resolution recognizing May 2009 as "Blue Star Mothers of America Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Hennessey	O'Brien, D.	Sabatina
Boyle	Miccarelli	Perry	

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

The SPEAKER. Congratulations to our Blue Star Mothers.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 621, PN 680**, entitled:

An Act selecting, designating and adopting the Eastern Box Turtle (*Terrapene carolina carolina*) as the official reptile for the Commonwealth of Pennsylvania.

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

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Montgomery County, Representative Curry.

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

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

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this bill that we are considering now is a bill that makes the eastern box turtle the State reptile. We have bills like this on a number of occasions, and I want to tell you a little bit of the background of this bill.

Several months ago I was invited to the school in Glenside, Pennsylvania, to talk about the legislative process. They were at the time studying environmental issues and particularly had focused on the eastern box turtle, which is nearly extinct. They expressed their concern about that and wondered if there was anything that this General Assembly could do to help out the eastern box turtle. I thought for a while, and then I realized we could bring attention to the plight of this creature by recognizing it as the State reptile.

I got letters from the school advocating this. Let me share one. "In Harrisburg, I would like you to introduce a bill about" making "the box turtle the state reptile.

"Pennsylvania used to have many box turtles.... Now the population..." expansion has helped to shrink the box turtle population "...because of many things. I will name a few: chemicals..." highways, automobiles. All of these have contributed to the reduction of the box turtle population. And so, he goes on to write, he hopes I will consider bringing attention to this problem.

That is the origin of the resolution, simply to add the eastern box turtle as the State reptile. I appreciate your consideration on this bill.

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

On that question, the Chair recognizes the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. Mr. Speaker, I personally do not have anything against box turtles. Actually, I think they are kind of cute and so are the young ladies.

I just sent an e-mail around to all the members. Senator Yaw, who is the State Senator from the district that I represent, and I had planned to introduce legislation later this session, after we took care of important issues like the budget and some other things that we failed to address yet, designating the eastern timber rattler as the reptile of Pennsylvania. Those of us in much of Pennsylvania have a lot of those reptiles in our districts. We have a lot of rattlesnake hunts, and we thought that the rattlesnake would be more appropriate, and I never did think I would end up in a debate on the floor between the rattlesnake and the box turtle.

MOTION TO TABLE

Mr. EVERETT. What I would simply ask today is I would like to make a motion that we table the discussion of what the reptile of Pennsylvania is going to be temporarily, until we have time to really deal with this. I think we have more important things we could be doing today, and I would ask that you support the motion to table this until we have a chance to deal with the more important issues facing the State and not just do this in haste without considering it.

Thank you.

The SPEAKER. The gentleman is in order and the motion is in order.

The gentleman from Lycoming County, Mr. Everett, makes a motion to table HB 621.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of tabling, the Chair recognizes the majority leader, Representative Eachus, on the motion to table.

Mr. EACHUS. Thank you, Mr. Speaker.

Out of deference to the young people whose idea – and a good one, I think; a good idea – percolated from their classroom to this General Assembly, I would respectfully ask that the motion to table be rejected.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Montgomery, Representative Curry, seek recognition?

Mr. CURRY. I think just that it is true that this class was studying this. It is an environmental class. As I came up here, there was no mention of another State reptile bill, at least that I had heard of. And I guess it comes down to a question of whether you would like to cuddle up to a rattlesnake or a turtle.

The SPEAKER. The Chair recognizes the maker of the motion, the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. In Pennsylvania, according to Clyde Peeling from Reptiland in my district on Route 15, which I am sure a few of you have driven by if you have gone up and down

Pennsylvania, there may be more eastern timber rattlers in Pennsylvania than any other State. We have many rattlesnake hunts across northern Pennsylvania, and to tell you the truth, we kind of like rattlesnakes.

My point is, if you will look at the e-mail I just sent around, Ferrell Elementary School also was studying the process, and they took a poll, and the rattlesnake won by a wide margin. So there are little kids across Pennsylvania on both sides of this issue, and all I am asking is that we table this momentous decision until we have a chance to fully vet it and maybe pick up the issues that are more pressing in the State at this time.

I would ask that you support my motion. Thank you.

The SPEAKER. The motion is only debatable by leaders, the maker of the motion, and the prime sponsor of the bill.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—43

Baker	Gabig	Marsico	Rohrer
Benninghoff	Geist	Metcalfe	Samuelson
Boback	Godshall	Metzgar	Saylor
Causar	Grell	Millard	Smith, S.
Civera	Hess	O'Neill	Sonney
Cox	Hutchinson	Oberlander	Stern
Delozier	Kauffman	Peifer	Stevenson
Ellis	Keller, M.K.	Perzel	Tallman
Evans, J.	Maher	Phillips	Taylor, J.
Everett	Major	Pickett	Turzai
Fairchild	Marshall	Pyle	

NAYS—152

Adolph	Eachus	Lentz	Reichley
Barbin	Evans, D.	Levdansky	Roae
Barrar	Fabrizio	Longietti	Rock
Bear	Farry	Mahoney	Roebuck
Beyer	Fleck	Manderino	Ross
Bishop	Frankel	Mann	Sainato
Boyd	Freeman	Markosek	Santarsiero
Bradford	Gabler	Matzie	Santoni
Brennan	Galloway	McGeehan	Scavello
Briggs	George	McI. Smith	Schroder
Brooks	Gerber	Melio	Seip
Brown	Gergely	Mensch	Shapiro
Burns	Gibbons	Micozzie	Siptroth
Buxton	Gillespie	Miller	Smith, K.
Caltagirone	Gingrich	Milne	Smith, M.
Carroll	Goodman	Mirabito	Solobay
Casorio	Grove	Moul	Staback
Christiana	Grucela	Mundy	Sturla
Clymer	Haluska	Murphy	Swanger
Cohen	Hanna	Murt	Taylor, R.
Conklin	Harhai	Mustio	Thomas
Costa, D.	Harhart	Myers	True
Costa, P.	Harkins	O'Brien, M.	Vereb
Creighton	Harper	Oliver	Vitali
Cruz	Harris	Pallone	Vulakovich
Curry	Helm	Parker	Wagner
Cutler	Hickernell	Pashinski	Walko
Daley	Hornaman	Payne	Wansacz
Dally	Houghton	Payton	Waters
Day	Johnson	Petrarca	Watson
Deasy	Josephs	Petri	Wheatley
DeLuca	Keller, W.	Preston	White
Denlinger	Kessler	Quigley	Williams

DePasquale	Killion	Quinn	Youngblood
Dermody	Kirkland	Rapp	Yudichak
DeWeese	Kortz	Readshaw	
DiGirolamo	Kotik	Reed	McCall,
Donatucci	Krieger	Reese	Speaker
Drucker	Kula		

NOT VOTING—0

EXCUSED—7

Belfanti	Hennessey	O'Brien, D.	Sabatina
Boyle	Miccarelli	Perry	

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—177

Adolph	Drucker	Longiotti	Roae
Baker	Eachus	Maher	Rock
Barbin	Ellis	Mahoney	Roebuck
Barrar	Evans, D.	Major	Rohrer
Bear	Fabrizio	Manderino	Ross
Benninghoff	Farry	Mann	Sainato
Beyer	Fleck	Markosek	Samuelson
Bishop	Frankel	Matzie	Santarsiero
Boback	Freeman	McGeehan	Santoni
Boyd	Gabler	McI. Smith	Scavello
Bradford	Galloway	Melio	Schroder
Brennan	George	Mensch	Seip
Briggs	Gerber	Metcalfe	Shapiro
Brooks	Gergely	Micozzie	Siptroth
Brown	Gibbons	Millard	Smith, K.
Burns	Gillespie	Miller	Smith, M.
Buxton	Gingrich	Milne	Solobay
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grove	Moul	Staback
Casorio	Grucela	Mundy	Stevenson
Causar	Haluska	Murphy	Sturla
Christiana	Hanna	Murt	Swanger
Civera	Harhai	Mustio	Tallman
Clymer	Harhart	Myers	Taylor, J.
Cohen	Harkins	O'Brien, M.	Taylor, R.
Conklin	Harper	O'Neill	Thomas
Costa, D.	Harris	Oberlander	True
Costa, P.	Helm	Oliver	Turzai
Cox	Hickernell	Pallone	Vereb
Creighton	Hornaman	Parker	Vitali
Cruz	Houghton	Pashinski	Vulakovich
Curry	Hutchinson	Payne	Wagner
Cutler	Johnson	Payton	Walko
Daley	Josephs	Perzel	Wansacz
Dally	Keller, M.K.	Petrarca	Waters
Day	Keller, W.	Petri	Watson
Deasy	Kessler	Pickett	Wheatley
DeLozier	Killion	Preston	White
DeLuca	Kirkland	Quigley	Williams
Denlinger	Kortz	Quinn	Youngblood
DePasquale	Kotik	Rapp	Yudichak

Dermody	Krieger	Readshaw	
DeWeese	Kula	Reed	McCall,
DiGirolamo	Lentz	Reese	Speaker
Donatucci	Levdansky	Reichley	

NAYS—17

Evans, J.	Godshall	Marshall	Phillips
Everett	Grell	Marsico	Pyle
Fairchild	Hess	Metzgar	Smith, S.
Gabig	Kauffman	Peifer	Stern
Geist			

NOT VOTING—1

Saylor

EXCUSED—7

Belfanti	Hennessey	O'Brien, D.	Sabatina
Boyle	Miccarelli	Perry	

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 SPEAKER. I think the class has received a good lesson in the legislative process.

REMARKS BY MINORITY LEADER

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Jefferson County, Representative Smith, the minority leader of the House.

Mr. S. SMITH. I would just take a moment to tell a little story.

Back when I was first in the legislature, probably my first or second term, these stories do not always come out this way. You may have been on the committee at that time. The gentleman from Clearfield County was the chairman of the Environmental Resources and Energy Committee, and then the State Representative from the State College area, a lady named Ruth Rudy, had gone to a group of kids, and they wanted a bill passed that said you could not release balloons, because the balloons would fall in the water and the ducks or the geese or the turtles or whatever would eat the balloons and die because they could not ingest it. So they wanted a bill passed that would say you could not release balloons, and it became somewhat controversial. The chairman called the bill up before the committee. Representative Rudy brought this group of kids to the committee meeting, and the bill failed by one vote. The kids were all sort of sitting there stunned. What does this mean? And the chairman of the Environmental Resources Committee looked at the kids – the secretary announced that the vote went down 14-13 or something like that – and the chairman looked at the kids and said, well, you came here to see democracy in action and you got it, and they were just stunned because their bill went down. So it does not always happen that way.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 400, PN 1707**, 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Delaware County, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

The problem of misclassification was debated in some detail the other day on second consideration, but I just thought I would highlight for the members once again why this is an important piece of legislation for Pennsylvania's construction industry.

It is widely recognized as a problem throughout the country and in particular here in Pennsylvania. The United States Department of Labor estimates that in the year 2000, approximately 30 percent of all construction firms engaged in the practice of misclassifying employees, which is about three times the misclassification rate in other industries.

Some construction firms routinely classify their employees as "independent contractors" for the specific purpose of avoiding the payment of decent wages, health benefits, pensions, as well as Federal and State and local employment taxes that other legitimate employers pay.

Over the past few years, several States have done surveys of the problem to get at some sort of – to quantify it in some sense. Those States found that between 15 and 24 percent of the construction employees were misclassified. Massachusetts found up to 24 percent of the employees were misclassified; Maine, 14 percent; New York, 14.8 percent; Illinois, 17 percent; Minnesota, 15 percent, and the list goes on and on. At least 20 States prior to us have taken action to correct this problem.

The fact that this is an open and flagrant practice that siphons money from the revenues that the State is otherwise due makes it even more important that we address it now during this critical economic period in our history.

Just to give you an idea of the revenue that we are losing. Based on annual employer audits in the State of New Jersey, they identified nearly \$100 million in unreported or underreported wages in the construction industry, including \$15 million in underpayment to the Unemployment Compensation Fund and the insurance funds in 1 year alone; that is \$15 million in 1 year alone. In Massachusetts the study uncovered \$12.6 million and \$25 million annually in unemployment insurance premiums and \$91 million and \$152 million in income taxes. Again, at this time as we look at our budget and we look at the State of our unemployment compensation in Pennsylvania, these are significant figures.

Misclassification of workers in the State of Illinois resulted in \$34.8 million annually in workers' compensation premiums in the construction industry alone, and in New York State, they lose as much as \$176 million annually in unemployment insurance premiums.

This bill in its current form gives the Department of Labor the ability to crack down on this practice to capture that revenue, but it also gives legitimate employers a way to comply with the law and to continue in the construction industry in a legitimate fashion.

So I would urge all of you, I think there is a consensus in this body that the practice of misclassification is harming our State, harming our workers in the construction industry, and harming legitimate businesses in the construction industry, and I hope today we can form some consensus on how to deal with that problem.

I want to particularly take a moment to thank Representative Boyd. I am not sure if I am doing many favors by thanking him, but I do want to thank him.

For me, in the short time that I have been in the legislature, I can say that being able to sit down and go back and forth and really truly try to come to a practical application of how we can address this problem but also provide a way for legitimate employers to move forward was one of the more satisfying things I have been able to do, and I am very grateful to him and the chairman of the Labor Committee, the minority chairman of the Labor Committee, and his executive director for working so closely with me to come up with what I think is a good bill in its final form.

We made some changes the other day in the process of amendments. I hope those of you that opposed it prior to the amendment will join us in supporting it today. I think it is a significant bill to address a significant problem, and I urge a "yes" vote on the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. I do not know if the members have noticed or not, but there is an excited group of fourth graders in the back of the hall of the House from Glenside Elementary School, who were very active in the passage of the last bill. Welcome to the hall of the House. Will the guests please rise.

CONSIDERATION OF HB 400 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Representative Boyd, on the question.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to support HB 400 in its current form as amended. The easy part of doing this job is we often agree on the problem. The difficult part is trying to come up with an agreement on what the solution to those problems are. And while the original solution that was proposed in HB 400 for worker misclassification in the construction industry I was not very fond of, I believe we have come a long way towards addressing that issue.

In particular, there are components of this piece of legislation that I appreciate. The rebuttable presumption so that legitimate contractors have a vehicle to be certain that they are adhering

and properly classifying workers and/or independent contractors is important. There are still some provisions in this bill that I personally would have liked to have seen amended.

We debated some amendments last week and had some very close votes on debarment and some other issues. And I personally would like to see some additional changes, but I have to say that we have come a long, long way from where we were and that I believe this bill is a good start.

We have a bicameral legislature. This bill will be going over to the Senate, where I know it will continue to be debated and discussed, and I look forward to that debate over there and what might come back from the Senate. But at this point, I believe that we have made some tremendous strides on this piece of legislation, and I am advocating to all my colleagues that we support the bill and move the legislative process forward.

If I may, one last comment on a personal note. I would like to personally commend Representative Lentz and his efforts at working and reaching across the aisle but also across the ideological divide that oftentimes separates us from ever accomplishing anything constructive, to be able to sit behind or across the desk from one another with staff and argue points back and forth and really make tremendous headway in coming up with an understanding that while what happens to labor is important, also what happens to business is important.

And I just want to personally thank him and tell him I appreciate his efforts. I know in the current station in his life, he has made some tremendous sacrifices to be here late at night when I know that there were more pressing things that he would much rather have been doing and needed to do at home. To show the dedication that he has shown to try and make good legislation and make the process work for the constituents across his district and our district is commendable.

So I just ask for a "yes" vote on HB 400. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

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

Mr. Speaker, first of all, I wanted to say that my colleague from Lancaster County, I think he is an outstanding legislator and works unbelievably hard at making sure that good work is done for constituents throughout this State, and I applaud him and his hard work.

I must say, however, that on this particular point, and I know this train is going to leave the House, but I honestly believe that somebody has to stand up for the employers in this State, and I do not mean big business. I am talking about the folks that are hiring 5, 6, 10 people and making it every day for the people in the State of Pennsylvania and employ 80 percent of our constituents and oppose this particular bill.

I must tell you that overall, I do not think that a case has been made out that there is a significant problem through either empirical evidence or anecdotal evidence. All that has really been talked about is how to capture revenue, because the workers' comp system and the unemployment comp system have significant financial shortfalls, and what is happening here is there is an administration that is pushing a bill to garner up more revenue.

Secondly, it is also an attempt, with all due respect, by big labor and big government to provide an additional tool, an additional tool to put a hammer down on businesses that want to deal with independent contractors and to actually threaten them

with the ability to characterize everybody as an employee so that ultimately they are going to be able to unionize them.

Look, my mom and dad were union folks; they were hard workers, but they were not big labor people. They were everyday folks like a lot of the people in my district. And many people who were at one point in labor unions in my district want to become independent contractors, particularly in the building trades.

Now, I am not talking about the big bosses here; I am talking about people that are making a living day in and day out and who say, you know, I would like to have my own plumbing establishment; I would like to have my own carpentry business; I want to go out on my own, and I want to do it by myself as an independent contractor.

Well, what we are doing here is we are saying there is a problem and it is the size of a bug, and we are taking a 2,000-pound rock and smooching it. And with all due respect to the attempts to make this better, the bill still has five penalty provisions. It allows for administrative law remedies, debarment, a stop-work order – they can just prohibit some project that is going on and go in – and they are allowing private causes of action.

And while I applaud my colleague from Berks County who got it from felony to misdemeanors, look, you can still go to jail for misdemeanors and you can still be fined significantly for misdemeanors and brought into the criminal system under this particular proposal. We do not do that to the hardest criminals, having five types of remedies where you can go after somebody.

I have a colleague, a former colleague from Mercer County, who talked about the workers' comp system, and this is an expansion of big government and big labor and the workers' comp, wage payment, unemployment comp. It is an expansion, make no mistake. And he talked about the workers' comp system as it presently exists – an electrical contractor – and the State, the tools that this State used, this big government that we have now, he shut it down and he said, I am moving it to Ohio. He picked up and moved the business to Ohio and said, I cannot deal with Pennsylvania any longer.

And here we are, one more time, one more time we are saying, you know what, Mr. Small Businessman? Ms. Small Businesswoman? You are the enemy. You are the person, because we need big government to come in with a hammer against you, we need big labor to come in with a hammer against you, we want to shove you out; we want to push you aside.

Well, with all due respect, I am standing up for those folks. I am standing up for those folks on the side that engage independent contractors and I am standing up for those folks who in fact want to be independent contractors, because they have to have a voice at the table.

And I think, I think many folks ought to put a message on the table that not enough has been done to show the need for this particular bill, particularly in its form, with five particular penalties, where you can go and smooch a small businessman and push him out of the game and get him to move across to another State and all the people that he employs with him.

The Senate needs to know and I think they want to know that if this bill comes over to them – the last time they did not do anything with it – I think the Senate wants to know that we can improve this bill significantly from what is being offered at the present time and narrowly tailor it.

I am willing to look at what the Senate sends back, and I think the Senate will make significant improvements. But until the Senate has the opportunity to do that, where the real interests of the small businessperson who is creating 80 percent of this job is taken into account at the table, which I do not think has been done here, not to the extent that it needs to be done, I will take a significant look at HB 400, after the Senate has an opportunity to make changes, really contemplating what will help maintain and grow employment in this State.

Right now, we are in the forties out of population growth, job growth, and personal income growth, and part of it is this notion that the small businessman is an enemy that has to be crushed by big government and pushed out of the way by big labor. I stand with those small businesspeople.

And with all due respect, I think my colleague from Lancaster County has just put in yeoman's work in trying to improve it, but not enough has been done, and I certainly hope when the other side and other people that will be voting with them send it to the Senate, that we are able to make great improvements so that when it comes back, many of us will be able to vote "yes."

But I cannot vote "yes" now, and I would urge everybody to please vote "no." Thank you very, very much.

The SPEAKER. The Chair thanks the gentleman.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that he has given permission to Mike Drewecki, WXPI-TV, to videotape with audio for 10 minutes.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the gentleman from Chester, Representative Hennessey. His name will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Greene County, the majority whip, Representative DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker. Three quick points.

Number one, the gentleman from Clearfield, Mr. GEORGE, will be on leave for approximately an hour and a half. We will announce his presence when he returns. He is in a meeting outside the building.

CONSIDERATION OF HB 400 CONTINUED

Mr. DeWEESE. Number two, my honorable colleague from Allegheny County who preceded me at the microphone keeps using aggressive vocabulary, and I certainly cannot fault him for that. But to excitedly talk about big labor and big government and so forth does get one's attention, and I think the honorable gentleman needs to be reminded, Mr. Speaker, that we have the second fewest State workers per population among the 50 States. We are not that big a government when you compare it with 49 of our sister States.

And the third and final point I want to make, as the gentleman plaintively cries out his unyielding fealty for small business, for the businesses that have 5 or 10 workers, I hope that the honorable gentleman is as transfixed with that idea when we try to get rid of the Delaware loophole, save \$580 million in the budget campaign, and help our small businessmen.

I hope he is as focused on helping small businessmen in the Delaware loophole debate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the bill sponsor please stand for brief interrogation?

The SPEAKER. The gentleman from Delaware, Mr. Lentz, agrees to stand for interrogation. The gentleman, Mr. Fairchild, is in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

You quoted many statistics from different States. It is my understanding that different States have enacted laws similar to this, but there are none that are exactly similar to this or are exactly like that. Is that correct?

Mr. LENTZ. Yes. There is no State that is exactly like it. I would say the most similar State to ours is the bill passed in New Jersey. However, the safe-harbor language that we worked out as part of the progression of this bill I believe is pretty unique to our legislation.

Mr. FAIRCHILD. Thank you.

The statistics that you did give, did that pertain to all businesses in the State that had had this, or is it strictly the construction industry?

Mr. LENTZ. Most of the statistics, almost all of the ones I listed, were limited to the construction industry.

Mr. FAIRCHILD. All right. That is different than the information I have received. But that is okay, if that is what you think it is.

Why does Pennsylvania decide to strictly hold out one industry when we have through the years here tried to fix this problem by taking everyone in the industry? It seems to me we have a very serious constitutional issue that is raised here by simply cutting out and saying one industry, the construction industry, you are going to be under this present law, while we let all other industries operate as they have in the past with subcontractors, and it certainly has been an issue. I think we all know that, because we have debated it in here a number of times.

Mr. LENTZ. Well, I would say that you are correct. As I mentioned in my earlier remarks, this is a practice that goes across all sectors of our economy.

And other States have passed comprehensive bills. For instance, the Massachusetts bill was comprehensive and covered all of the industries. The most difficult part of the bill from working on it and probably from reading it and analyzing it that you can see is trying to pass a piece of legislation that is going to anticipate and cover all the various fact patterns that can arise in a worker-employee relationship.

So one of the benefits by having a narrow focus on construction is that we were easier able to tailor the legislation so that it will anticipate and it will work for the variety of situations you face in the construction industry.

The second or equal benefit is that the construction industry, according to all the information I have seen, is the place where it is the most often engaged in and probably the most costly to taxpayers and to the Commonwealth.

Mr. FAIRCHILD. Thank you, Mr. Speaker. I would like to make a brief statement.

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

Mr. FAIRCHILD. I feel over the history of being in the House, we have tried to address this problem and different members have come forward with their solutions. I commend the two chairmen for getting close, but I am not going to support this bill. I think it is extremely unfair when we take one segment of the industry and say we are going to apply this law to you and no one else. We are not applying it to the media; we are not applying it to the realty companies; we are not applying it to any other businesses in our Commonwealth other than the construction industry.

Why are we doing that? Why should we treat businesses different from one another when we know they have exactly the same problem? The same problems exist whether it is in this industry or this industry.

I think this is going to run into – if it proceeds as it is – I think this is going to run into very strict constitutional issues, and hopefully we can get it resolved before it gets to that point. But in lieu of that, I am going to be casting a negative vote and would hope that we continue to work on this to establish, once and for all, a law that applies to all Pennsylvania businesses.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, the gentlemen, Messrs. Ross, Mustio, Tallman, Barbin, Moul, Thomas, and Mensch.

The Chair recognizes the gentleman from Chester, Representative Ross.

Mr. ROSS. Mr. Speaker, would the maker of the legislation submit to brief interrogation?

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

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, I have a question about the mechanical application of the provision relating to debarment of businesses that violate the terms of correctly identifying those that are independent contractors.

My question is this: Would a debarment take place only prior to a contract, or could a business be debarred in the middle of a contract that they are currently operating under with the State?

Mr. LENTZ. I think for a contract in progress, the remedy would be a stop-work order. Debarment, as I understand it, prevents you from getting future State contracts.

Mr. ROSS. So as a follow-up, would there be a possibility to create a stop-work order on a contract that was in progress under the provisions of this legislation?

Mr. LENTZ. Right. And just so we are clear, you cannot be debarred unless you are found to have committed intentional conduct for which you were criminally convicted, meaning that it must be proved in a court of law beyond a reasonable doubt that you engaged in misclassification for the specific purpose of avoiding the payment of taxes and the other things described in the bill.

So yes, for intentional conduct following a conviction, both of those remedies would be available.

Mr. ROSS. Both those remedies, Mr. Speaker. In other words, a stop-work order on a contract that is in progress would be available under this legislation. Is that correct?

Mr. LENTZ. Yes; that is correct.

Mr. ROSS. Thank you, Mr. Speaker.

May I speak briefly on the bill, please?

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

Mr. ROSS. Mr. Speaker, I asked these questions with a particular purpose, because it really is going to make a difference in terms of how I vote on final passage.

When we consider debarment prior to the letting of a contract, it is entirely possible for the entity, the business entity that is being debarred, to be replaced by another company. When we talk about stop-work orders on contracts that are currently operating, that is a much more complicated and far-reaching solution, and it creates some very serious problems.

Usually many contracts— I should say many contracts involve more than one entity – multiple contractors, multiple organizations, that may be participating on the same job. To create a stop-work order to punish one of the entities, no matter how serious their offense would be, unintentionally injures a variety of other businesses that are also engaged on the same project.

In short, businesses that may have done nothing wrong will suddenly see a project that they are currently operating on suspended, and they may be reliant on the continued activities of one of the other entities which now has had a stop-work order placed on it. It will take some time, probably, to substitute another contractor that is eligible in that job.

So there is going to be a hardship. There may be layoffs. The slowing down of the contract for a business that is operating on a thin margin, particularly in these difficult times, may actually be put out of business by this remedy.

I certainly do not want to see people violating the law, certainly particularly if they are doing it willfully, and so therefore, appropriate penalties for a business that might be attempting to violate the independent contractor rules are entirely appropriate. But this goes a bit too far with a stop-work order. It opens up the possibility of injuring and perhaps even putting innocent businesses out of work, out of business. And unfortunately, given the severity and the unintended consequences of that provision, I am not going to be able to support it today.

Thank you, Mr. Speaker.

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

The microphone is on. If not, it is malfunctioning. I would go to another microphone.

GUESTS INTRODUCED

The SPEAKER. The Chair at this point would like, in the balcony, to welcome Gretchen Dietz, a senior at DeSales College, and Kristen Holdern, a senior at Moravian College, who are interning in Representative Freeman's district office. They are the guests of Representative Robert Freeman. Will the guests please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 400 CONTINUED

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

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please, the prime sponsor.

The SPEAKER. The gentleman, Mr. Lentz, agrees to interrogation. The gentleman, Mr. Mustio, may proceed.

Mr. MUSTIO. Thank you, Mr. Speaker.

My only question, and then I would like to comment on the legislation, relates to the section where previously the wording was including a labor organization as it relates to representing the individual that was misclassified. That wording was removed and "representative" remains in the bill. Will a labor organization still be able to represent the misclassified individual?

Mr. LENTZ. The term "representative," if an individual is represented by a union, it would still include the union as being that representative.

Mr. MUSTIO. So if the individual was not represented – it was a nonunion contractor, for example – would a labor union be able to come in and represent that individual then?

Mr. LENTZ. So in other words, you are saying if the person was not a union member, I do not see what standing a labor union would have to come in to a relationship between a nonunion employee and a contractor.

Mr. MUSTIO. The reason I asked that question, we had—

Mr. LENTZ. Sorry.

Mr. MUSTIO. The reason I asked the question was we had testimony in our committee where we had an undercover individual, and he was not being paid the proper wages, for example. Would, in this case, he be able to then go— He was a union employee, but he was working for, I believe, a nonunion company, kind of as an undercover person, as he represented at the hearing. Would he be able to then go to his union to have them represent him in that situation?

Mr. LENTZ. If he was a member of the union, I do not see that there would be any problem in that regard.

Mr. MUSTIO. Okay. I just wanted to make sure that would still happen. Thank you.

Comments on the legislation.

The SPEAKER. On the bill, the gentleman is in order and may proceed.

Mr. MUSTIO. Thank you.

We have had several members speak against the legislation, and I want to point out that this has been a problem in Pennsylvania for many years.

I have had prior experience before coming to the legislature, many situations where I have seen misclassifications, and what is wrong about the misclassification is it penalizes those companies that are doing things right, those companies that are paying the proper wage, that are then having the proper workers' compensation classification or unemployment rate or whatever applied, and they are being penalized by those that misclassify. And I think that that drives up costs for all business, whether it is small or large companies in Pennsylvania.

So if our intent is to keep companies in Pennsylvania and to not have them move out, I think we have a responsibility to make sure that those that are violating the law be held

accountable, and at the same time, if big government abuses its power, that we have passed legislation to enact, and I think we have a responsibility to address that, if that truly does occur.

It was mentioned also earlier how there are several concerns about we are picking out the construction industry and not other businesses. Well, we have done that in other legislation in Pennsylvania, specifically realtors, and again, construction contractors in the Workers' Compensation Law, where they have been differentiated as opposed to other employers in Pennsylvania.

So, Mr. Speaker, I want to commend the maker of the bill and also Representative Boyd on my side of the aisle for their hard work, and I would encourage a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Representative Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

I would like to speak to the bill.

The SPEAKER. The gentleman is in order.

Mr. TALLMAN. Just to get the attention of my fellow colleagues here in the House, this is going to be an unusual time that you are going to see me vote against something that Mr. Boyd is going to vote for. But let me just tell you this: I am an independent contractor. I do computer networking, and if I should for 1 week need help pulling wire, which occasionally happens, I need to hire that person for that 1 week.

Now, under this bill, I would be required to have an employer-employee relationship with that person. So if Mr. Hennessey, I decide to call him up and say, hey, I need your help for a week, and he is typically a roofer, which is what normally would happen, you know, I would have to consider him as my employee, and that brings in a whole realm of costs that I have not anticipated, or the bill will bring in a whole realm of costs that will be added to the cost of the construction worker or the construction job that I am bidding on.

The next thing is that this bill has a lot of unintended consequences, as is typical with legislation. I think that is one of Murphy's laws, unintended consequences of legislation. And one of those unintended consequences could be, because we know our courts are far reaching and not narrowly defined, but one of those unintended consequences could be that, and I am going to use, for example, the PIAA and their officials, of which I am one of those also.

It has long been held by the courts that an official is an independent contractor. We are now broadening that definition, and with the addition of the background checks that the PIAA is going to require here very shortly of officials, I think we could establish that there is an employer-employee relationship between an official.

I supply the tools. Nobody that I am going to ask to come help me has the proper tools to do computer networking or to test computer networking, nor do they have the proper knowledge to do that. So I am going to supply the tools, I am going to supply supervision, and under this bill, that person will be my employee. So therefore, this has a direct economic impact on the State by affecting small businesses.

And the second thing is, I think this bill, because it broadens out that definition between employer and employee, it is going to have unintended consequences that the bill maker probably did not desire.

Thank you, Mr. Speaker.

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

Mr. BARBIN. Thank you, Mr. Speaker.

And I rise to raise two points. The first point, I would agree with the honorable gentleman from Allegheny County, Representative Mustio. This really is an issue that is important to small businesses. But the important part to remember is, as a small business, if you are paying a fee or a tax that other people do not have to pay, then every time we allow a person an exception, an independent-contractor exception, we force the rate up for all those people that do it lawfully.

And the second point is that as a member that is elected to be here to address public policy issues, today the only question is, is it a problem in Pennsylvania? If it is, then it is time to pass a law that forces both parties in both Houses to deal with the problem. If you vote "no" on this amendment, all you have done is say, it is not a big enough problem for me to deal with today. Well, I believe it is a big enough problem to be dealt with today, and I also believe if you do not deal with it, then the people that are lawfully abiding by our laws are going to have to pay more.

For that reason I respectfully request the colleagues to vote "yes" to this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Adams County, Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please.

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

Mr. MOUL. Thank you, Mr. Speaker.

The first question that comes to mind is with the liability, and if I read this bill correctly, I see that it requires for an independent contractor to carry \$1 million of liability insurance. Is that correct?

Mr. LENTZ. That is correct.

Mr. MOUL. So we are now going to demand in the Commonwealth of Pennsylvania that someone must deal with an insurance company in order to be an independent contractor. Is that correct?

Mr. LENTZ. Well—

Mr. MOUL. Unless he has \$1 million he can put in the bank and bond. Is that correct?

Mr. LENTZ. That is if you choose to use the provision of the bill that provides you with the safe harbor. That requirement of \$1 million liability insurance is specific to the section on safe harbor, that criteria.

Mr. MOUL. Okay. So are we to assume then that since the Amish do not believe in insurance, that they would be exempted from this bill?

Mr. LENTZ. Yes.

Mr. MOUL. So we wrote a special provision in for religious exemptions?

Mr. LENTZ. We referred to, in the case of workers' comp, we referred to— You have to ask Representative Boyd that question. He represents the Amish; I do not. But I am certain that that was part of our discussion, that we did address it.

Mr. MOUL. So whether it is the Amish or whether it is any other religious faction, they could declare a religious exemption, which would, in a sense, declare the bill null and void. In that part, they could just fall back on their religious beliefs, as

I could create my own religious beliefs tomorrow. But let us move on.

Mr. LENTZ. Whoa, whoa, whoa; let us not move on after that, I would say, absurd conclusion you just reached after adding about five facts.

No, that would not happen. The bill is not null and void. We did discuss the specific issue of the Amish. However, because, as we discussed earlier, it is limited to the construction industry, it was the consensus of many people that contributed to this bill that one of the easy indicators of legitimacy of independent contractors is that they carry liability insurance, and people in that industry I think would corroborate that fact, that if you are a legitimate independent contractor, not an illegal immigrant, not a fly-by-night person being misclassified but a legitimate independent contractor, you have liability insurance and probably no less than \$1 million.

So that was a criteria as part of the safe-harbor paragraph that was put in there to provide legitimate employers with a vehicle to comply with the law.

Mr. MOUL. Okay. Well, on that point, I would say that reputation is probably what will determine what a reputable independent contractor is more so than the insurance. But again, let us move on.

If I read it correctly, a contract must be drawn up between the independent contractor and the person he is working for. Is that correct?

Mr. LENTZ. Yes.

Mr. MOUL. So would that be a one-time contract for all future work, or is that a separate contract for each and every individual job that he would do for that contractor?

Mr. LENTZ. That would be covering the construction project that they are working on at that time.

Mr. MOUL. So an independent contractor, in order to be an independent contractor recognized by the Commonwealth under this bill, a guy like myself who for 20-plus years performed a landscaping-type service, a stabilization service, and I got to where my work was very well appreciated by the person I did 95 percent of my work for, and I never wanted to be his employee but he always wanted me to do his work, and he would just simply fax or e-mail to me, okay, this job over here is ready, that job over there is ready; go do them and send me a bill. By your bill, I would have to draw up a separate contract every time I went to one of those jobs.

Mr. LENTZ. No; that is not correct.

Mr. MOUL. You just, with all due respect, sir, you just told me that each job would have to have a separate contract.

Mr. LENTZ. If you are taking advantage of voluntarily the safe-harbor provision of the contract. The safe-harbor provision says that if you as a contractor, not the independent contractor, if you as a contractor want a rebuttable presumption in your favor, then you must comply with the terms of the safe harbor, and the safe harbor does in fact require a written contract.

Mr. MOUL. Do we have any sort of idea as to how many independent contractors – and when I say that, I am talking one-man shows that we have, or one woman, to be politically correct, that we have in the Commonwealth – any kind of a guess? Was that thought brought up during any of the investigations into this bill, how many independent contractors, one-person shows, that we have working in Pennsylvania today?

Mr. LENTZ. I do not recall a specific statistic on that, but of course, that could be an evolving number.

Mr. MOUL. I think one of my fears when it comes to this is that a lot of these independent contractors will not receive work that they once did because of fear from the person that would be employing them, much like the example that the Representative from York County just gave with hiring a man to come pull wire for him for a week. That man might not get hired for his fear of becoming a criminal under this bill.

So I would have to again ask, do you think that by instituting this bill that many people, one-man shows across Pennsylvania, would be out of business because of this bill?

Mr. LENTZ. No, because I would assume that the legitimate one-man shows that you are referring to would be able to comply with all the requirements of this bill. And that is why we worked on and inserted the safe-harbor language. I think if you read the safe-harbor language, it is very reasonable language that allows legitimate independent contractors to get hired by legitimate contractors without any fear.

Now, you referred to the comments of the gentleman from York County. The gentleman from York County, whether he intended to or not, described exactly the purpose of the bill, that people that were previously categorized as "independent contractors" when they should have been categorized as "employees" will now be categorized as "employees." That is the point of the bill, is to stop this practice of calling everyone an independent contractor to avoid the requirements of and the burdens of calling them employees, which they legitimately are.

So I do not have any fear that legitimate people will lose work because in fact legitimate people should gain work as a result of this bill, because those people that have been hiring illegal immigrants or have been hiring others and misclassifying them will not be able to do that anymore. So now they are going to have to check out the contractors they are hiring and make sure that they are legitimate and that they do meet the requirements of this bill.

So whatever that number of legitimate independent contractors is, this bill is going to help them out.

Mr. MOUL. Okay. Thank you.

One other quick scenario. I think most everyone in here has heard of Comcast, and in my neck of the woods, Comcast hires independent contractors, and it says right on their truck, "Independent Contractor for Comcast" when they pull up. So they do all of their work for Comcast, but yet they are a contractor for Comcast.

Would your bill force Comcast to take them on as full-time employees or employees of any sort?

Mr. LENTZ. Well, you also see the same practice with FedEx and the FedEx truck drivers, but this bill is limited to the construction industry.

Mr. MOUL. Okay.

Mr. LENTZ. So people hooking up televisions I do not think qualify in construction.

Mr. MOUL. Okay. Well, in the process of building new homes in my neck of the woods, installing the TV lines are part of it. That is why I went there with the Comcast, because they come and they actually lay the lines. That is part of the construction industry, to get that cable TV into and the wires into the homes. So that kind of puts them into the construction industry.

So again, being that they are working on construction jobs, pulling this wire, would that then make them full-time employees of Comcast?

Mr. LENTZ. Well, I do not know; you know, you are giving me kind of an undefined fact pattern there. I am not a Comcast lawyer, unfortunately, but if they were to come under the definition of "employer" in the construction industry, then the terms of this act would apply to them. My initial reaction is that what you are describing would not bring them under the coverage of this act.

Mr. MOUL. Okay.

On the bill, Mr. Speaker. Thank you.

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

Mr. MOUL. As someone who made his living for 20 to 25 years as an independent contractor, I think that one of the things that I could say is that when I went into business, I viewed going into business, stepping out on my own, as the American dream. And there are a lot of people in this State who live that American dream, and the last thing they want is more government shoved down their throat telling them whom they can work for, what they can do, what insurance or that they must deal with an insurance company. We do not want to be creating laws in Pennsylvania that stifle the American dream of that one man going out and starting his own business, and from someone who has lived it for 20 to 25 years, I respectfully request that you vote "no" on this bill.

I, for one, have lived that American dream, and I do not want to see those chances taken away from someone else. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me first thank the author of HB 400 for both the breadth and width of energy and thoughtfulness that has gone into this legislative prescription, and I rise to do two things.

One, those people who know me know that more often than not, I am driven by people more so than politics, and so while I was listening to this debate, I went to the back of the House. And we had a room full of people – young people, middle-aged people, and there were a couple of elderly people – and they were sitting in all three sections back there. And I thought that maybe they were just sitting there just kind of waiting for the opportunity to leave, but, Mr. Speaker, they were paying attention to the conversation. They gave some interest to this debate.

So to that end, I went to all three sections and I asked them, how do you think we should vote on this bill? And, Mr. Speaker, an overwhelming majority of both young people, middle aged, and the few elderly people that were sitting in the back of the room, they said vote "yes." They said vote "yes" on HB 400. And, Mr. Speaker, I ask my colleagues from both sides of the aisle to listen to the drumbeat of the people and do what is right.

Now, I am not going to get caught up in, as my grandmama used to say, paralysis of analysis, because you can analyze all day. At the end of the day, this is really about bad behavior and consequences for that bad behavior. Albeit it is limited to the construction industry, it is still about bad behavior, and what will the consequences be for that bad behavior and who is going to have responsibility for providing oversight to make sure that we as a Commonwealth deal with the bad behavior?

So provide whatever analysis you want; at the end of the day, independent contractors in the construction industry must be legitimate. They must comply with the rules, and failure to do so will result in an investigation and imposition of penalties. I am thankful that the penalties are not as they were when this bill first came up, but by way of an amendment, we minimized the imposition of penalties, and I am thankful for that.

So, Mr. Speaker, I ask my colleagues from both sides of the aisle, listen to the people and vote "yes" on HB 400. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MENSCH. Thank you, Mr. Speaker.

You know, the previous speaker was right, this is about the people, but I disagree with the conclusion. But I cannot disagree with the argument that it is indeed about the people.

I spent a lot of time thinking about HB 400 and whether I could vote for it or not. I have come out with the conclusion that I cannot vote for this bill, and I cannot vote for it because of some of the penalty provisions that are still included within the bill.

There is one in particular that I find especially egregious, and it has to do with the debarment. And I need to ask everyone in this chamber to think about seriously whether or not we want to empower the debarment in the wording that is presently included in this piece of legislation. We had a lot of debate on an amendment that would have changed the wording from "must" to "may." That was barely defeated, that amendment, and the word "must" remains in the bill.

Now, think about what we are doing as a legislature here, Mr. Speaker. We are now saying to the Secretary of L&I that there is no thought process involved in this whatsoever. You must debar every time there is a violation.

Now, the primary sponsor of this legislation earlier today read a list of statistics and which States have what percent of errors. What is missing from that data is how many of those errors are purposeful and how many of them are accidental. And all of us in this chamber must realize, Mr. Speaker, that some of those errors are accidental. But we have now gone past that understanding and we have said to the Secretary of L&I that in every case, they must provide a debarment. That is an incredibly critical penalty for any of the businesses in our State.

So I agree with the previous speaker; this is about people. This is about the jobs. This is about we should, as a legislature, be empowering the Secretary of L&I to have some discretion in this matter, but we have removed that capability. We have now said they "must." We have mandated their behavior.

If you think about it, Mr. Speaker, maybe we do not need a Secretary of L&I if we have enough legislation like this. We could sell, every time this occurs, this is what you need to do.

Now, we have a budget crisis. Maybe we could save a Secretary's salary. And if we extended that thinking into the other departments, how many other Secretaries could we eliminate?

Mr. Speaker, we as a legislature should be enabling our leadership – in this case, the Secretary of L&I – to be able to use their judgment and to use their decision powers to determine a penalty.

Mr. Speaker, I encourage everyone in this chamber to vote "no," because this is about Pennsylvania jobs, and we are going to unduly and unnecessarily punish some businesses in this State because we have said to the Secretary of L&I, they must debar in every instance, and that is wrong, Mr. Speaker.

Thank you very much. I encourage everyone to vote "no."

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Philadelphia, Representative Sabatina. His name will be added to the master roll.

CONSIDERATION OF HB 400 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher, followed by the gentlemen, Messrs. Saylor and O'Brien; McIlvaine Smith; Cox; Gergely; and Tallman for the second time.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair also recognizes the presence of the gentleman from Philadelphia, Representative Denny O'Brien, whose name will be added to the master roll.

CONSIDERATION OF HB 400 CONTINUED

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

Mr. MAHER. Thank you, Mr. Speaker.

I am hoping that the sponsor of the legislation would answer some questions.

The SPEAKER. The gentleman from Delaware, Representative Lentz, indicates he will stand for interrogation. The gentleman, Mr. Maher, is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Page 7 of the legislation, beginning on line 12, that speaks to a rebuttable presumption that colloquially you have referred to as a "safe harbor." Who is that presumption rebuttable by?

Mr. LENTZ. The enforcing authority.

Mr. MAHER. The enforcing authority.

Mr. LENTZ. Right.

Mr. MAHER. And that would be Labor and Industry?

Mr. LENTZ. Typically Labor and Industry does.

Mr. MAHER. So insofar as these private causes of action are concerned, they are not able to challenge the rebuttable presumption?

Mr. LENTZ. Say that again. I am sorry.

Mr. MAHER. I know it is a bit loud, but insofar as the private causes of action are concerned—

Mr. LENTZ. Right.

Mr. MAHER. —are those private causes of action not able to challenge the rebuttable presumption?

Mr. LENTZ. You are saying an individual employee that was being misclassified?

Mr. MAHER. I am asking, who gets to challenge this presumption? Because it is rebuttable, I am trying to figure out who gets to rebut it.

Mr. LENTZ. I would say any action brought against an employer alleging misclassification where they have sought the protection of that paragraph, they could assert the rebuttable presumption.

Mr. MAHER. Thank you.

Mr. LENTZ. If they have complied with it.

Mr. MAHER. Thank you.

Mr. LENTZ. That would be my reading of the act.

Mr. MAHER. Now, with the general rule which begins on page 3, line 21, as I read this, it seems to me that the general rule deals with the conduct of the individual who is performing work. It goes to the conduct of the worker.

Is there anything in the general rule that speaks to the conduct of the employer?

Mr. LENTZ. Well, by inference, the criteria, we start with the presumption that if you are engaged in work on a construction site for pay, you are an employee unless and until you meet the criteria. Most of those criteria deal with your relationship to the contractor on the job. So the contractor has a role in the sense that, is he providing direction and control? Is he providing tools? Is he doing the other things that would negate the idea that you are a legitimate independent contractor?

Mr. MAHER. And the general rule speaks to the classification of an individual working for minimum wage, the Wage Payment and Collection Law, the Unemployment Compensation Law, the Workers' Compensation. Does this affect the standing of the person performing work with respect to the Pennsylvania Department of Revenue?

Mr. LENTZ. As outlined there, yes.

Mr. MAHER. You see the Department of Revenue; do you see taxes in there?

Mr. LENTZ. Well, I am saying, you know—

Mr. MAHER. I do not. That is why I am asking.

Mr. LENTZ. It affects you— If you are an employee or an independent contractor, you are treated differently by the Department of Revenue.

Mr. MAHER. Can you show me how this directs the Department of Revenue to treat a worker on the same basis as the Labor and Industry? I know it was amended extensively last week; perhaps I am missing it, but I do not find that language.

Mr. LENTZ. We do not change that law in any way, so there is no reason to reference it or include it in this section.

Mr. MAHER. I thank the gentleman, and may I speak on the bill?

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

Mr. MAHER. I am going to avoid repeating the concerns raised by so many other members and offer for your consideration very practical problems in this bill as drafted.

As drafted, an individual who is performing work in Pennsylvania may be deemed to be a contractor for State tax purposes and an employee for labor and industry purposes. What is a person to do?

If you are an employee, there are all sorts of common-law rules involved. There are all sorts of statutory requirements involved. But Pennsylvania is going to present a two-headed monster to people who are just trying to make a living in Pennsylvania, that you can be an employee in the eyes of one department and a contractor in the eyes of another. No matter

which one you pick, you are violating the law. That is a terrible position to put Pennsylvanians into. It is a terrible position to put the workers into. It is a terrible position to put those that hire the workers into, because they cannot get it right. It will be impossible in some cases for somebody to obey the law, because one statute will say this, the other will say that. One says this is right, the other says that is right, and you cannot comply with both at the same time. That is just wrong, it is just not fair, and I imagine the courts will not allow that to stand should this become a law.

We have heard a bit about safe harbors, but in reality, there is no safe harbor in this bill. There is a rebuttable presumption. Now, I do not see anything in the bill that says the rebuttable presumption cannot be rebutted by a violation of the so-called general rule. It seems to me that the general rule will trump, which means that the rebuttable presumption offers no safe harbor. Rather, you have a harbor that is mined and, to the detriment of workers in Pennsylvania and employers in Pennsylvania, will sink many who thought they were simply doing the right thing. Because the rebuttable presumption is when anybody can sue. Remember, it is not just labor and industry; anybody can come in off the street.

Up until now, going back to the Magna Carta, there has been the notion of torts and tortious interference with contracts. It has been a civil wrong for, I do not know, 800 years? Pennsylvania, should we adopt this, will take that civil wrong and with amazing alchemy transform it into a legal right, that somebody who is not a party to the contract, not a party to the agreement, is going to have standing to come into a courtroom and interfere with that contract, even though they have no personal interest; they have no vested interest; they are not a party to the agreement. But this bill will say, you know, we must have been mistaken for the last 800 years, because in Pennsylvania we want to make tortious interference, a civil wrong up until now, it will now become a legal right to anybody who wants to get into the middle of a contract. That is frightening.

Much of the talk today has been about employers who are being demonized, because they are, you know, cheating everybody and exploiting Pennsylvania by hiring people, those awful, awful people who would actually pay Pennsylvanians to do work. We certainly do not like that. There has been a lot of talk about those folks. But let us not talk about employers; let us talk about workers.

The way that the general rule is structured, it goes strictly to the conduct of the worker. Anyone who is working, anyone who is working in commercial or residential building construction is subject to the general rule. The limitation is not to these employers who are in the business of those fields because it goes to workers in those fields, which means that any homeowner in Pennsylvania who hires somebody to build a deck, patch his roof, paint his house, all of those things which are in commercial and residential building construction, are subject to this bill.

Now, we have been told the bill only deals with employers in this field, but that is just false. If you read the general rule that starts on page 3, you will see it goes to the workers. Any individual who is performing labor in this area is subject to the rule, which means that every homeowner is suddenly going to be subject to the Unemployment Comp Law, the Workers' Comp Law, the Minimum Wage Act, the Wage and Payment Collection Law every time that they hire somebody to do some work on their house.

You will be criminalizing – and remember, these are criminal penalties – you will be criminalizing hundreds of thousands of your own constituents. And your answer then will be, whoops, I did not mean to, because the bill has been described that you would not be doing that, but the bill is written that you will be doing it. It is the same way it was written last session. Last session we heard from the sponsor, that is not intended. We had plenty of time to fix it. You had plenty of time to repair it if that is not what is intended. It must be intended, because the words are the same.

So if you want to deal with constituents who hire somebody to build a deck, roof your house, and they do not meet the general criteria, which includes a written agreement – often we do not have these things in simple home constructions – includes whether or not the person you paid reports it on their taxes, which is completely out of your hands, so that we now are setting a precedent that the behavior of a worker, the misbehavior of a worker, completely beyond the control of the person who hires them, will create a liability for the person that hired them. Well, that does not make a lot of sense.

You know, to the extent that this bill was intended to deal with a topic that is worth dealing with, classification of workers, that was a good idea. But at the end of the day, we have got a bill that is going to create permanent limbo for workers and those who hire them: one department of Pennsylvania versus another department of Pennsylvania. You cannot obey both laws, in some cases. It is going to turn tortious interference into a legal right for anybody to get in the middle of a contract. There is no safe harbor. It is a mirage. But worst of all, you are going to criminalize hundreds of thousands of Pennsylvanians who are simply doing what they ordinarily would do and which you would think would be ordinarily quite okay. And if it is not intended to do it, well, then repair it. Do not pass it this way.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SAYLOR. Thank you, Mr. Speaker.

Would the gentleman, the maker of the bill, please stand for questioning?

The SPEAKER. The gentleman, Mr. Lentz, indicates that he will stand for interrogation. The gentleman, Mr. Saylor, is in order and may proceed.

Mr. SAYLOR. Thank you.

Mr. Speaker, what I would like to know – I have a couple of questions for you – is if you could tell me, what is the difference in this bill's definition of "independent contractor" and that which is in the IRS Code, that which is in the Uniform Construction Code, and that which is in Article III, Article IV, and Article VI of the Tax Reform Code of 1971?

Mr. LENTZ. Well, I am a lawyer, and I actually did pretty well in law school, but if you want me to recite the individual differences – what was that, four separate statutes you just read for me?

Mr. SAYLOR. Basically three.

Mr. LENTZ. You are going to have to give me a month to research it.

There are differences; I can tell you that. I cannot tell you the specific differences in each one, but as a general matter, they look at similar criteria. I think the Feds have maybe 21 criteria,

and those other codes have a variety of criteria. We tried to take the highlights, the easy-to-determine highlights, in both the safe-harbor language and the definitional section.

But this act is not preempted nor does it preempt other codes or other statutes that seek to govern from their individual agencies the definition.

Mr. SAYLOR. Mr. Speaker, why would you create a new definition for an independent contractor when we already have a definition in the IRS Code for an independent contractor? What was the thinking in creating this bill to create a new definition?

Mr. LENTZ. Well, I would disagree that we created a new definition.

As I said in an earlier discussion, the toughest part of this issue is drafting legislation which allows people to know what an independent contractor is so that they can be legitimate or illegitimate. It is not as simple as if it walks like a duck, it is a duck.

So one of the first things we did to address that was to take a page out of the Workers' Compensation Act and start with the presumption that if you are doing work for pay in the construction industry, you are presumed to be an employee. And then to go through some of the more common criteria, I would disagree that those other agencies have definitions. They have criteria that is to be looked at in making a determination, and those criteria are then used by courts, or administrative courts, to make a decision as to whether or not somebody is. But it is not like you look up "independent contractor" in the dictionary and it gives you a two-sentence answer. It is a long list of criteria. That is why this issue has bedeviled various sectors of our government for many years.

So we thought in drafting this, following the example of other States, the best way to draft it was to, A, start with the presumption, and then when we got into the safe-harbor language, to create criteria that people were able to wrap their minds around and easily identify.

Mr. SAYLOR. Mr. Speaker, I will take that, but I do not understand why the IRS Code is not clear enough as to what an independent contractor is. But I will leave that go for now.

I guess the next question I have for you is, how does this deal with the requirements of the Separations Act?

Mr. LENTZ. I am sorry. Say that again. The what?

Mr. SAYLOR. This particular requirement, this bill, how does it deal with the requirements of the Separations Act?

Mr. LENTZ. The requirements of— What specific requirements of the Separations Act?

Mr. SAYLOR. The contract bidding for schools, the separations?

Mr. LENTZ. I would not think it implicates it in any way. It is not intended to implicate it. There is no language in here implicating it.

Mr. SAYLOR. Okay. Thank you on that.

The next question I have, Mr. Speaker, is, if a contract has been signed already – it is under contract and it has been signed – how does this act not impinge on the existing contract, which is against the State and the U.S. Constitutions? How does this impinge on those existing current contracts?

Mr. LENTZ. Well, my understanding of the law is that nothing that happens prior to this being signed into law would be implicated by the terms of this act. I mean, that is—

Mr. SAYLOR. Mr. Speaker, so that I am clear, I am going to restate. You tell me if I am wrong what you just said to me.

You are saying to me that this bill has no effect on any contracts that were signed prior to the enactment of this legislation. Is that what you are telling me?

Mr. LENTZ. I am looking for my lawyer.

Do not hold me to it, but I am not aware of any legislation we passed that can be ex post facto. I think that is a basic concept in the law.

Now, are you saying that if someone, a contract lasts a period of 2 years and then during the life of that contract this becomes law and they go to the site and they find that they are misclassifying a number of employees? I do not know the answer to that question. But as a general matter, laws we pass in the future cannot be used to prosecute or affect past conduct.

Mr. SAYLOR. Well, I guess, Mr. Speaker, at least for future reference, for legislative reference for the courts or otherwise in case there are court cases, I just want to know legislative intent, as to what your intent is to have this go forward from the date this is signed, as in the bill effective with the Governor's signature. I think it is 60 days or something like that. I want to make sure that the legislative intent is to move forward, not to go backwards. If we have a contract signed and 3 months from now this bill has not been passed into law, I want to make sure it does not impinge upon those rights of whatever the contracts are at that time.

Mr. LENTZ. Well, I will repeat the answer I gave you previously.

My understanding of the law in Pennsylvania and the United States is that you cannot have ex post facto law. You cannot look backwards to conduct prior to the enactment of a law. So my intent is that this law complies with the Pennsylvania Constitution and its enactment and enforcement.

If there is some case law I am not aware of that would permit the enforcement of it as to an existing contract, then certainly that would be okay with me, because the purpose of this is to stop this conduct. But as I said, my general understanding is you cannot enforce a new law against prior conduct.

Mr. SAYLOR. Mr. Speaker, you have no intent of this being retroactive then. The intent of this legislation is—

Mr. LENTZ. There is no language in the act making it retroactive.

Mr. SAYLOR. Very good.

Mr. Speaker, I would like to address the bill at this point.

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

Mr. SAYLOR. Mr. Speaker, I would like to also respond to what the majority whip in the House said earlier in this debate today in the fact that he suggested that we should somehow look at combined reporting, because 70 percent of Pennsylvania businesses do not pay business taxes here, and if we did combined reporting, we would generate additional revenues. And more importantly, he feels that would be fairer to businesses.

Well, I think he needs to get his facts straight. First of all, the 70 percent of people who do not pay taxes here in Pennsylvania are companies that have not made a profit in the first place. So you do not pay taxes if you do not make a profit.

And number two is, if he would look at the studies done by the State of Minnesota which show that a combined reporting generates no additional revenue for States, I do not see where his argument comes into play on this legislation at all. The bottom line is, the gentleman is more interested in creating taxes and more harassment on small business in Pennsylvania than he is in really solving our problems.

So I think that it is important for the majority whip to do a little more research on the issue of combined reporting, and I ask that my colleagues join me in voting "no" on HB 400 today, because again, as stated by many of my colleagues earlier today, it imposes huge punitive damages on employers.

And more importantly, we know for a fact this is going to cost jobs in Pennsylvania and not help our tax and our economic stimulus that we are trying to come out of in this economy. So I ask for a "no" vote on this piece of legislation, and let us start supporting our small businesses instead of harassing them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Representative O'Brien. We will come back to the gentleman, Mr. O'Brien.

The Chair recognizes the gentlelady from Chester, Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

This is not about squelching the American dream of entrepreneurship, and it certainly is not about smooshing a little, tiny bug with a great big rock. It is about following the law and doing what is right. I owned a small business for 28 years and we were legitimate because we followed the rules. We had an EIN, which is an employer identification number, given to us by the Federal government and we had a State number for our business. We had four employees. We paid unemployment compensation, workmen's comp, health insurance, a livable wage, and taxes. We followed the rules. If we had to hire a subcontractor, we hired another small business that also followed the rules. There are small companies who hire people under the table or they label their subs as "professional services" in order to avoid paying taxes or workmen's comp or all of the other taxes. That is all part of misclassification.

I encourage my colleagues to do what is right and support HB 400. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Berks, Representative Cox.

Mr. COX. Thank you, Mr. Speaker.

I will keep this brief. I had offered an amendment last week to make some changes to this, and with the help of some of my colleagues across the aisle, we were able to get that in. I greatly appreciate those votes, and I think that that amendment does make this bill a little bit better. Unfortunately, it does not quite make it far enough. We still have significant penalties that we need to take care of. We need to make sure that people are not being permanently shackled. We need to make sure that they are not being prevented from doing business because of this one mistake. So because we are not effectively addressing these other issues, I will also be a "no" vote, and I request that you join me with that "no" vote. Thank you.

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

Mr. GERGELY. Thank you, Mr. Speaker.

This has been a very interesting process and one that I was asked to participate in with the untimely sickness of Representative Belfanti, for taking on the role of becoming the acting Labor chairman and I want to thank Representative Lentz and Representative Boyd. This is an amazing opportunity to have this much impact in Pennsylvania, good impact, impact that we made negotiations happen. We significantly changed the bill from last session. We made this bill better. We made this

bill palatable for many in the Senate as it goes over to continue to negotiate. I believe when you say the words "Construction Workplace Fraud Act," we are not missing too much.

You know, last session I remember listening to the debate and I could not help but make a note of our minority whip from Allegheny County referencing a company going to Ohio because we are just going to be too tough. And to plagiarize Representative Lentz from last session – I pulled the notes – Slippery Rock University of May 2006, the Ohio-based Twenty-First Century Framing company. The Twenty-First Century Framing company is exactly why we need to put worker misclassification language into law. They were classifying workers like the man named Mario Navarro. Mario Navarro's attorney found it somewhat comical that he was an independent contractor. Mario Navarro could not read, write, or speak English, yet he was an independent contractor.

We need to have responsibility for folks. We need to protect them. We need to protect them with workmen's compensation. We are losing almost \$200 million in uncollectible moneys in our fund, according to the U.S. Department of Labor, and we worked a bill the right way. We negotiated. We put everybody at a table and we hopefully found compromise. I believe we are going to find great success with the passage of this bill, and when you look at the people that we are protecting, we are protecting legitimate employers, the contractors that follow the rules, as opposed to protecting those that are breaking the law.

When we talked about debarment, there is a "may" and a "shall" as I talked about during the debate. The "may" and the "shall" were for the Secretary of Labor to have the opportunity to either debar you for a day, a week, a month, a year, 3 years, but you still need to be debarred because you are going to be convicted and found guilty of doing something illegal. That is the teeth in this bill.

We talked about only having five penalty provisions. I wish we had eight. We do not want people breaking the law in this State. We need to protect our consumers. We need to make people stand up for what they represent when they go onto the job site. We need to protect our public funding.

As we put folks to build schools, universities, all that we want to fund, all that we have funded, we want those folks to be paying all the legitimate taxes. And if you think folks are going to leave this State as contractors, Mr. Speaker, you cannot build the nursing home in North Carolina that is already being built in Beaver County. Mr. Speaker, if you think Beaver, Elk County, Westmoreland County, the legitimate workers that need to have opportunities to work, want to support those folks, that under— With the rebuttal presumption, all the criteria, at least one of them has to be that they are recognizable to work in this country. It is only fair.

I ask you for your support, and I want to thank both the staffs of Representative DiGirolamo and Bruce Hanson and Vicki Dileo for all the great work that we have done on this bill, and the leader's staff. It has been an exciting time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Joseph Petruce, Nick Deitos, and Umberto Della Porta from Citterio's, which is a plant located in Luzerne County that produces specialty Italian meat products. They are

the guests of Representative Todd Eachus. Will the guests please rise. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes Jenna Whitman. She is the goddaughter of Representative Bernie O'Neill and a guest of Representative Bernie O' Neill. Will the guest please rise.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the gentleman from Clearfield County, Representative George. His name will be added to the master roll.

CONSIDERATION OF HB 400 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Tallman, for the second time.

Mr. TALLMAN. Thank you, Mr. Speaker.

Could I ask the maker of the legislation to stand for interrogation, please?

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

Mr. LENTZ. Let me just say, if this is about your business, I am starting the clock.

Mr. TALLMAN. I am going to go there, by the way. Well, now that you brought the subject up, you would consider me in violation of some nefarious deeds, right, because I hired somebody for a week to help me with a job?

Mr. LENTZ. I do not know how to answer that question. I mean, based on the description that you gave, it sounds like you may be covered by the act.

Mr. TALLMAN. And you would consider that to be tax dodging?

Mr. LENTZ. I am sorry?

Mr. TALLMAN. Would you consider that to be tax dodging or fulfilling my full financial responsibility?

Mr. LENTZ. No, no. What I am saying is, the fact pattern you described— I do not want you to elicit me saying bad things about you. My only point was that the point of this bill is to clarify already existing law, and that is that if you have people working that are not independent contractors in the true sense of the word, that they should be categorized as "employees" and all of the obligations that come with categorizing as "employees." If they are legitimate independent contractors, then you comply with the obligations of that. The purpose of this bill was to clarify those relationships, create an enforcement mechanism, and to create penalties for knowing violations of it.

Mr. TALLMAN. So if I had someone helping me for 1 week, 1 week out of a 52-week period, and I gave them a 1099 because they made more than \$600, that still does not fulfill what you desire to fulfill?

Mr. LENTZ. Well, I would tell you to read the criteria of the act. If you are doing construction work and you are paying someone to work on the site, we start with the presumption that they are an employee.

Mr. TALLMAN. Okay.

Mr. LENTZ. So that is the beginning. Now, if you can then go through the criteria and demonstrate under the act that they were not in fact employees, they are independent contractors, or

take advantage of the safe-harbor provision, then you would have a different result.

Mr. TALLMAN. Well, just to continue on with questions— And by the way, if I would pay somebody over \$600, they would get a 1099. What do you feel would be the impact on construction costs? I am going to bid a job. I am going to wire a five-room office complex. What do you feel the impact on the cost of that job is going to be?

Mr. LENTZ. The impact of this act?

Mr. TALLMAN. The impact of your act on the cost of my job.

Mr. LENTZ. Well, the impact on current contractors that comply with the law is that contractors that are evading the law and misclassifying employees are able to bid much lower because their numbers are unrealistic, because they are basing it on the misclassification of employees as "independent contractors" to lower their costs. I mean, that is the purpose of it, but there are all kinds of other legal and illegal activities that affect the cost one way or another of a construction project, or for that matter, any other project. You can always do things cheaper if you cut corners and avoid your obligations under the law. So to answer your question, this will benefit legitimate contractors by making them competitive with those contractors that have been making low bids because of their noncompliance with the law.

Mr. TALLMAN. So if I was going to bid a contract in Hanover, Pennsylvania, on an office complex and because I have to meet the obligations of this legislation, my costs are going to have to be increased; therefore, the costs to the business are going to have to be increased; therefore, that businessperson is going to have to increase their costs to their customers. Do you feel that that would have a detrimental economic impact on the State of Pennsylvania?

Mr. LENTZ. Well, you are saying that complying with the law increases the cost of doing business. You could make that same argument about the minimum wage. Complying with the minimum wage makes the project more costly, but there are all kinds of policy reasons why we have minimum wage. For that matter, if you did not pay the workers anything, you would really lower the cost of the project, but of course, we outlawed that a couple hundred years ago. So yes, compliance with the law in this context in construction is going to increase the costs, and that is why it has placed legitimate contractors at a disadvantage because they have been paying their employees as employees, while these other unscrupulous businesses have been driving down the wages by categorizing people as "independent contractors," not paying unemployment, not paying workers' comp, et cetera.

Mr. TALLMAN. Thank you, Mr. Speaker.

May I speak to the question, please?

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

Mr. TALLMAN. I am going to ask my colleagues one more time. This will have a negative economic impact on the economy of this State. I urge a "no" vote.

The SPEAKER. Are there any other members seeking recognition?

The Chair recognizes the prime sponsor of the legislation, the gentleman from Delaware, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

Thank you to all the members of the House for engaging in debate. I was pleased to learn that we have someone that

specializes in Italian meats in the House. I assume that includes sausage. They got to watch us make sausage today on the floor.

I just want to address some of the misrepresentations that were made with regard to this bill by some earlier speakers. The gentleman from Allegheny County, I want to thank him for mentioning my legislation and the Magna Carta in the same breath. I am sure he did not intend it as a compliment, but he made the same argument this session as he made last session, that people that hire a contractor to work on their home come under the purview of this law. I just want to make it clear for all the members, that is categorically false. This act, if you read it in its entirety as you are to read statutes, defines what an employer is. An employer is someone in the business of construction. That would not include a homeowner that hires somebody to build a porch, so therefore, that is not a valid argument.

There has been much reference to the penalty provisions of this act and the fact that there are too many penalties, there are too harsh penalties, with specific regard to the debarment. I just want to remind everyone one final time before we vote on the bill, the debarment only applies to individuals that have been found to intentionally violate the act and have been prosecuted and convicted. I think that is important because there is concurrent jurisdiction for this act, not just the Department of Labor, but also the Attorney General, also your local district attorney. So the district attorney, the Attorney General, one of the key parts of their office is that they have discretion whether or not to prosecute. So the decision whether or not even to bring a criminal charge involves discretion of all the enforcing bodies. There is no requirement that you prosecute someone criminally. There is also no requirement that you go to the end of that process and actually obtain a conviction. We all know there are all sorts of things that can happen between the decision to prosecute and the actual conviction. So there is discretion as to what to do. I know a lot of members have expressed concern that people that work for debarred employers are going to be harmed because they are going to lose their jobs when they are debarred. I want you to keep in mind, there is a lot of discretion at the local and the State level on the decision of whether or not to prosecute.

It is going to only be the most egregious cases where an effort and resources are made to decide if we are going to criminalize this company for this violation and prosecute them, and in those cases and those fact patterns, I think we would all agree debarment is appropriate as are the other remedies in here. If we want to stop the practice of misclassification and stop the harm that it causes to Pennsylvania workers, to law-abiding Pennsylvania contractors, to stop the bleeding of revenue that it causes, like any other statute we pass, you have to have some ability to deter the conduct. A law without penalties is not really a law. So I believe that these are reasonable penalties that are placed in here to punish criminal conduct, and in some cases, far less than criminal conduct or criminal penalties.

I would urge you all, in the interest of addressing this critical problem in our State, to vote for this bill, which, as I said, includes, unlike last session, includes a provision that creates a vehicle for compliance, an easy, practical vehicle for compliance for legitimate individuals. I urge a "yes" vote. Thank you.

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

Mr. MAHER. I agree with you. I had not expected to seek recognition again, but I think it is of the utmost importance that we actually understand what the bill says. The gentleman who just spoke asks that you ignore page 3, line 21 and what follows, because on page 3, line 21 and what follows says very simply, "For purposes of the Minimum Wage Act, the Wage Payment and Collection Law, the Unemployment Compensation Law and the Workers' Compensation Act, an individual engaging in or performing services in the commercial or residential building construction industry for remuneration is presumed to be an employee unless...."

It does not matter whom they are working for. If the individual is working in that area, they are presumed to be an employee with respect to the Minimum Wage Act, Wage Payment and Collection Law, Unemployment Comp Law, Workers' Compensation Act. And understand that the practical consequences of this are very— Well, let us take an example. Someone comes over and puts a roof on your house. It is the end of the season. You are the last house they could reroof this season. So they are not working. They did not have a written agreement with you or perhaps they did not report what you paid them on their own tax return. That would say if this becomes law that now they are enabled to make an unemployment compensation claim against the homeowner because they are out of work. That would be nuts, but that is what this says.

If it is not intended to have that crazy outcome, there was plenty of time to write it correctly. The fact is, this is the same language as last session and it is very specific for those four laws. It is the conduct of the individual which determines whether or not they are deemed to be an employee. It has nothing to do with who the employer is. With respect to other aspects of this statute proposed, yes, what the employer does matters, but for this part, it does not matter, and this is the part that is going to affect your bosses, your constituents. When they add a deck and find out they have to pay 6 months of unemployment compensation to the guy who built the deck because the person whom they paid did not even report it on their own tax return, that creates a liability for the homeowner. That does not make any sense, but that is how it is written. If you want to write it differently, I invite you to do so, but that is how it is written now.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—126

Adolph	Eachus	Levdansky	Roebuck
Barbin	Evans, D.	Longietti	Sabatina
Barrar	Evans, J.	Mahoney	Sainato
Beyer	Fabrizio	Manderino	Samuelson
Bishop	Farry	Mann	Santarsiero
Boyd	Frankel	Markosek	Santoni
Bradford	Freeman	Marshall	Seip
Brennan	Galloway	Matzie	Shapiro
Briggs	George	McGeehan	Siptroth
Brown	Gerber	McI. Smith	Smith, K.

Burns	Gergely	Melio	Smith, M.
Buxton	Gibbons	Micozzie	Solobay
Caltagirone	Godshall	Mirabito	Staback
Carroll	Goodman	Mundy	Sturla
Casorio	Grucela	Murphy	Taylor, J.
Civera	Haluska	Murt	Taylor, R.
Cohen	Harhai	Mustio	Thomas
Conklin	Harkins	Myers	Vereb
Costa, D.	Harper	O'Brien, D.	Vitali
Costa, P.	Hennessey	O'Brien, M.	Wagner
Cruz	Hornaman	O'Neill	Walko
Curry	Houghton	Oliver	Wansacz
Daley	Johnson	Pallone	Waters
Dally	Josephs	Parker	Watson
Deasy	Keller, W.	Pashinski	Wheatley
DeLuca	Kessler	Payton	White
DePasquale	Killion	Perzel	Williams
Dermody	Kirkland	Petrarca	Youngblood
DeWeese	Kortz	Petri	Yudichak
DiGirolamo	Kotik	Preston	
Donatucci	Kula	Quigley	McCall,
Drucker	Lentz	Readshaw	Speaker

NAYS—72

Baker	Gabig	Major	Reese
Bear	Gabler	Marsico	Reichley
Benninghoff	Geist	Mensch	Roae
Boback	Gillespie	Metcalfe	Rock
Brooks	Gingrich	Metzgar	Rohrer
Causer	Grell	Millard	Ross
Christiana	Grove	Miller	Saylor
Clymer	Hanna	Milne	Scavello
Cox	Harhart	Moul	Schroder
Creighton	Harris	Oberlander	Smith, S.
Cutler	Helm	Payne	Sonney
Day	Hess	Peifer	Stern
Delozier	Hickernell	Phillips	Stevenson
Denlinger	Hutchinson	Pickett	Swanger
Ellis	Kauffman	Pyle	Tallman
Everett	Keller, M.K.	Quinn	True
Fairchild	Krieger	Rapp	Turzai
Fleck	Maher	Reed	Vulakovich

NOT VOTING—0

EXCUSED—4

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Jim Roberts, who is the husband of Representative Godshall's legislative assistant. They are in the back of the hall of the House. Jim Roberts, Kyle Roberts, Anthony Burnett, Ryan Howley, the guests of Representative Godshall. Will the guests please rise. Welcome to the hall of the House.

In the balcony, the Chair welcomes to the hall of the House the Mt. Calvary Christian School, third graders from Mt. Calvary Christian School. They are the guests of Representative Hickernell. Will the guests please rise.

LEAVE OF ABSENCE

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

BILL ON THIRD CONSIDERATION

The House proceeded to third 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 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.

(Members will proceed to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

The Chair recognizes the gentleman from Allegheny, the minority whip, Representative Turzai, on final passage.

Mr. TURZAI. Mr. Speaker, I would ask the maker of the bill if he would stand for brief interrogation.

The SPEAKER. The gentleman from Schuylkill, Representative Seip, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. TURZAI. Mr. Speaker, can you provide just a brief description of exactly what your intent is with respect to this bill?

Mr. SEIP. Yes. The purpose of the bill is just to put into legislation an existing initiative of the Governor, to maintain the Pennsylvania Center for Health Careers. This has been in existence since 2004. This will just codify it and put it into legislation so that their good work may continue in statute.

Mr. TURZAI. So just to make sure, you are saying that this already exists by virtue of the Governor's—

Mr. SEIP. Initiative.

Mr. TURZAI. —initiative, but the Governor and you, as the maker of the bill, want to establish this in statute.

Mr. SEIP. This bill is very critical to our workforce, particularly our health-care workforce, so that it can be maintained in its existence beyond this current administration. We want to put it into statute.

Mr. TURZAI. A number, I apologize, but is this in any way – a number of my colleagues have asked me to – is this a bill that in any way promotes or codifies unionization? As I earlier indicated, my parents were union folks. I am not opposed to that, but some members have asked me, does this have anything to do with that particular issue?

Mr. SEIP. No. Some people have asked me about the bill and some specifics and whether it relates to Consumer Workforce Council in any way and it does not.

Mr. TURZAI. Okay. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—160

Adolph	Evans, D.	Lentz	Quinn
Baker	Evans, J.	Levdansky	Readshaw
Barbin	Everett	Longiatti	Reichley
Barrar	Fabrizio	Maher	Roebuck
Beyer	Fairchild	Mahoney	Ross
Bishop	Farry	Major	Sabatina
Boback	Fleck	Manderino	Sainato
Boyd	Frankel	Mann	Samuelson
Bradford	Freeman	Markosek	Santarsiero
Brennan	Gabler	Matzie	Santoni
Briggs	Galloway	McGeehan	Scavello
Brooks	Geist	McI. Smith	Seip
Brown	George	Melio	Shapiro
Burns	Gerber	Mensch	Siproth
Buxton	Gergely	Micozzie	Smith, K.
Caltagirone	Gibbons	Millard	Smith, M.
Carroll	Godshall	Miller	Solobay
Casorio	Goodman	Milne	Staback
Causer	Grove	Mirabito	Stevenson
Christiana	Grucela	Mundy	Sturla
Civera	Haluska	Murphy	Taylor, J.
Clymer	Hanna	Murt	Taylor, R.
Cohen	Harhai	Myers	Thomas
Conklin	Harhart	O'Brien, D.	Turzai
Costa, D.	Harkins	O'Brien, M.	Vereb
Costa, P.	Harper	O'Neill	Vitali
Cruz	Harris	Oliver	Vulakovich
Curry	Helm	Pallone	Wagner
Daley	Hennessey	Parker	Walko
Dally	Hess	Pashinski	Wansacz
Day	Hornaman	Payne	Waters
Deasy	Houghton	Payton	Watson
DeLuca	Johnson	Peifer	Wheatley
DePasquale	Josephs	Perzel	White
Dermody	Keller, W.	Petrarca	Williams
DeWeese	Kessler	Petri	Youngblood
DiGirolamo	Killion	Phillips	Yudichak
Donatucci	Kirkland	Pickett	
Drucker	Kortz	Preston	McCall,
Eachus	Kotik	Quigley	Speaker
Ellis	Kula		

NAYS—37

Bear	Grell	Metzgar	Rock
Benninghoff	Hickernell	Moul	Rohrer
Cox	Hutchinson	Mustio	Saylor
Creighton	Kauffman	Oberlander	Schroder

Cutler	Keller, M.K.	Pyle	Sonney
Delozier	Krieger	Rapp	Stern
Denlinger	Marshall	Reed	Swanger
Gabig	Marsico	Reese	Tallman
Gillespie	Metcalfe	Roae	True
Gingrich			

NOT VOTING—0

EXCUSED—5

Belfanti	Miccarelli	Perry	Smith, S.
Boyle			

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.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, the caucus chairman, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Appropriations Committee will meet immediately in the majority caucus room upon the call of the recess. Democrats will caucus after the Appropriations Committee meeting, and our discussion will include a special caucus on the budget. Our goal is to return to the floor at 2:30 p.m.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting at the call of recess in the majority caucus room.

REPUBLICAN CAUCUS

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

Miss MAJOR. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentlelady

LABOR RELATIONS COMMITTEE MEETING

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

Mr. GERGELY. Thank you, Mr. Speaker.

The House Labor Relations Committee will meet immediately in G-50 of the Irvis Office Building.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will meet immediately in G-50 Irvis Office Building.

Are there any further announcements?

RECESS

The SPEAKER. This House will stand in recess until 2:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:45 p.m.; further extended until 3 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 916, PN 1040

By Rep. McGEEHAN

An Act amending the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, further providing for definitions, for responsibilities of Office for the Deaf and Hard of Hearing and for State registration required; providing for provisional registration; and further providing for change of personal information, for registration violations and for suspension, denial, nonrenewal or revocation of State registration.

PROFESSIONAL LICENSURE.

HB 1041, PN 1778 (Amended)

By Rep. McGEEHAN

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions, for refusal to grant revocation and suspension and for drug therapy protocols; and providing for collaborative drug therapy management and for construction of act.

PROFESSIONAL LICENSURE.

HB 1182, PN 1411

By Rep. CALTAGIRONE

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment."

JUDICIARY.

HB 1211, PN 1777 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for right to counsel.

JUDICIARY.

HB 1384, PN 1697

By Rep. CALTAGIRONE

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.

JUDICIARY.

HB 1391, PN 1704

By Rep. CALTAGIRONE

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.

JUDICIARY.

BILL REPORTED FROM COMMITTEE**HB 1322, PN 1582**

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation in the doctrine of adverse possession under certain circumstances; and making related repeals.

JUDICIARY.

BILL REREFERRED

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 1322, PN 1582, be rereferred to the Committee on Urban Affairs.

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

BILLS REREPORTED FROM COMMITTEE**HB 74, PN 393**

By Rep. D. EVANS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "eligible entity"; adding definitions; and further providing for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for sacramental wine licenses, fees, privileges and restrictions, for distributors' and importing distributors' restrictions and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

APPROPRIATIONS.

HB 105, PN 98

By Rep. D. EVANS

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for penalty for false personification.

APPROPRIATIONS.

HB 106, PN 99

By Rep. D. EVANS

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, further providing for penalty for false personification.

APPROPRIATIONS.

HB 107, PN 100

By Rep. D. EVANS

An Act repealing the act of June 1, 1915 (P.L.708, No.326), entitled "An act to prevent the wearing of the badge of the Bureau of Police, in cities of the first class, by unauthorized persons, and providing a penalty therefor."

APPROPRIATIONS.

HB 240, PN 250

By Rep. D. EVANS

An Act providing for sexual violence awareness education programs for new students matriculating to institutions of higher education or private licensed schools that receive public funding and for duties of the Department of Education.

APPROPRIATIONS.

HB 951, PN 1089

By Rep. D. EVANS

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options.

APPROPRIATIONS.

HB 1123, PN 1546

By Rep. D. EVANS

An Act amending the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, further providing for definitions and for regulations, insignia of certification required.

APPROPRIATIONS.

The SPEAKER. All those bills will be placed on the supplemental calendar.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the minority leader, Representative Smith, whose name will be added to the master roll.

LEAVE OF ABSENCE

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

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1287, PN 1684**, entitled:

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for removals, suspensions or reductions in rank of police officers; and providing for certain incompatible offices.

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

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Santarsiero, is withdrawing his amendment. The Chair thanks the gentleman.

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

* * *

The House proceeded to second consideration of **HB 1288, PN 1685**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for removals from the police or fire force; and providing for certain incompatible offices.

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

Mr. **ELLIS** offered the following amendment No. **A00980**:

- Amend Bill, page 3, line 8, by inserting after "OFFICER" or firefighter
- Amend Bill, page 3, line 10, by inserting after "OFFICER" or firefighter
- Amend Bill, page 3, line 11, by inserting after "OFFICER" or firefighter

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Butler County, Representative Ellis.

Mr. ELLIS. Thank you, Mr. Speaker.

This amendment, in addition to the amendment we are going to be running on the next bill, is an agreed-to amendment simply clarifying that firefighters as well as the police officers would not be allowed to hold or run for political office in the municipality that they are employed by.

The SPEAKER. On the question, will the House adopt the amendment? The Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I support this amendment. I think this amendment makes the most sense out of this whole bill that is going to be introduced. It certainly adds to the bill, and I commend the gentleman for introducing this amendment. It is something we need. 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—197

Adolph	Everett	Maher	Reichley
Baker	Fabrizio	Mahoney	Roae
Barbin	Fairchild	Major	Rock
Barrar	Farry	Manderino	Roebuck

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gerber	Miccarelli	Perry
Boyle			

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

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

Mr. **PAYNE** offered the following amendment No. **A01032**:

- Amend Bill, page 3, line 9, by inserting after "OFFICE" or appointed position
- Amend Bill, page 3, line 13, by inserting after "OFFICE" or appointed position

Amend Bill, page 3, by inserting between lines 15 and 16
(c) For purposes of this section the appointed position shall not include the position of chief of police.

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

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

Mr. PAYNE. Thank you, Mr. Speaker.

My amendment simply adds a provision on appointed positions, and for those of us that were local officials, it would prohibit a police officer from holding the chairmanship of the zoning hearing board or the planning commission in the district of which they are a police officer.

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—197

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

Ellis	Lentz	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.	Longietti	Reese	

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gerber	Miccarelli	Perry
Boyle			

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 gentleman, Representative Santarsiero, is withdrawing the amendment. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1289, PN 1686**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for removals, suspensions or reductions in rank of police officers; and providing for certain incompatible offices.

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

Mr. **ELLIS** offered the following amendment No. **A00981**:

Amend Bill, page 3, line 7, by inserting after "OFFICER" or firefighter

Amend Bill, page 3, line 8, by inserting after "OFFICER" or firefighter

Amend Bill, page 3, line 9, by inserting after "OFFICER" or firefighter

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

The following roll call was recorded:

YEAS—197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gerber	Miccarelli	Perry
Boyle			

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, Representative Santarsiero, is withdrawing the amendment. The Chair thanks the gentleman.

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.)

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 240, PN 250**, entitled:

An Act providing for sexual violence awareness education programs for new students matriculating to institutions of higher education or private licensed schools that receive public funding and for duties of the Department of Education.

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

* * *

The House proceeded to second consideration of **HB 74, PN 393**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "eligible entity"; adding definitions; and further providing for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for sacramental wine licenses, fees, privileges and restrictions, for distributors' and importing distributors' restrictions and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

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

* * *

The House proceeded to second consideration of **HB 1123, PN 1546**, entitled:

An Act amending the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, further providing for definitions and for regulations, insignia of certification required.

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

* * *

The House proceeded to second consideration of **HB 105, PN 98**, entitled:

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for penalty for false personification.

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

* * *

The House proceeded to second consideration of **HB 106, PN 99**, entitled:

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, further providing for penalty for false personification.

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

* * *

The House proceeded to second consideration of **HB 107, PN 100**, entitled:

An Act repealing the act of June 1, 1915 (P.L.708, No.326), entitled "An act to prevent the wearing of the badge of the Bureau of Police, in cities of the first class, by unauthorized persons, and providing a penalty therefor."

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

* * *

The House proceeded to second consideration of **HB 951, PN 1089**, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1231, PN 1780 (Amended) By Rep. GERGELY

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

LABOR RELATIONS.

BILL REPORTED FROM COMMITTEE

HB 1298, PN 1553 By Rep. GERGELY

An Act providing for notice to employees of electronic monitoring by employers of network and information technology resources; establishing a cause of action; and imposing civil penalties.

LABOR RELATIONS.

BILL REREFERRED

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 1298, PN 1553, be rereferred to the Judiciary Committee.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 588, PN 1751**, entitled:

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for legislative findings and intent, for establishment of the Keystone Alliance for Performance Excellence Awards and for the Keystone Alliance for Performance Excellence Advisory Council; repealing provisions relating to board of examiners and panel of judges; and further providing for establishment of the foundation, for awards and for restriction on funds from Commonwealth.

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

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

The question is, shall the bill pass finally?

(Bill analysis was read.)

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair will rescind the motion that the bill is on final passage.

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

The SPEAKER. The gentleman, Mr. Hutchinson, has two amendments. The amendments would require the suspension of the rules to be considered. One amendment.

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman, Mr. Hutchinson, wish to make that motion?

Mr. HUTCHINSON. Yes, Mr. Speaker. I move that we suspend the rules so I can offer my amendment.

The SPEAKER. The gentleman, Mr. Hutchinson, makes a motion to suspend the rules for the immediate consideration of amendment A01046.

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

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

Mr. EACHUS. Thank you, Mr. Speaker.

In consultations with our Democratic chairman of the Transportation Committee, I respectfully rise to oppose the gentleman's motion for suspension. Once again, I oppose this suspension motion.

The SPEAKER. On the question, does the gentleman wish to be recognized? On the question of suspension of the rules, the Chair recognizes the gentleman from Venango, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise asking for the opportunity to offer this amendment, which I feel was an oversight in the bill. It left out language that was in the original law, language which also was in the similar bill which passed the House last term, and quite simply, that language says that no State grant money can be used towards this program. The bill as written already says that State appropriations are not to be used for this program, but in all previous iterations of this bill, the grants were also prohibited. I want to put that language back in as it always has been, and that will require a suspension of the rules to do that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—96

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

NAYS—101

Barbin	Evans, D.	Longiotti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Bradford	Frankel	Manderino	Seip
Brennan	Freeman	Mann	Shapiro
Briggs	Galloway	Markosek	Siptroth
Brown	George	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla

Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Wagner
Costa, P.	Hornaman	Oliver	Walko
Cruz	Houghton	Pallone	Wansacz
Curry	Johnson	Parker	Waters
Daley	Josephs	Pashinski	Wheatley
Deasy	Keller, W.	Payton	White
DeLuca	Kessler	Petrarca	Williams
DePasquale	Kirkland	Preston	Youngblood
Dermody	Kortz	Readshaw	Yudichak
DeWeese	Kotik	Roebuck	
Donatucci	Kula	Sabatina	McCall,
Drucker	Lentz	Sainato	Speaker
Eachus	Levdansky	Samuelson	

NOT VOTING—0

EXCUSED—5

Belfanti	Gerber	Miccarelli	Perry
Boyle			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—8

Creighton	Hutchinson	Metcalfe	Oberlander
Gabig	Krieger	Miller	Tallman

NOT VOTING—0**EXCUSED—5**

Belfanti	Gerber	Miccarelli	Perry
Boyle			

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 MAJORITY WHIP

The SPEAKER. The Chair recognizes the gentleman from Greene County, the majority whip, under unanimous consent.

Will the House come to order. Members will please take their seats. The gentleman will yield. The House will come to order. Members will please take their conversations off the floor.

The Chair recognizes the majority whip.

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

Just a 3-minute reflection on a friend.

In 1989, in the blustery autumn, Ralph Cappy and his wife and I found ourselves in the district of Tom Caltagirone and we were campaigning for the High Court. I have known the late justice since that bruising campaign season, and our collective perspective on Ralph, on Justice Cappy is, I am certain, quite multifaceted and multiplex, but for me, it is personal. For me, it is dinners, many dinners. For me, it is rounds of golf and friendship. In the most traditional sense of the word or the words, I enjoy the phrase, especially in masculine camaraderie, men of the locker room, men of the barracks room, and Ralph Cappy certainly emulates those phrases. A warm, happy, decent, high-minded, familial avatar of the University of Pittsburgh,

both its undergraduate school and its law school, Ralph Cappy served with distinction on our courts, and when the Honorable Frank Dermody had concluded his very aggressive and precise and professional jurisprudential enthusiasms during the Rolf Larsen chapter in our history, Ralph Cappy helped restore dignity to our court. He modernized our court.

And in keeping with my promise of 3 minutes, I will quickly conclude.

Governor Rendell focused like a laser on Ralph Cappy's modernization efforts and the computerization of the court. There is no doubt that when the final chapters are written someday, his stewardship of the modernization of the Pennsylvania Supreme Court will probably be at the pinnacle of that chapter, but for me and for many of us – and I wore my Supreme Court cuff links today, as I show the Speaker – he is a friend, and as he has had already this afternoon in Pittsburgh his obsequies, I thought it appropriate for the House chamber to take a minute and favorably reflect upon a fine man, a good husband, a good dad, a good athlete, a good jurist, and a son of the University of Pittsburgh.

Mr. Speaker, hail to Pitt and hail to Ralph Cappy.

The SPEAKER. The Chair thanks the gentleman. New technology.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes, in the balcony, the Abington Elder Men from Montgomery County. They are in the gallery and are the guests of Representative Josh Shapiro. Will the guests please rise. Welcome to the hall of the House.

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 has in its possession a motion to adjourn filed by Representative Delozier from Cumberland County, who moves that this House do now adjourn until Wednesday, May 6, 2009, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:30 p.m., e.d.t., the House adjourned.