

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 8, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Dear God, our Heavenly Father, Thou who art the shepherd of the sheep on a thousand hills and yet who is so merciful and so wonderful that You will allow, as You direct our footsteps, Your eyes to fall upon us, we thank You for Your grace and for Your mercy and that You care even for the humblest of lamb.

Thank You for this special day that You have given to each of us, and as we stand before You once again, we ask that You order our footsteps, direct our pathway, and do the people's business. As we enter into the budget season, we know that there are going to be some difficult times for all of us, but we also know that we can ask that You be in the midst and that the pain will not be as bad.

We thank You as Your peace begins with each and every one of us. As you lay Your hands upon us and we begin to move through this wall, this House, these walls with peace, let it move into the entire Commonwealth of Pennsylvania and even beyond.

We ask all of these things in Your grace and in Your mercy and in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 613 By Representatives CLYMER, BAKER, BARRAR, CREIGHTON, CUTLER, EVERETT, GINGRICH, HUTCHINSON, MAJOR, MARSHALL, MURT, OBERLANDER, PICKETT, PYLE, RAPP, REED, REICHLEY, ROCK, SIPTROTH, SOLOBAY, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TURZAI and VULAKOVICH

A Resolution urging the members of the Congress of the United States to promote the drilling of oil and natural gas in the United States to help meet energy demands.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 2, 2010.

No. 620 By Representatives GOODMAN, GERGELY, SAINATO, BELFANTI, BRIGGS, CALTAGIRONE, CREIGHTON, GEIST, GRUCELA, HARKINS, HENNESSEY, KORTZ, KOTIK, KULA, LENTZ, MAHONEY, MARKOSEK, MATZIE, MUNDY, MURPHY, PALLONE, PETRARCA, READSHAW, SEIP, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STURLA, WANSACZ, YOUNGBLOOD, YUDICHAK, DALEY and PRESTON

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility of providing additional financial aid to families for higher education through the implementation of keno games at retail liquor establishments.

Referred to Committee on GAMING OVERSIGHT, February 8, 2010.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2233 By Representatives STABACK, CALTAGIRONE, CUTLER, GEIST, HALUSKA, HARHAI, HESS, KOTIK, MILLER, MOUL, MURPHY, READSHAW, SONNEY, WATERS, YUDICHAK, KULA, SIPTROTH and HORNAMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in Pennsylvania Fish and Boat Commission, further providing for deputy waterways conservation officers; in fishing licenses, further providing for possession and display of licenses, for institutional licenses and for exemptions from license requirements; in special licenses and permits, further providing for boat and net licenses for boundary lakes; in regulated fishing lakes, further providing for fees; in preliminary provisions relating to boats and boating, further providing for boating education and for chemical testing to determine amount of alcohol or controlled substance; and, in registration and titling of boats, further providing for period of registration.

Referred to Committee on GAME AND FISHERIES, January 29, 2010.

No. 2234 By Representatives HOUGHTON, SANTARSIERO, MURPHY, BRADFORD, VITALI, McILVAINE SMITH, KORTZ, GEORGE, BELFANTI,

BROWN, CALTAGIRONE, CUTLER, JOSEPHS, SABATINA, M. SMITH and SWANGER

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, prohibiting deed restrictions pertaining to environmental improvements to property.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 2010.

No. 2235 By Representatives VITALI, HARPER, McILVAINE SMITH, HOUGHTON, BOYLE, BRADFORD, BRIGGS, CALTAGIRONE, COHEN, CURRY, DeWEESE, FRANKEL, FREEMAN, GERBER, GOODMAN, HANNA, JOSEPHS, KESSLER, KIRKLAND, KORTZ, LENTZ, MANDERINO, McGEEHAN, MELIO, MOUL, MUNDY, M. O'BRIEN, PASHINSKI, PAYTON, SANTARSIERO, SIPTROTH, STABACK, STURLA, R. TAYLOR, MURT and SCAVELLO

An Act providing for a moratorium on leasing State forest lands for the purposes of natural gas exploration, drilling or production; imposing duties on the Department of Conservation and Natural Resources; and providing for report contents.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 2, 2010.

No. 2239 By Representatives BARRAR, BAKER, D. COSTA, CREIGHTON, DENLINGER, GEIST, GRELL, GROVE, HORNAMAN, KOTIK, MICCARELLI, MOUL, MUNDY, MURT, O'NEILL, ROCK, SIPTROTH and VULAKOVICH

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for agency powers.

Referred to Committee on COMMERCE, February 2, 2010.

No. 2240 By Representatives SOLOBAY, CALTAGIRONE, CARROLL, COHEN, D. COSTA, FLECK, GRUCELA, KILLION, KOTIK, MAHER, MAHONEY, MARKOSEK, MARSHALL, MILLARD, PYLE, READSHAW, SIPTROTH, SONNEY, STEVENSON, WHITE, SWANGER and DALEY

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Canonsburg certain lands situate in the Borough of Canonsburg, Washington County.

Referred to Committee on STATE GOVERNMENT, February 2, 2010.

No. 2241 By Representatives STEVENSON, ADOLPH, GEIST, GINGRICH, GRELL, HARHART, KILLION, KNOWLES, LONGIETTI, MATZIE, MICOZZIE, O'NEILL, PYLE, REICHLEY, SAINATO, SIPTROTH, SONNEY, SWANGER, J. TAYLOR and VULAKOVICH

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for the sale of raffle tickets.

Referred to Committee on GAMING OVERSIGHT, February 2, 2010.

No. 2243 By Representatives BOYLE, BRENNAN, BURNS, FREEMAN, HARHAI, JOSEPHS, KORTZ, MANN, McGEEHAN, MURPHY, M. O'BRIEN, PETRI, SIPTROTH, VEREB and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Municipal Police Officers' Education and Training Commission.

Referred to Committee on JUDICIARY, February 3, 2010.

No. 2244 By Representatives BOYLE, BRENNAN, BURNS, FREEMAN, HARHAI, JOSEPHS, KORTZ, MANN, McGEEHAN, MURPHY, M. O'BRIEN, PETRI, SIPTROTH, VEREB and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police.

Referred to Committee on JUDICIARY, February 3, 2010.

No. 2245 By Representatives CARROLL and JOSEPHS

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy and for right to freedom from discrimination in housing and public accommodation; defining "marital status"; and further providing for unlawful discriminatory practices.

Referred to Committee on STATE GOVERNMENT, February 4, 2010.

No. 2246 By Representatives TALLMAN, READSHAW, BARRAR, BELFANTI, BOBACK, D. COSTA, EVERETT, FABRIZIO, FARRY, GEORGE, GILLESPIE, GROVE, HESS, HICKERNELL, HORNAMAN, KNOWLES, KORTZ, MARSHALL, MATZIE, MILLARD, MILLER, MOUL, MURT, OBERLANDER, PASHINSKI, ROAE, SAYLOR, SIPTROTH, SOLOBAY, SWANGER, J. TAYLOR, VULAKOVICH, BEYER and HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions and for sentencing for homicide by vehicle; providing for the offense of aggravated assault by vehicle; and imposing penalties.

Referred to Committee on TRANSPORTATION, February 8, 2010.

SENATE BILLS FOR CONCURRENCE

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

SB 298, PN 1624

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 3, 2010.

SB 828, PN 1621

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 3 , 2010.

SB 1091, PN 1444

Referred to Committee on LOCAL GOVERNMENT, January 29 , 2010.

SB 1169, PN 1620

Referred to Committee on JUDICIARY, February 8 , 2010.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that he has given permission to Paul Chaplin from the Patriot-News to take still photographs on the House floor for 10 minutes.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Could I have the attention of the members? The House will come to order.

Before we start the order of business, all of the members of this House and floor will have the opportunity to celebrate another one of our colleagues who has returned from serving in harm's way to defend our nation and our freedom as commander of the 104th General Aviation Support Battalion in Iraq. Welcome back Lt. Col. Scott Perry.

I am sure it goes without saying that the members of this House of Representatives join with your family and friends and your constituents in thanking you for your service to this great country, and we also celebrate your safe return.

We also commend you for willingly – and the term "willingly" – putting yourself in harm's way rife with long hours, little reward, I would imagine some bad food, just a little bit of bad food, and some trouble sleeping. But you know, it may take some time getting used to, as you return here, Lieutenant Colonel Perry, that people are not going to be saluting you and calling you "sir," but you may work on the minority leader to make you a committee chairman and maybe get some of that back.

But we are grateful for your safe return and very, very proud of your service to this great nation. Welcome back, Lt. Col. Scott Perry.

REMARKS BY MINORITY LEADER

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

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

I certainly echo 99.9 percent of the Speaker's comments. I am not sure about that committee chairmanship thing. But I also want to just share in the welcome officially on the record, welcome back to Representative Perry.

I know over the course of the past year, many of us in this building found it to be a pretty tough and difficult year, and at the end of some of those grinding days, I would reflect back and think about Representative Miccarelli and Representative Perry

and think of where they were and what they may be facing and think it is not so bad here, no matter how bad it is, and we certainly appreciate your service.

To think on top of that that in the course of that you also had the birth of a child into your family and the extra stress that that would place on your wife and yourself. It is just an overwhelming level of commitment, and I think sometimes we lose sight of the personal side of this world. And we certainly recognize all of the challenges that you face when it comes to that personal element. A new baby, that changes your life even when you are in a normal job and a normal lifestyle, let alone to have been halfway around the world. And we wish you the very best with getting readapted to the home life and readapted to life in this chamber.

God bless you, and thank you.

IRAQI DELEGATION INTRODUCED

The SPEAKER. The House will come to order.

The Speaker would like to make a further introduction, and ironically, it falls in line with the introduction that we just recently made.

Each day our news is filled with information on the continuing changes that are taking place in the Middle East. Many of Pennsylvania's sons and daughters are honorably serving overseas, and I know that you join me in thanking them for their dedication and service to their country and to supporting and defending the freedom that we all enjoy.

Today in the rear of the House of Representatives, we have some special guests who are also working to extend freedom to the Iraqi people. They are the guests of our colleagues who are chairmen of the House Veterans Affairs and Emergency Preparedness Committee, the Honorable Tony Melio and Russ Fairchild.

This group of Iraqi citizens is working to improve security for the Iraqi people. The new Iraqi government assumed authority on June 28, 2004, when the Coalition Provisional Authority handed over control to the new Iraqi government. What has followed is an ongoing transfer of security responsibilities between the U.S. military and other coalition military partners to Iraqi security forces, both military and police.

There has been steady progress, but problems remain. We want to commend these officials for their service in building a sovereign, stable, and self-reliant Iraq, and I ask that you join me in extending our continued hope for their success.

And at this time I would like to recognize Representative Melio, the gentleman from Bucks County, for brief remarks and to introduce the members of the delegation.

Mr. MELIO. Thank you, Mr. Speaker.

The Veterans Affairs and Emergency Preparedness Committee was fortunate enough to meet with our friends from Iraq earlier today. The meeting was extremely informative and encouraging. We learned directly from the source just how things are progressing in Iraq.

I just want to again say to our guests that I welcome you to the House floor. I am sure that Chairman Fairchild would like to say a few words. Thank you, Mr. Speaker.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I join Chairman Melio in welcoming the Iraqi contingent today.

As he said, it was a very interesting committee meeting this morning, and what we heard were words from dedicated individuals who are fighting in their homeland for their own home country, and it was just refreshing to see the dedication, it was refreshing to see the commitment, and it was refreshing to have them thank the United States of America and our troops for participating in their strive and their fight for freedom.

So it is with great pleasure that we all welcome the delegation from Iraq, and thank you, gentlemen, for the job you do all over this world. Thank you.

The SPEAKER. Will the guests please rise. Welcome to the hall of the House.

CHRISTOPHER DOCK MENNONITE HIGH SCHOOL BOYS SOCCER TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentelady from Montgomery County, Representative Harper, for the purpose of a presentation.

Representative Bradford, Representative Godshall, and Representative Clymer, would they like to join the group?

The House will come to order.

The Chair recognizes the gentelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker and my colleagues.

I am joined today by the Christopher Dock Mennonite High School Boys Soccer Team, which recently earned its fourth Class A State championship in the last 8 years.

Dock beat defending champion Seton-La Salle on November 21 in Hershey in a nail-biter of a game. After a scoreless first half, Dock scored two second-half goals, both by senior Brandon Reichart. Brandon, raise your hand. Okay. The team then had to fight off a strong rally by Seton-La Salle to win.

Christopher Dock earned championships in 2002, 2003, and 2005. The boys reached the district finals in 2006, the quarterfinals in 2007, and the State semifinals in 2008 before earning the title this year.

This is a very talented, dedicated group of young athletes. Please join me in a round of applause, but I am not done yet.

HEAD COACH MATTHEW MOYER PRESENTED

Ms. HARPER. I would also like you to know – and I am joined today by Representatives Godshall and Clymer, who also represent some of the talented men on this team – that any good team needs a good coach, and Christopher Dock's coach, Matt Moyer, is a strong leader who built an outstanding boys soccer program at the school.

Coach Moyer was selected by the Pennsylvania Coaches Association as Coach of the Year for Class A of the Pennsylvania Interscholastic Athletic Association for 2009, and he is with me today. Coach Moyer.

In addition to teaching his athletes how to play the game of soccer, Coach Moyer teaches them what all young people need

to learn: commitment, work ethic, discipline, and teamwork – traits that will serve them well into adulthood. Congratulations, Coach Moyer.

And, Mr. Speaker, I would also like you to know that joining me up here with Representatives Godshall and Clymer are Head Coach Moyer, assistant coach Eric Krimmel, and captains Brandon Reichart, Caleb MacMain, and Chad Clemens. And in the back, Mr. Speaker, the rest of the team.

The SPEAKER. Will the guests please rise. Congratulations on your State championship.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

If I could have just a little bit of order. I would appreciate letting you know a little bit about Christopher Dock Mennonite School.

Christopher Dock Mennonite School was named after a German educator who came over to our country in 1714. He started teaching school in the Mennonite community in Germantown and Skippack and in Salford Townships. He taught until the year of his death, which was in 1771. He wrote a number of theses and a book called "Education Management," probably the first book on education written in this country.

While Christopher Dock has produced a lot of young athletes, amazing young athletes, in the last number of years, it also does great education of these lives. And I would just like to let you know that the graduating class in 2008 at Christopher Dock, the SATs that were produced by these young people were 100 points ahead of the national average and 133 points ahead of the Pennsylvania average. So they are not only good athletes, they are good scholars, they are good people, and they do things right.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. In the back of the floor of the House, the Chair welcomes John Pope, Travis Gilbert, Nathan Rinehart, Gordon Holl, and Karl Holl. They are Boy Scouts from the district of Representative Will Gabig and guests of Representative Will Gabig. Will the guests please rise. Welcome to the hall of the House.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. To the left of the Speaker, the Chair welcomes Len Bennett. Len is a public relations coordinator in the House Republican Public Relations Office. He is retiring after more than 30 years of service to the State House. He is the guest of Representative Sandy Major.

Congratulations, Len. Godspeed in your retirement.

GUESTS INTRODUCED

The SPEAKER. In the well of the House, the Chair welcomes Morgan Renae Jackson. She is serving as a guest page today. She is the guest of Representative Scott Conklin. Will the guest please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Angelica Toderò, a high school student at Pine Grove Area High School, who is shadowing Representative Tim Seip for the day. She is the guest of Representative Seip. Will the guest please rise. Welcome to the hall of the House.

In the balcony, the Chair welcomes Alex Munro. He is the executive director of Thaddeus Stevens College of Technology in Lancaster. He is the guest of the Lancaster County delegation and Representative Jerry Knowles, who is a '69 grad of Stevens trade school. Will the guest please rise. Welcome to the hall of the House.

BLOOMSBURG UNIVERSITY GIRLS FIELD HOCKEY TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Columbia County, Representative Millard, for the purpose of a presentation.

Mr. MILLARD. Thank you, Mr. Speaker.

It gives me great pleasure today in recognizing the outstanding achievements realized by the athletes of Bloomsburg University Field Hockey Team in the spirit of personal sacrifice, commitment to a common goal, and unity of purpose. The Bloomsburg University Field Hockey Team is being honored today upon capturing the 2009 National Collegiate Athletic Association Division II National Field Hockey Championship.

And under the expert guidance of head coach Jan Hutchinson and assistant coach Gary Agard, the team captains Caitlin Koczynski, Maggey Bloskey, and Chelsea Due, and all members of the team, they captured the Division II National Field Hockey Championship in 2009. And this is just one in a string of accomplishments under head coach Jan Hutchinson.

It gives me great pleasure to present this citation to Head Coach Hutchinson, and I ask that the members of the team in the back please stand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Joseph A. Hober, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation.

Whereas, Joseph A. Hober earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Joseph is a member of Troop 385.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Joseph A. Hober.

ROSA PARKS REMEMBRANCE DAY

STATEMENT BY MS. BISHOP

The SPEAKER. The Chair would like to recognize the gentlelady from Philadelphia County, Representative Louise Bishop, to offer remarks under unanimous consent.

The House will come to order.

Ms. BISHOP. Thank you, Mr. Speaker.

As you probably know, we celebrated the birth date of Rosa Parks, the late Rosa Parks, and every year our resolution entitles us to be able to have remarks the first Tuesday following her birthday. And so we gather here today on Remembrance Day of Rosa Parks, a civil rights activist who galvanized the American civil rights revolution.

Over the year 2009 and into the year of 2010, we have experienced significant achievements in history. We have elected an African-American President. We also are providing equal opportunities for both men and women, and we have reached a point in history where we are being judged as to our character and not the color of our skin. And we are delighted that we can say as we move forward that there are great opportunities.

How does all of this have anything to do with Rosa Parks? I can tell you this: In the year of 1955, by Rosa Parks refusing to give up her seat on a Montgomery, Alabama, bus to a White man, she showed bravery and vision, and we stand here today with humility and thankfulness for her act of not moving to the back of the bus that will live on for all times. This event sparked the civil rights movement in Alabama, a flame that spread throughout the segregated South and to places outside of the South where the discrimination was less obvious but not less painful.

What would have happened if Rosa Parks had stood and given her seat to that White man? Would we still be refused seating in restraints? turned away from a hotel? forced to flee from a new house in a White suburb? held down to only manual labor and service jobs? Rosa Parks' action was a loud clap of thunder for America. It began a storm, a drenching, that would allow us all to flower.

We must continue her dream. Do not let the dream stop. There is still room for growth and even more opportunities. Rosa Parks' arrest and trial, a 381-day bus boycott, and finally, the Supreme Court's 1956 ruling that segregation on public transportation is unconstitutional set the stage for all of us to unite. Would not Rosa Parks be proud to see that the world has come together, joined together, to help the people of Haiti with food, monetary donations, medical assistance, support, and help with all those lovely children who are being adopted?

Let us not forget about our dear Governor, Ed Rendell, and his wife, Midge, who bravely and graciously flew to Haiti and rescued so many children so that they would have better lives through the adoption process. We are helping with Haiti's recovery because that is who we are. We are caring and loyal and good, loving people. Rosa Parks inspired us in our life's choices, and she has opened the door of dynamic dreams to follow. There is a lot for us to learn from her experience. We must carry on that which she started – a persistent symbol of human dignity, inspiration, and bravery.

Today is Remembrance Day for Rosa Parks. Let us live every day to the fullest with kindness, and let us live to inspire our fellow men, our fellow women, like Rosa Parks has inspired us – to live and to leave our own positive legacy.

Thanks, Rosa Parks. Thanks to you nothing is impossible now in the United States of America because of the color of a person's skin. Thank you.

And thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

I would like to make a series of announcements.

First, there will be an immediate meeting of the Appropriations Committee upon the call of the recess.

There will be a 2 p.m. caucus for all House Democrats.

At 3:30 p.m., there will be members' ethics training in the majority caucus room, and at 4:45 we are due to be back on the floor.

The SPEAKER. The Appropriations meeting will be held in the majority caucus room? The Chair thanks the gentleman.

Appropriations meeting in the majority caucus room.

REPUBLICAN CAUCUS

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

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 2 p.m.

I would ask our Republican members to please report to our caucus room at 2 p.m. Thank you.

COMMITTEE MEETING CANCELED

The SPEAKER. Any further announcements?

The Chair recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to let the members of the House Judiciary Committee know that we are going to be canceling the meeting for tomorrow, and we will reschedule it for sometime in March when we get back. Thank you.

The SPEAKER. Any further announcements?

RECESS

The SPEAKER. This House stands in recess until 4:45 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests leaves of absence for: Representative KOTIK from Allegheny County for the week; Representative BELFANTI from Northumberland County for the day; Representative McILVAINE SMITH from Chester County for the day; Representative WAGNER from Allegheny County for the day. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Allegheny County, Representative Turzai, the minority whip, who requests a leave of absence for: Representative ROSS from Chester County for the week; Representative BEAR from Lancaster County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

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

Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

BILLS REREPORTED FROM COMMITTEE**HB 528, PN 2888** By Rep. D. EVANS

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; providing for registration and permits for pharmacy technicians; and further providing for multiple licensure, for refusal to grant, revocation and suspension, for State Board of Pharmacy, for hearings and suspensions, for unlawful acts and for injunction.

APPROPRIATIONS.

HB 1831, PN 2489 By Rep. D. EVANS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for review fees.

APPROPRIATIONS.

HB 1993, PN 2693 By Rep. D. EVANS

An Act designating the reconstructed Gay Street Bridge on State Route 113, which crosses French Creek in the Borough of Phoenixville, Chester County, as the Veterans Memorial Gay Street Bridge.

APPROPRIATIONS.

SB 237, PN 747 By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for annual and other reports; and providing for suitability of annuity transactions.

APPROPRIATIONS.

SB 605, PN 655 By Rep. D. EVANS

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

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEE**HB 1251, PN 3189** (Amended) By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in long-term care, further providing for definitions; and providing for appealing an insurer's determination the benefit trigger is not met, for prompt payment of clean claims and for applicability.

APPROPRIATIONS.

HB 2026, PN 3190 (Amended) By Rep. D. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for dating violence education.

APPROPRIATIONS.

HB 2041, PN 3191 (Amended) By Rep. D. EVANS

An Act providing for standards for towing and for violations.

APPROPRIATIONS.

HB 2066, PN 3192 (Amended) By Rep. D. EVANS

An Act establishing the Sales and Use Tax Study Commission; and providing for study and report on sales and use tax.

APPROPRIATIONS.

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

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
February 8, 2010

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, March 8, 2010, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, March 8, 2010, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE**JOINT SESSION**

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

In the Senate,
February 8, 2010

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 9, 2010, at 10:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Edward G. Rendell; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

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

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 125, PN 1333**.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 125, PN 1333

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and penalties; and providing for methamphetamine production, for the offenses of operating a methamphetamine laboratory and illegal dumping of methamphetamine waste and for environmental costs.

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

CALENDAR**RESOLUTION PURSUANT TO RULE 35**

Miss PARKER called up **HR 582, PN 3065**, entitled:

A Resolution designating February 11, 2010, as "Chlamydia Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentelady from Philadelphia County, Representative Parker. Will the gentelady yield. The House will come to order. Members will please take their seats.

The Chair recognizes the gentelady from Philadelphia County, Representative Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, today I am proud to join with my colleague, Representative Gibbons, who probably about 6 months ago came to me and said, Cherelle, I received a report from some nurses in my legislative district and they wanted to raise awareness about what is known as the silent killer. Today we are introducing this resolution declaring February 11 as "Chlamydia Awareness Day" in Pennsylvania.

Mr. Speaker, I was really surprised to learn that approximately 1.1 million cases of chlamydia were reported to the Centers for Disease Control and Prevention during 2007, and this disease actually became known as the silent disease because 75 percent of women who are infected have no symptoms. The chlamydia rate among female adolescents is six times higher than the national average for all women, and the rate of chlamydia among African-American females 15 to 24 years of age is eight times higher than for females who are Caucasian. If this disease is not treated, it can cause pelvic inflammatory disease in up to 4 out of 10 infected women.

And I will daresay, once again, I have to thank my colleague, Representative Gibbons, because it was he who brought this very important issue to my attention and asked that I join with him. We have some very special guests who are here, and I want to ask Representative Gibbons to recognize them.

GUESTS INTRODUCED

The SPEAKER. On the question, the Chair recognizes the gentleman from Lawrence County, Representative Gibbons.

Mr. GIBBONS. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank Representative Parker first for introducing this resolution on behalf of everyone who is concerned about the illness chlamydia and what it does and its effects on young women.

I want to introduce the two nurses who brought this to my attention and brought this to all of our attention and are working to raise awareness of this issue statewide. They are Susan Hellier, who is a registered nurse and certified nurse

practitioner. She is an associate professor of nursing at the Community College of Beaver County and works as a women's health practitioner and ob-gyn (obstetrician-gynecologist) in New Castle, Pennsylvania. The other is Norma Alvarez, who is also a registered nurse and C.R.N.P. (certified registered nurse practitioner). She is a pediatric nurse practitioner who practices in New Castle, Pennsylvania. Both women are finishing their doctorates at Waynesburg University, and in 2009 they did a pilot study in the New Castle area which entailed screening at-risk adolescent females for chlamydia and testing the feasibility of school-based clinics to provide continued screening.

Their information was very, very useful in helping to raise awareness of this issue, and certainly we want to continue to grow the awareness to make sure that young women are getting the needed screenings to make sure that they are protected in the future. So I want to thank them for bringing this issue to my, Representative Parker's, and all of our attention and would ask for all of your support in passing this resolution.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

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

DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 101, PN 3129**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for development of economic education and personal financial literacy programs; and establishing the Economic Education and Personal Financial Literacy Fund.

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

The SPEAKER. On that question, there are three late-filed amendments to this bill.

Does the gentleman, Representative Saylor, wish to suspend the rules to offer his amendment? We will come back. We will go over that temporarily and come back to it.

Does the gentleman from Bucks County, Representative Clymer, wish to suspend the rules or make a motion to suspend the rules?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at this time I am not going to ask for the suspension of rules. We are going to look for another vehicle to put my amendment in. It is a very important amendment as we deal with early education, and we need to address that issue.

Mr. Speaker, if I may, on HB 101, proposed by Representative Longietti, one of the things that he is asking in his legislation is to provide for the development of economic education and personal finance literacy. These are very important programs, especially for our youth today. This information, once it is brought together, will be circulated among the school districts. During these economic times that are somewhat difficult, individuals really need to know exactly how to handle their checking account, to do a budget, and these things will play into that course of action. So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair has been informed that the gentleman from York County, Representative Saylor, is withdrawing the amendment. The Chair thanks the gentleman.

The gentleman from Adams County, Representative Tallman, the gentleman 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 1186**, **PN 3130**, entitled:

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

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

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1831**, **PN 2489**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for review fees.

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

The SPEAKER. There is a late-filed amendment to this bill that would require a suspension of the rules. Does the gentleman from Cumberland County, Representative Grell, wish to be recognized for that purpose? The gentleman is withdrawing the 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 1993**, **PN 2693**, entitled:

An Act designating the reconstructed Gay Street Bridge on State Route 113, which crosses French Creek in the Borough of Phoenixville, Chester County, as the Veterans Memorial Gay Street Bridge.

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 528**, **PN 2888**, entitled:

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; providing for registration and permits for pharmacy technicians; and further providing for multiple licensure, for refusal to grant, revocation and suspension, for State Board of Pharmacy, for hearings and suspensions, for unlawful acts and for injunction.

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

* * *

The House proceeded to second consideration of **SB 605**, **PN 655**, entitled:

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

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

The SPEAKER. There are two amendments filed. There are two Bear amendments that were timely filed. It is the Chair's understanding the gentleman is withdrawing those amendments. The Chair thanks the gentleman. Those amendments are withdrawn.

There are two late-filed amendments that would require a suspension of the rules, filed by the gentleman from Butler County, Representative Metcalfe. He is withdrawing those amendments? The Chair thanks the gentleman.

Is Representative Turzai's amendment withdrawn? The Chair thanks the gentleman.

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 383**, **PN 1608**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, authorizing the establishment of problem solving courts.

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

Ms. **OBERLANDER** offered the following amendment **No. A05528**:

Amend Bill, page 1, line 4, by inserting after "courts"
; and providing for drug courts
Amend Bill, page 1, line 8, by striking out "section" and inserting
Sections

Amend Bill, page 2, by inserting between lines 25 and 26
§ 917. Drug courts.

(a) Establishment.—The court of common pleas of a judicial district and the Municipal Court of Philadelphia may establish a drug court as a special criminal docket whereby defendants are admitted to a court-supervised individualized drug treatment program. The court may adopt local rules for the administration of the drug court and its related treatment services. The local rules may not be inconsistent with this section or any rules established by the Supreme Court.

(b) Statewide drug court coordinator.—The Supreme Court may appoint a Statewide drug court coordinator. The Statewide drug court coordinator may:

(1) Encourage and assist in the establishment of a drug court in each judicial district.

(2) Identify sources of funding for drug courts and their related treatment services, including the availability of grants.

(3) Provide coordination and technical assistance for grant applications.

(4) Develop model guidelines for the administration of drug courts and their related treatment services.

(5) Establish procedures for monitoring drug courts and their related treatment services and for evaluating the effectiveness of drug courts and their related treatment services.

(c) Advisory committee.—The Supreme Court may establish an interdisciplinary and interbranch advisory committee to advise and assist the Statewide drug court coordinator in monitoring and administrating drug courts Statewide.

(d) Imposition of surcharge.—A defendant convicted of a drug-related or alcohol-related offense in a judicial district in which the court has established a drug court may be ordered by the court to pay a surcharge of \$25 which shall be collected in the same manner as other court costs. In addition to any grants or other money that may become available through public or private sources, the money collected through this surcharge shall be used by the county to fund the drug court and its related treatment services.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Drug-related or alcohol-related offense." A criminal offense that the court determines was motivated by the defendant's consumption of or addiction to alcohol or a controlled substance, counterfeit, designer drug, drug, immediate precursor or marijuana, as those terms are defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentlelady from Clarion County, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

Basically, this amendment provides the courts with the authority to establish drug courts. These drug courts would specialize in allowing offenders who commit drug- and alcohol-related offenses to be admitted into court-supervised individualized treatment programs. The success of these treatment courts has been well documented and many have been established through grant funding. This would allow these courts to continue while being paid for by the individuals who are actually using them.

Thank you for your consideration.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

I rise today in support of the Oberlander amendment A05528, which would provide a \$25 fee to drug and DUI (driving under the influence) offenders in order to fund our drug and DUI courts in Pennsylvania. It is a crucial step because many times as a legislative body we only get half the solutions to the problem. The Oberlander amendment would allow the perpetrators to pay for the program, thus making a savings for taxpayers who have been paying for the incarceration of criminals for far too long. It is time we take the necessary steps to find effective programs that will help individuals become productive members of society instead of burdens on law-abiding taxpayers.

I thank my colleague for her dedication and leadership to ensure we get this right. I ask my colleagues to vote in favor of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I also would rise in support of the amendment. We have had several hearings in the Judiciary on the drug courts. We have traveled around the State to various counties that do have these drug courts. They have been working very well, and I think this amendment is something that will very well help in those courts and their deliberations and the costs involved.

Thank you, Mr. Speaker.

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—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McL. Smith		

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. We have a number of late-filed amendments to this legislation, four by the gentleman from Allegheny County, Representative Turzai. The gentleman is withdrawing the amendments. The Chair thanks the gentleman.

Does the gentelady from Philadelphia County, Representative Manderino, wish to be recognized on a suspension of the rules? Is the gentelady withdrawing the amendments? The gentelady is withdrawing the amendments. The Chair thanks the gentelady.

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 1789, PN 3132**, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions and for Wireless E-911 Emergency Services Fund; and imposing a prepaid wireless E-911 surcharge.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher, who has two amendments that he is offering today?

Mr. MAHER. Just one.

The SPEAKER. Will you inform the Chair what amendment you are offering?

Mr. MAHER. 5502.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **MAHER** offered the following amendment No. **A05502**:

Amend Bill, page 7, lines 22 through 24, by striking out "A person who sells prepaid wireless" in line 22, all of line 23 and "another person" in line 24 and inserting

A prepaid wireless provider that provides prepaid wireless telecommunications service to a consumer

On the question,

Will the House agree to the amendment?

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

Mr. MAHER. Thank you, Mr. Speaker.

The prime sponsor of the underlying legislation, my good friend, the next Senator from Washington County – and I genuinely wish him the best in that pursuit, although I have enjoyed working with him here – we are not just colleagues here, but we are neighbors at home, and so it is not often that we find ourselves with a difference that we cannot sort out between us. This is one of those rare occasions.

The underlying object of this legislation is to ensure that the 911 fees associated with prepaid calling plans are in fact collected. It is quite clear currently that a substantial amount of the prepaid phone service is not translating into 911 fees, and it is only fair that everyone who enjoys the benefit of the 911 system pays in on equal basis. The real question here is, who should be collecting the 911 fee? Up until now, that responsibility has rested with the wireless provider. Just as it is the case if you have a phone that has a subscription for phone service or if you have your home phone every month, you have the 911 fee.

Mr. Speaker?

The SPEAKER. The gentleman will yield. The House will come to order. Members will please take their seats. Entirely too much noise. The House will come to order.

The gentleman, Mr. Maher, may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Currently, if you have a home phone, a business phone, a subscription to wireless service, you pay a 911 fee. Prepaid 911 is supposed to be paying the same fee, but collections are not in line with what we would expect. There are about 60 companies who provide 911 service, wireless providers in Pennsylvania, and the large ones, there is no doubt that they are tending to their duties as they ought to, but with many of the others, a question exists as to whether or not they are keeping

up their end of the bargain. There was litigation with one of the larger of these that was resolved this past year by a settlement. Yet we now have an action afoot to shift collection from wireless 911 providers, the phone companies, to retailers.

If our goal is to ensure collection of 911 fees, I think you are going to discover that going to the retailers will actually reduce collections for a number of reasons. First is the ease of enforcement. Right now there are 60, five dozen firms roughly that the Department of Revenue needs to visit to determine if all fees have been collected. If we go to a retail-based collection, there will be 8,000 retailers who sell prepaid services in physical locations in Pennsylvania, who will be needing to have enforcement. I offer that it is so much easier to enforce a rule when you have a population of 60 than a population of 8,000, when you know who the 60 are and you do not know who the 8,000 are. As a result, I think by going to a retail collection, you can expect for there to be a decline in the amount of 911 collected.

Now, what about those that do, retailers that do collect 911 fees? Is this going to be fair? Well, if you are buying a monthly prepaid program, you are going to pay a buck. Fair enough. It is the same as if you were a subscriber with a contractual commitment. But if you are someone who is buying \$10 of minutes at a time, someone, let us say, who is starting out in life or has to pull their pennies together to pay their phone bill, every time that you buy a \$10 phone card, you will be paying 10 percent of that as a tax for 911. In comparison, if you were to buy the annual phone card offered by one of the major outfits, you would pay \$1 for an entire year, which amounts in that case to something about one-half of 1 percent. So the folks who have got to scrimp and save to buy a phone card would be taxed at a rate of 10 percent, and those who can afford the longer term prepaid plan will pay a tax of one-half of 1 percent. Now, it may be that this will be deemed to violate the uniformity clause of the Pennsylvania Constitution, and it may be that then the entire law would be thrown out if it is adopted in its current form, which would mean there would be no collections from anyone.

The simplest, the fairest, the easiest way to collect is to have the wireless phone companies remit the amounts to Pennsylvania. They are in the business of counting minutes; they are in the business of knowing where a phone is and who is using a phone. The fact that they can advertise monthly prepaid plans proves that they know when those monthly prepaid systems are in use. They know when a month begins and a month ends. The FCC (Federal Communications Commission) knows that they know, and the FCC is moving forward with a \$1 universal service fee per month for prepaid wireless. The Federal Communications Commission believes that prepaid wireless can tell when a month begins and when a month ends and when a prepaid plan is in service and they are going to want a dollar a month for it.

Now, interestingly enough, one of the prepaid phone companies has a Web site opposing this plan. Their opposition is that their customers would be expected to pay more. Their opposition is not that it is not practical, because it is entirely practical. Phone companies know how to track the minutes; they know how to track the use; they know when a month begins and when a month ends. They are good at that kind of arithmetic; it is what they do. Sixty companies versus 8,000. It is simple as

can be. Let us collect 911 fees for prepaid from the same folks that we collect them from for subscription service, for home service, for business service. It makes no sense to separate this one aspect, the 911 collections, from the folks that otherwise are in the business of keeping track of where phones are and whether they are used.

My amendment simply keeps the responsibility for collecting and remitting with those wireless phone providers. And I know that sometimes these sorts of topics can seem a bit complicated, but the simple evidence is that they are doing it in other jurisdictions. The wireless phone companies collect in other jurisdictions. The FCC knows that they can do this, and that is why the FCC is going to be applying the \$1 universal service fee on prepaid plans. And to do it at the point of sale, at the retail location, will have a discriminatory effect on those who have the least to spend.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I rise in opposition to the Maher amendment. It is an unusual position for me to take in opposition to my colleague from Allegheny County, but I think we need to recognize the impact that this particular legislation is having on our emergency service providers. And whereas, when this legislation was originally enacted back in 2003, prepaid cell phones were a relatively small amount of the market, we are now up to 45 percent of that market, and there is, unfortunately, no better way of collecting that than from the point of sale. We are placed in an unenviable position today of having to choose between the retailers, who I acknowledge have said there is a burden on some of us, and I will grant some argument there, but I think we need focus on what the impact is going to be from a \$10 million shortfall in our counties to the EMS (emergency medical services) providers. And so faced with that, I do not believe that we have any choice, and unfortunately, I am urging the members to defeat the Maher amendment.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

In all due respect to the gentleman, Mr. Maher – I appreciate his kind comments – I, too, have to stand up to object to this amendment. We spent many hours discussing the merits of his comments on what we might be able to do as far as this amendment goes, and unfortunately, through conversation with the Department of Revenue, with the industry partners, there are some flaws that will not allow that to happen as easily as we may originally have thought. Point of sale, even though it may cause some slight burden on smaller retailers, still ends up being the most reliable. It is a dollar-for-dollar exchange, a little easier for inventory purposes. The other question that comes into play is once you get into a third-party seller of these prepaid cards and prepaid phones, tracking who the purchaser is and how you can receive that dollar fee from that account becomes very, very difficult to manage.

So for those reasons, I would ask for a negative vote on amendment 5502.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

As my previous colleague mentioned, I also do not find myself often at odds with my good friend, the gentleman from Allegheny County, but I do at this time.

I had the great privilege while being a member of Delaware County Council to be responsible for our 911 system, and we had probably one of the best in the State if not the country, but just like our cell phones and our laptops, the technology changes constantly, it constantly needs to be updated. We are anticipating that right now we are not collecting about \$20 million per year from these cell phones that are either prepaid cards or they are bought at a retailer. And the problem with the Maher amendment is it completely excludes the retailer from the process. I am not saying we should not, as he wants to, look at other avenues to collect it from the folks that in fact are selling the phone, the prepaid cards, or the networks, but we should not just completely ignore the point of sale. The point of sale is the only time we absolutely know for sure who the person is that bought the phone. And I know that retailers are concerned about the cost, but it is no different than the sales tax. When they swipe that credit card or it is paid with cash, they add that dollar surcharge. Now, the gentleman from Allegheny County said, well, someone could buy a \$10 card and they pay 10 percent, so they are overpaying with \$1. You could argue it the other way. Someone could buy a card that could last 3, 4, 5 months and they still only pay \$1. We need to capture these funds. The numbers are staggering.

When this bill was first passed, there were only a handful, a couple hundred probably, of these phones sold. These phones are now 20 percent of the market, and last year they accounted for 45 percent of the sales. And the one time we can grab them where we know who the people are who are buying them is at the point of the sale at the cash register, unless maybe we call them up, we get that number, because people need to realize these numbers, the phone companies sell these numbers, they are packaged by third parties and then sold all over the place. We do not know if they are in Pennsylvania, Ohio, Delaware, Florida, Michigan. Those numbers could be anywhere.

If we went with the Maher amendment, our only option is to ring the number, when the guy answers say, hello, this is the State of Pennsylvania; can you send us your buck? We have to do it at point of sale, but I do agree with the gentleman from Allegheny County that we need to look at the other parts of the business as well, but his amendment completely, completely strips out point of sale, where the majority, it was the easiest place to identify these folks so we can get these dollars that are so precious and important to our counties as they work to improve and upgrade our 911 system.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Thank you, Mr. Speaker.

Think about what we are charging for here, it is for 911; 911 only works if you can identify the location of where that phone is. It is built into the phone. It tells you where it is. The phone companies are in the business of keeping track of where these phones are. They are in the business of keeping track of minutes; they are in the business of keeping track of months. They are very good at those things. They do it for every other sort of phone service; they can do it for this one just the same,

because if that phone does not tell you where it is, well, then these folks should not be paying into 911 because the 911 system is not going to work for them.

When it comes to compliance, I agree there has been a problem with compliance. I say go get them, go get them. Those 60 companies – we know who they are; go knock on their doors and audit them and recover the funds that should be recovered. If they are not playing square, let us get the money. If they are playing square, that is outstanding. But to shift the diagram so that we are now going to have 8,000 venders out there, we are not going to know who they are. You have seen it. You have seen newsstands that sell the prepaid cards. There is no registry of these, nowhere; 7-Elevens that sell prepaids, there is no one— Nobody in this State knows where all these locations are.

You can expect that when the cost of compliance for a tax exceeds the amount of tax involved, that you are going to have a lower rate of compliance. I think as a result, this well-intended effort, unless it is amended here, will actually cause a decline in the amount of 911 fees collected. We share the same goal. I think all of us who have spoken today share the same goal. Let us make sure that the 911 fees that are due to be collected are collected. I say let us do it the easy way. Let us go after the companies. We know who they are; we know where they are; we know how to audit them. Let us go collect the money, let us hold them accountable, and let us not just throw our hands up in the air and hope that 8,000 retailers are going to show up on the doorstep and say, here you go; here is your money. Some will, but many, many will not. Many of them will not even know they are supposed to.

So let us accomplish our goal of capturing the 911 revenue for Pennsylvania and for the local service centers, such as the very fine one that Mr. Killion helped create.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just rise to reiterate the gentleman from Washington's position, that we oppose this amendment. Let us not lose our focus. This is about public safety, \$18 million in resources directly to our 911 system. Let us make sure that we do not lose our focus. This amendment does not help that effort. That is why I oppose it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—23

Brooks	Grove	Moul	Smith, M.
Fleck	Hutchinson	Payton	Smith, S.
Gabig	Keller, M.K.	Peifer	Stern
Gabler	Maher	Perry	Tallman
Gergely	Marsico	Saylor	Turzai
Grell	Miller	Schroder	

NAYS—171

Adolph	Eachus	Kula	Rapp
Baker	Ellis	Lentz	Readshaw
Barbin	Evans, D.	Levdansky	Reed
Barrar	Evans, J.	Longietti	Reese

Benninghoff	Everett	Mahoney	Reichley
Beyer	Fabrizio	Major	Roae
Bishop	Fairchild	Mandirino	Rock
Boback	Farry	Mann	Roebuck
Boyd	Frankel	Markosek	Rohrer
Boyle	Freeman	Marshall	Sabatina
Bradford	Galloway	Matzie	Sainato
Brennan	Geist	McGeehan	Samuelson
Briggs	George	Melio	Santarsiero
Brown	Gerber	Metcalfe	Santoni
Burns	Gibbons	Metzgar	Scavello
Buxton	Gillespie	Miccarelli	Seip
Caltagirone	Gingrich	Micozzie	Shapiro
Carroll	Godshall	Millard	Siptroth
Casorio	Goodman	Milne	Smith, K.
Causser	Grucela	Mirabito	Solobay
Christiana	Haluska	Mundy	Sonney
Civera	Hanna	Murphy	Staback
Clymer	Harhai	Murt	Stevenson
Cohen	Harhart	Mustio	Sturla
Conklin	Harkins	Myers	Swanger
Costa, D.	Harper	O'Brien, D.	Taylor, J.
Costa, P.	Harris	O'Brien, M.	Taylor, R.
Cox	Helm	O'Neill	Thomas
Creighton	Hennessey	Oberlander	True
Cruz	Hess	Oliver	Verbe
Curry	Hickernell	Pallone	Vitali
Cutler	Hornaman	Parker	Vulakovich
Daley	Houghton	Pashinski	Wansacz
Day	Johnson	Payne	Waters
Deasy	Josephs	Perzel	Watson
Delozier	Kauffman	Petrarca	Wheatley
DeLuca	Keller, W.	Petri	White
Denlinger	Kessler	Phillips	Williams
DePasquale	Killion	Pickett	Youngblood
Dermody	Kirkland	Preston	Yudichak
DeWeese	Knowles	Pyle	
DiGirolamo	Kortz	Quigley	McCall,
Donatucci	Krieger	Quinn	Speaker
Drucker			

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 237, PN 747**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for annual and other reports; and providing for suitability of annuity transactions.

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

Mr. **MATZIE** offered the following amendment
No. **A05437**:

Amend Bill, page 1, line 13, by inserting after "transactions" and for the regulation of health insurance practices concerning parity and nondiscrimination
Amend Bill, page 6, line 4, by striking out "an article" and inserting
articles

Amend Bill, page 13, by inserting between lines 23 and 24

ARTICLE VI-B
HEALTH INSURANCE COVERAGE PARITY
AND NONDISCRIMINATION

Section 601-B. Short title of article.

This article shall be known and may be cited as the Health Insurance Coverage Parity and Nondiscrimination Act.

Section 602-B. Purpose.

It is necessary to maintain the Commonwealth's sovereignty over the regulation of health insurance in this Commonwealth by implementing the requirements of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343, 122 Stat. 3881), the Genetic Information Nondiscrimination Act of 2008 (Public Law 110-233, 122 Stat. 881) and Michelle's Law (Public Law 110-381, 122 Stat. 4081), collectively contained in the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.). The provisions of this article are intended to meet these requirements while retaining the Commonwealth's authority to regulate health insurance in this Commonwealth, consistent with sections 2722 and 2761 of the Public Health Service Act.

Section 603-B. Definitions.

(a) General rule.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Federal acts." The Federal laws known as the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343, 122 Stat. 3881), the Genetic Information Nondiscrimination Act of 2008 (Public Law 110-233, 122 Stat. 881) and Michelle's Law (Public Law 110-381, 122 Stat. 4081), collectively contained in the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.).

"Fraternal benefit society." An entity holding a current certificate of authority under Article XXIV.

"Health maintenance organization." An entity holding a current certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

"Hospital plan corporation." An entity holding a current certificate of authority organized and operated under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

"Insurer." A foreign or domestic insurance company, association or exchange, health maintenance organization, hospital plan corporation, professional health services plan corporation, fraternal benefit society or risk-assuming preferred provider organization. The term shall not include a group health plan as defined in section 2791 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 300gg-91).

"Preferred provider organization." An entity holding a current certificate of authority under section 630.

"Professional health services plan corporation." An entity holding a current certificate of authority under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations). This term shall not include dental service corporations or optometric service corporations, as those terms are defined under 40 Pa.C.S. § 6302(a) (relating to definitions).

(b) Federal law.—The words, terms and definitions found in the Federal acts, including those in section 2791 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. 300gg-91), are adopted for purposes of implementing this article, except as noted in this subsection. The term "health insurance issuer" under section 2791(b)(2) of the Public Health Service Act shall have the meaning provided under "insurer" in subsection (a).

Section 604-B. Adoption of Federal acts.

Insurers shall comply with the Federal acts, as contained in sections 2701, 2702, 2705, 2707, 2721, 2753 and 2754 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. §§ 300gg, 300gg-1, 300gg-5, 300gg-7, 300gg-21, 300gg-53 and 300gg-54).

Section 605-B. Penalties.

(a) General rule.—Upon satisfactory evidence of a violation of this article by any insurer or other person, the commissioner may, in the commissioner's discretion, pursue any one of the following courses of action:

(1) Suspend, revoke or refuse to renew the license of the offending person.

(2) Enter a cease and desist order.

(3) Impose a civil penalty of not more than \$5,000 for each action in violation of this article.

(4) Impose a civil penalty of not more than \$10,000 for each action in willful violation of this article.

(b) Limitation.—Penalties imposed against a person under this article AND UNDER SECTION 5 OF THE ACT OF JUNE 25, 1997 (P.L.295, NO.29), KNOWN AS THE PENNSYLVANIA HEALTH CARE INSURANCE PORTABILITY ACT, shall not exceed \$500,000 in the aggregate during a single calendar year.

Section 606-B. Regulations.

The department may promulgate such regulations as may be necessary or appropriate to carry out this article.

Section 3. All acts and parts of acts are repealed insofar as they are inconsistent with the addition of Article VI-B of the act.

Amend Bill, page 13, line 24, by striking out "3" and inserting 4

Amend Bill, page 13, line 25, by inserting after "amendment" or addition

Amend Bill, page 13, line 25, by inserting after "320" and Article VI-B

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Beaver County, Representative Matzie.

Mr. MATZIE. Thank you, Mr. Speaker.

This is the same language that was in HB 1593 that passed unanimously on October 6. I would ask for similar support here today. 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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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. **BOYLE** offered the following amendment No. **A05438**:

Amend Bill, page 1, line 12, by striking out "and"

Amend Bill, page 1, line 13, by inserting after "transactions" ; further providing for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for other nonadmitted insurers, for surplus lines licensee's duty to notify insured, for declarations, for surplus lines advisory organizations, for evidence of insurance, for licensing of surplus lines licensee, for surplus lines licensee's acceptance of business from brokers, for records of surplus lines licensees, for monthly reports, for surplus lines tax, for tax on independently procured insurance, for suspension, revocation or nonrenewal of surplus lines licensee's license and for penalties; and providing for compliance

Amend Bill, page 13, by inserting between lines 23 and 24

Section 3. Section 1602 of the act, amended or added December 18, 1992 (P.L.1519, No.178) and July 10, 2002 (P.L.749, No.110), is amended to read:

Section 1602. Definitions.—As used in this article the following words and phrases shall have the meanings given to them in this section:

"Admitted insurer." An insurer licensed to do an insurance business in this Commonwealth.

"Business entity." A corporation, a partnership, a limited liability company, a limited liability partnership, a business trust or any other entity doing business other than as a natural person.

"Capital." The term, as used in the financial requirements of section 1605, means funds paid for stock or other evidence of ownership.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Eligible surplus lines insurer." A nonadmitted insurer with which a surplus lines licensee may place surplus lines insurance under section 1604.

"Export." To place surplus lines insurance with either a nonadmitted insurer or an eligible surplus lines insurer in accordance with this article.

"Independently procured insurance." Any insurance which a resident of this Commonwealth directly negotiates with and purchases, continues or renews from a nonadmitted insurer without securing the services of an insurance [agent, broker] producer or surplus lines licensee[, whether the agent or broker holds a resident or nonresident license issued by the department].

"Insurance producer." A person that is licensed to sell, solicit or negotiate contracts of insurance with admitted insurers.

"Kind of insurance." One of the types of insurance required to be reported in the annual statement which must be filed with the department by admitted insurers.

"Nonadmitted insurer." An insurer not authorized and not licensed to do an insurance business in this Commonwealth. The term includes insurance exchanges as authorized under the laws of various states.

"Person." A natural person or business entity.

["Producing broker." The broker dealing directly with the party seeking insurance.]

"Purchasing group." An entity formed to purchase liability insurance under the Risk Retention Amendments of 1986 (Public Law 99-563, 100 Stat. 3170).

"Risk retention group." An insurer organized to do business under the Risk Retention Amendments of 1986 (Public Law 99-563, 100 Stat. 3170).

"Surplus." The term, as used in the financial requirements of

section 1605, means funds over and above liabilities and capital of the company for the protection of its policyholders.

"Surplus lines insurance." Any insurance of risks resident, located or to be performed in this Commonwealth, permitted to be placed through a surplus lines licensee with a nonadmitted insurer eligible to accept such insurance, other than reinsurance, wet marine and transportation insurance, independently procured insurance, life [and health] insurance and annuities and coverage obtained from risk retention groups under the Risk Retention Amendments of 1986 (Public Law 99-563, 100 Stat. 3170).

"Surplus lines licensee." [An individual, partnership or corporation] A person licensed as a surplus lines producer under section 1615 to place surplus lines insurance with nonadmitted insurers eligible to accept such insurance.

"Wet marine and transportation insurance." Any of the following:

(1) Insurance upon vessels, crafts or hulls and of interests therein or with relation thereto.

(2) Insurance of marine builder's risks, marine war risks and contracts of marine protection and indemnity insurance.

(3) Insurance of freights and disbursements pertaining to a subject of insurance coming within this definition.

(4) Insurance of personal property and interest therein, in the course of exportation from or importation into any country, or in the course of transportation coastwise or on inland waters, including transportation by land, water or air from point of origin to final destination, in connection with any and all risks or perils of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any delays, transshipment or reshipment. Insurance of personal property and interests therein shall not be considered wet marine and transportation insurance if:

(i) the property has been transported solely by land;

(ii) the property has reached its final destination as specified in the bill of lading or other shipping document; or

(iii) the insured no longer has an insurable interest in the property.

(5) Any insurance associated with transportation of property listed under this definition.

"Writing producer." The insurance producer which brings about or negotiates contracts of insurance directly on behalf of the consumer seeking insurance.

Section 4. Section 1603 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1603. Acting for or Aiding Nonadmitted Insurers.—(a) No person in this Commonwealth shall directly or indirectly act as [agent] a producer for, or otherwise represent or aid on behalf of another, any nonadmitted insurer in the solicitation, negotiation, procurement or effectuation of insurance, or renewals thereof, or forwarding of applications, or delivery of policies or contracts or inspection of risks, or fixing of rates, or investigation or adjustment of claims or losses, or collection or forwarding of premiums, or in any other manner represent or assist such insurer in the transaction of insurance.

(b) If the nonadmitted insurer is not an eligible surplus lines insurer and fails to pay a claim or loss within the provisions of the insurance contract, a person who assisted or in any manner aided, directly or indirectly, in the procurement of the insurance contract shall be liable to the insured for the full amount payable under the provisions of the insurance contract.

(c) This section does not apply to any of the following:

(1) Surplus lines insurance if it is effected and written pursuant to this article.

(2) Insurance effected with a nonadmitted insurer pursuant to sections 1606 and 1610.

(3) Transactions for which a certificate of authority to do business is not required of an insurer under the insurance laws of this Commonwealth.

(4) Reinsurance.

(5) Wet marine and transportation insurance.

(6) Transactions subsequent to issuance of a policy not covering domestic risks at time of issuance and lawfully solicited, written or delivered outside of this Commonwealth.

(7) Transactions involving risk retention groups chartered and licensed outside of this Commonwealth.

Section 5. Section 1605 of the act, amended July 10, 2002 (P.L.749, No.110), is amended to read:

Section 1605. Requirements for Eligible Surplus Lines Insurers.—(a) No surplus lines licensee shall place any coverage with a nonadmitted insurer unless, at the time of placement, such nonadmitted insurer:

(1) Is of good repute and financial integrity.

(2) Qualifies under any of the following subparagraphs:

(i) Has policyholder surplus equal to or greater than two times the minimum capital and surplus required to be fully licensed in this Commonwealth. Two (2) years from the effective date of this article is granted to allow those nonadmitted insurers which are eligible surplus lines insurers on the effective date of this article to achieve this capital and surplus requirement. If an alien insurer, as defined by the act of December 10, 1974 (P.L.804, No.266), referred to as the Alien Insurer Domestication Law, it shall maintain in the United States an irrevocable trust fund in either a national bank or a member of the Federal Reserve System, in an amount not less than that currently required by the National Association of Insurance Commissioners' International Insurers Department or its successor for the protection of all of its policyholders in the United States, and such trust fund consists of cash, securities, letters of credit or investments of substantially the same character and quality as those which are eligible investments for admitted insurers authorized to write like kinds of insurance in this Commonwealth. Such trust fund will be in addition to the capital and surplus required in this subparagraph and shall have an expiration date which at no time shall be less than five (5) years.

(ii) Is any Lloyd's or other similar group of insurers which includes unincorporated individual insurers that maintains a trust fund of not less than fifty million (\$50,000,000) dollars as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group. Such trust funds shall likewise comply with the terms and conditions established in subparagraph (i) for alien insurers.

(iii) Is an insurance exchange created by the laws of individual states that maintains capital and surplus or the substantial equivalent thereof of not less than fifteen million (\$15,000,000) dollars in the aggregate. For insurance exchanges which maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus or the substantial equivalent thereof of not less than one million five hundred thousand (\$1,500,000) dollars. In the event the insurance exchange does not maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements of subparagraph (i).

(3) Has provided to the department a copy of its current annual financial statement certified by such insurer, such statement to be provided no more than thirty (30) days after the date required for filing an annual financial statement in its domiciliary jurisdiction and which is either:

(i) certified by the regulatory authority in the domicile of the insurer; or

(ii) certified by an accounting or auditing firm licensed in the jurisdiction of the insurer's domicile.

In the case of an insurance exchange, the statement may be an aggregate statement of all underwriting syndicates operating during the period reported.

(b) In addition to meeting the requirements in subsection (a), a nonadmitted insurer shall be an eligible surplus lines insurer if it appears on the most recent list of eligible surplus lines insurers published by the department from time to time but at least [semiannually] annually. Nothing in this section shall require the

department to place or maintain the name of any nonadmitted insurer on the list of eligible surplus lines insurers.

Section 6. Section 1606 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1606. Other Nonadmitted Insurers.—Only that portion, not to exceed twenty-five per centum (25%), of any risk eligible for export for which the full amount of coverage is not procurable from either admitted insurers or eligible surplus lines insurers may be placed with any other nonadmitted insurer which does not appear on the list of eligible surplus lines insurers published by the department pursuant to section 1605(b) but nonetheless meets the requirements set forth in section 1605(a) and any regulations of the department. The surplus lines licensee [seeking to provide] providing coverage through a nonadmitted insurer which is not an eligible surplus lines insurer shall make a filing specifying the amount and percentage of each risk along with a full explanation of why the risk could not be placed with admitted or eligible surplus lines insurers and naming the nonadmitted insurer with which placement [is intended] was made. At the time of presenting a quotation to the insured, the surplus lines licensee shall present to the insured or to the [producing broker] writing producer written notice that a portion of the insurance will be placed with such nonadmitted insurer.

Section 7. Sections 1608 and 1609 of the act, amended July 10, 2002 (P.L.749, No.110), are amended to read:

Section 1608. Surplus Lines Licensee's Duty to Notify Insured.—At the time of presenting a quotation to the insured, the surplus lines licensee shall present to the insured or to the [producing broker] writing producer written notice that the insurance or a portion thereof involves placement with nonadmitted insurers. The surplus lines licensee shall, either directly or through the [producing broker] writing producer, give notice to the insured that:

(1) the insurer with which the licensee places the insurance is not licensed by the Pennsylvania Insurance Department and is subject to its limited regulation; and

(2) in the event of the insolvency of an eligible surplus lines insurer, losses will not be paid by the Pennsylvania Property and Casualty Insurance Guaranty Association.

Section 1609. Declarations.—(a) In the case of each placement of insurance in accordance with this article:

(1) Within thirty (30) days after the surplus lines licensee has placed insurance with an eligible surplus lines insurer, the [producing broker] writing producer must execute and forward to the surplus lines licensee a written statement, in a form prescribed by the department, declaring that:

(i) A diligent effort to procure the desired coverage from admitted insurers was made.

(ii) The insured was expressly advised in writing prior to placement of the insurance that:

(A) the insurer with whom the insurance is to be placed is not admitted to transact business in this Commonwealth and is subject to limited regulation by the department; and

(B) in the event of the insolvency of the insurer, losses will not be paid by the Pennsylvania Property and Casualty Insurance Guaranty Association.

This written declaration shall be open to public inspection.

(2) Within forty-five (45) days after insurance has been placed in an eligible surplus lines insurer, the surplus lines licensee shall file with the department a written declaration of his lack of knowledge of how the coverage could have been procured from admitted insurers. The surplus lines licensee shall simultaneously file the written declaration of the [producing broker] writing producer, as set forth in paragraph (1).

(3) In a particular transaction where the [producing broker] writing producer and surplus lines licensee are one in the same entity, [he] the writing producer or surplus lines licensee shall execute both declarations.

(b) Subsection (a) shall not apply to any insurance which has been placed continuously with an eligible surplus lines insurer for a

period of at least three (3) consecutive years immediately preceding the current placement. However, within forty-five (45) days after insurance has been placed with an eligible surplus lines insurer, the surplus lines licensee shall file with the department his written declaration on a form prescribed by the department.

Section 8. Sections 1611, 1612 and 1614 of the act, added December 18, 1992 (P.L.1519, No.178), are amended to read:

Section 1611. Surplus Lines Advisory Organizations.—(a) A surplus lines advisory organization of surplus lines licensees may be formed to:

(1) Facilitate and encourage compliance by [its members] surplus lines licensees with the laws of this Commonwealth and the rules and regulations of the department relative to surplus lines insurance.

(2) Provide means for the examination, which shall remain confidential, of all surplus lines coverages written by [its members] surplus lines licensees to determine whether such coverages comply with such laws and regulations.

(3) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market.

(4) Receive and disseminate to [its members] surplus lines licensees information relative to surplus lines insurance.

(b) The functions of the organization shall in no way supplant or delegate current regulatory authority of the department to administer the provisions of this article.

(c) [Each such] An advisory organization shall file with the department for approval:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation.

(2) A copy of its bylaws, rules and regulations governing its activities.

[(3) A current list of its members.]

(4) The name and address of a resident of this Commonwealth upon whom notices or orders of the department or processes issued at its direction may be served.

(5) An agreement that the department may examine such advisory organization in accordance with the provisions of this section.

(d) The department [shall, at least once every four (4) years] may, as necessary, make or cause to be made an examination of each such advisory organization. The reasonable cost of any such examination shall be paid by the advisory organization upon presentation to it by the department of a detailed account of each cost. The officers, directors, managers, agents and employes of such advisory organization may be examined at any time, under oath, and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The department shall furnish two copies of the examination report to the advisory organization examined and shall notify such organization that it may, within twenty (20) days thereof, request a hearing on the report or on any facts or recommendations therein. If the department finds such advisory organization or any member thereof to be in violation of this article, it may issue a cease and desist order requiring the discontinuance of such violation and may impose any other penalties as set forth in this article.

(e) The department may contract with a surplus lines advisory organization to render advice and assistance in carrying out the purposes of this article. The services performed by the advisory organization pursuant to such contract may be funded by a stamping fee assessed on each surplus lines policyholder whose policy is submitted to the advisory organization. The stamping fee shall be established by the board of governors of the advisory organization, from time to time, and shall be subject to approval by the department.

(f) The advisory organization may submit reports and make recommendations to the department regarding the financial condition of any eligible surplus lines insurer. These reports and recommendations shall not be considered to be public information or subject to any Federal or State freedom of information law. There shall be no liability on the part of nor shall any cause of action of any nature be sustained against eligible surplus lines insurers, the advisory

organization or its members, agents, employes, officers or directors or the department or authorized representatives of the department for statements and any reports or recommendations made by them in good faith under this section.

(g) By order of the department, a surplus lines licensee may be compelled to [join an advisory organization] attend educational seminars as a condition of continued licensure under this article.

Section 1612. Evidence of Insurance.—(a) Upon placing surplus lines insurance, the surplus lines licensee shall deliver to the insured or the [producing broker] writing producer the contract of insurance. If the contract of insurance is not immediately available, a cover note, binder or other evidence of insurance shall be delivered by the surplus lines licensee to the insured or the [producing broker] writing producer and shall, at a minimum, show the description and location of the subject of insurance, coverages, including any material limitations other than those in standard forms, the premium and rate charged and taxes to be collected from the insured, the name and address of the insured and the eligible surplus lines insurer and other nonadmitted insurer involved under section 1606 and proportion of the risk assumed by each, and the name of the surplus lines licensee.

(b) No surplus lines licensee shall bind or provide evidence of insurance unless he has authority from the eligible surplus lines insurer or other nonadmitted insurer to bind the risk or has received information from the insurer in the regular course of business that it has assumed the risk.

(c) If, after delivery of any such evidence of insurance, there is any change in the identity of the eligible surplus lines insurer, or the proportion of the risk assumed by any nonadmitted insurer, or any other material change in coverage as stated in the surplus lines licensee's original evidence of insurance, or any other material change as to the insurance coverage so evidenced, the surplus lines licensee shall promptly issue and deliver to the insured or to the original [producing broker] writing producer an appropriate substitute for or endorsement of the original document accurately showing the current status of the coverage and the insurer responsible thereunder.

(d) Every evidence of insurance negotiated, placed or procured under the provisions of this article issued by the surplus lines licensee shall bear the name of the licensee and the following legend in 10-point type: "The insurer which has issued this insurance is not licensed by the Pennsylvania Insurance Department and is subject to limited regulation. This insurance is NOT covered by the Pennsylvania Property and Casualty Insurance Guaranty Association."

Section 1614. Effect of Payment to Surplus Lines Licensee.—A payment of premium to the [producing broker] writing producer or to a surplus lines licensee acting for a person other than himself in negotiating, continuing or reviewing any contract of insurance under this article shall be deemed to be payment to the insurer, whatever conditions or stipulations may be inserted in the contract notwithstanding.

Section 9. Section 1615 of the act, amended July 10, 2002 (P.L.749, No.110), is amended to read:

Section 1615. Licensing of Surplus Lines Licensee.—(a) No [agent or broker] insurance producer licensed by the department shall transact surplus lines insurance with any nonadmitted insurer unless [such agent or broker] the insurance producer possesses a valid surplus lines [agent's] producer's license issued by the department.

(b) The department shall issue a surplus lines [agent's] producer's license to any resident [or nonresident] of this Commonwealth or to a nonresident who is a qualified holder of a current Pennsylvania property and casualty [broker's] insurance producer's license, but only when the [broker] insurance producer has complied with the following:

(1) Remitted the surplus lines producer license fee to the department.

(2) Submitted a properly completed surplus lines producer license application on a form supplied by the department.

(3) Passed a qualifying examination approved by the department, except that all holders of a license prior to the effective

date of this article shall be deemed to have passed such an examination.

(c) [Corporations and partnerships shall be eligible to be resident or nonresident surplus lines licensees, upon the following conditions:

(1) The corporation or partnership licensee shall list all employees, including at least one active officer or partner, who have satisfied the requirements of this article to become surplus lines licensees.

(2) Only those employees holding a certificate of eligibility may transact surplus lines insurance.] Business entities that are licensed as Pennsylvania insurance producers shall be eligible to be surplus lines licensees, if the business entities do all of the following:

(1) Designate one or more officers or partners licensed under this article to be responsible for compliance with all reporting and recordkeeping required by this article.

(2) Provide to the department a list of all surplus lines licensees associated with and placing surplus lines business through the business entity. The business entity shall provide to the department an updated list of licensees within five (5) business days of a change in association of any licensee. The list shall be available at all times for inspection by the department.

(c.1) A nonresident person whose home state issues surplus lines licenses to residents of Pennsylvania on the same basis and who is licensed in Pennsylvania as a property and casualty producer may be licensed as a surplus lines producer if the person does all of the following:

(1) Is currently licensed as a surplus lines producer and is in good standing in its home state.

(2) Has submitted a complete application for a surplus lines license and has paid the required fees.

(3) Has submitted or transmitted to the department the application for a surplus lines license submitted in its home state or a completed uniform application that complies with section 610-A of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921."

(4) Has complied with all of the provisions of Article VI-A of "The Insurance Department Act of 1921."

(d) Each surplus lines license shall [expire on the last day of February of each year and shall be renewed before March 1 of each year upon payment of the annual fee, in compliance with other provisions of this section. Any surplus lines licensee who fails to apply for renewal of a license before expiration of the current license shall pay a penalty of two times the license fee and be subject to other penalties as provided by law before his license will be renewed.] be:

(1) Issued as follows:

(i) Only in the name of the individual applicant or business entity. A licensee doing business under a fictitious name other than the name appearing on the license shall be required to notify the department in writing prior to use of the fictitious name for the department's consent to use of the name.

(ii) In paper or electronic form.

(iii) For a period not to exceed two (2) years. The following shall apply:

(A) The surplus lines license of a natural person shall expire on the last day of the birth month of the licensee. The initial license cycle may vary to coincide with the expiration cycle of the birth month.

(B) The surplus lines license of a business entity shall expire on the last day of the month in which the license was originally issued.

(2) Nontransferable.

(e) A nonrefundable two hundred dollar (\$200) fee shall accompany an application or renewal for a surplus lines license, unless modified by the department by regulation.

(f) The following shall apply:

(1) A surplus lines licensee that allows the licensee's license to lapse by failing to timely renew the license or by failing to pay the fee required by this act may, within one year of the license renewal date, request the department to reinstate the license. Persons requesting reinstatement shall pay a fee of two times the fee required by this act and may be subject to other penalties as provided by law before the

license will be renewed.

(2) Persons requesting reinstatement of a lapsed license shall submit a completed renewal form and the fee required by this act.

(3) The department shall reinstate a license under this subsection retroactively, with the reinstatement effective on the date the license lapsed, if the department receives a request for reinstatement together with a completed renewal application and payment of the lapsed license fee within sixty (60) days after the license lapsed.

(4) The department shall reinstate a license under this subsection prospectively, with reinstatement effective on the date that the license is reinstated, if the department receives a request for reinstatement of a lapsed license more than sixty (60) days after the license lapsed but within one year after the license lapsed.

(5) If a person applies for reinstatement more than one year after the lapse date, the person must reapply for the license under this act.

Section 10. Section 1616 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1616. Surplus Lines Licensees May Accept Business from [Brokers] Insurance Producer.—A surplus lines licensee may originate surplus lines insurance or accept such insurance from [any broker] an insurance producer duly licensed as to the kind or kinds of insurance involved, and the surplus lines licensee may compensate [such broker therefor] the insurance producer.

Section 11. Section 1619 of the act, amended July 10, 2002 (P.L.749, No.110), is amended to read:

Section 1619. Records of Surplus Lines Licensee.—(a) Each surplus lines licensee shall keep in its office a full and true record of each surplus lines insurance contract placed by or through it, including a copy of the policy, certificate, cover note or other evidence of insurance, showing such of the following items as may be applicable:

(1) Amount of the insurance and perils insured.

(2) Brief description of the risk insured and its location.

(3) Gross premium charged.

(4) Any return premium paid.

(5) Rate of premium charged for each risk insured.

(6) Effective date and terms of the contract.

(7) Name and address of the insured.

(8) Name and address of the eligible surplus lines insurer and any nonadmitted insured involved pursuant to section 1606.

(9) Amount of tax and other sums to be collected from the insured.

(10) Identity of the [producing broker] writing producer, any confirming correspondence from the insurer or its representative and the application.

(11) A copy of the written notice required by section [1408] 1608.

(b) The record of each contract shall be kept open at all reasonable times to examination by the department without notice for a period of not less than five (5) years following termination of the contract.

(c) If the surplus lines licensee is a natural person who is associated with a business entity which is a valid surplus lines licensee, the business entity with which the licensee is associated shall retain the records which are required by this section to be kept by each surplus lines licensee.

Section 12. Sections 1620, 1621 and 1622 of the act, added December 18, 1992 (P.L.1519, No.178), are amended to read:

Section 1620. Monthly Reports.—Within thirty (30) days following the end of each month, each surplus lines licensee shall file with the department, on forms prescribed by the department, a verified report [in duplicate] of all surplus lines insurance transacted during the preceding month.

Section 1621. Surplus Lines Tax.—(a) There is hereby levied a tax of three per centum (3%) on all premiums charged for insurance which is placed with either an eligible surplus lines insurer, other than a risk retention group, or other nonadmitted insurer in accordance with this article, such taxes to be based on the gross premiums charged less any return premiums. This tax shall be in addition to the full amount of

the gross premium charged by the insurer for the insurance. The tax on any unearned portion of the premium shall be returned to the insured.

(b) Neither the surplus lines licensee nor the [producing broker] writing producer shall pay directly or indirectly such tax or any portion thereof, either as an inducement to the insured to purchase the insurance or for any other reason.

(c) The surplus lines licensee shall collect from the insured or the [producing broker] writing producer the amount of the tax at the time of delivery of the initial policy, cover note or other evidence of insurance or at such time thereafter as is reasonably consistent with normal credit terms customary in the business. Each surplus lines licensee shall, on or before January 31 of each year, file with the Department of Revenue a report of all transactions involving the placement of insurance with either an eligible surplus lines insurer or other nonadmitted insurers during the previous calendar year. The report shall set forth the name of the insured, identification of the insurer, the type of insurance, gross premiums charged less any return premiums allowed and the tax due as provided in this section. The remittance for the taxes due shall accompany this report. Such report shall be made on forms prescribed and furnished by the Department of Revenue. A copy of the report shall be filed with the [commissioner] department by the surplus lines licensee. A surplus lines licensee that is a business entity licensee which files the annual premium tax return with the Department of Revenue shall include in its return the premium taxes generated during the year subject to reporting by all licensees associated with said business entity during the reporting period.

(d) In the event that a placement of insurance involves subjects of insurance resident, located or to be performed in one or more states other than this Commonwealth, then the premium taxes provided for in this section shall be levied only on that portion of the premium reasonably ascribable to that portion of the risk situated in this Commonwealth.

(e) With respect to insurance placed with or issued by a risk retention group which is an eligible surplus lines insurer, there is hereby levied a tax of two per centum (2%) on all premiums charged for risks resident, located or to be performed in this Commonwealth. The risk retention group shall be responsible for the payment of the taxes levied in this article in accordance with procedures set forth in Article XV.

(f) The settlement and resettlement of taxes imposed by this article, including the granting of extensions of time to file reports and the rights of the taxpayers to present and prosecute a petition for resettlement, a petition for review or an appeal to court or to file a petition for refund and the imposition of interest and penalties, shall be governed by the provisions of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," as approved in the case of capital stock and franchise taxes.

Section 1622. Tax on Independently Procured Insurance.—The tax provided by section 1621(a) is imposed upon an insured who independently procures insurance on a subject of insurance resident, located or to be performed in this Commonwealth from a nonadmitted insurer or continues or renews such independently procured insurance. The insured shall, within thirty (30) days after the date when such insurance was independently procured, continued or renewed, report such transaction on forms prescribed by the Department of Revenue. This report shall set forth the information required of surplus lines licensees as required in section 1621(c). The tax of three per centum (3%) shall be paid on the date the report is due as provided in this section. If the independently procured insurance covers risks resident, located or to be performed in one or more states other than this Commonwealth, the premium taxes shall be prorated in accordance with provisions in section 1621(d). A copy of such report shall be filed with the [commissioner] department by the insured.

Section 13. Section 1623 of the act, amended July 10, 2002 (P.L.749, No.110), is amended to read:

Section 1623. Suspension, Revocation or Nonrenewal of Surplus Lines Licensee's License.—The department may suspend, revoke or refuse to renew the license of a surplus lines licensee after notice and a

hearing, as provided under the applicable provision of the laws of this Commonwealth, upon any one or more of the following grounds:

(3) Closing of the surplus lines licensee's office for a period of more than thirty (30) business days, unless permission is granted by the department.

(4) Failure to make and file required reports.

(5) Failure to transmit required tax on surplus lines premiums.

(7) Failure to remit premiums due insurers or return premiums due insureds in the normal course of business and within reasonable time limits.

(8) Violation of any provision of this article.

(9) For any other cause for which an insurance [agent's or broker's] producer's license could be denied, revoked or suspended or refused upon renewal.

Section 14. Section 1625 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1625. Penalties.—(a) Any surplus lines licensee who, in this Commonwealth, represents or aids a nonadmitted insurer in violation of this article commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than [one thousand (\$1,000)] two thousand (\$2,000) dollars.

(b) In addition to any other penalty provided for in subsection (a) or otherwise provided by law, including any suspension, revocation or refusal to renew a license, any person[, firm, association or corporation] violating any provision of this article shall be liable to a civil penalty not exceeding [one thousand (\$1,000)] two thousand (\$2,000) dollars for the first offense and not exceeding [two thousand (\$2,000)] four thousand (\$4,000) dollars for each succeeding offense.

(c) The penalties in this section are not exclusive remedies. Penalties may also be assessed under the act of July 22, 1974 (P.L.589, No.205), known as the "Unfair Insurance Practices Act," and any other applicable statute.

Section 15. The act is amended by adding a section to read:

Section 1626. Compliance.—Nothing in this act shall relieve a surplus lines licensee involved in any transaction from compliance with this act or its predecessor acts.

Amend Bill, page 13, line 24, by striking out "3" and inserting 16

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

This amendment is verbatim the same as HB 1415 that this House passed unanimously some months ago. I would ask for an affirmative vote once again in its present form as an amendment to the Senate bill.

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—194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese
Barrar	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Beyer	Frankel	Manderino	Rock
Bishop	Freeman	Mann	Roebuck
Boback	Gabig	Markosek	Rohrer

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

On the question recurring,

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

Mr. **BARBIN** offered the following amendment No. **A05489**:

Amend Bill, page 1, line 12, by striking out "and"

Amend Bill, page 1, line 13, by inserting after "transactions"

; and, in children's health care, repealing expiration of certain provisions

Amend Bill, page 13, by inserting between lines 23 and 24

Section 3. Section 2362 of the act, added November 2, 2006 (P.L.1314, No.136), is repealed:

[Section 2362. Expiration.—This article shall expire December 31, 2010.]

Amend Bill, page 13, line 24, by striking out "3" and inserting 4

Amend Bill, page 13, by inserting between lines 26 and 27

(2) The repeal of section 2362 of the act shall take effect in 60 days.

Amend Bill, page 13, line 27, by striking out "(2)" and inserting (3)

Amend Bill, page 13, line 28, by striking out "(3)" and inserting (4)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

This amendment to SB 237 provides a 3-year extension to the expiration sunset date for the CHIP program (Children's Health Insurance Program). No other changes are made to the program, and we respectfully ask for an affirmative vote on this amendment.

The SPEAKER. On the question, those voting in favor of the amendment will vote "aye"; those opposed—

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Barbin, the amendment before the House is 05489. Are you withdrawing that amendment? The gentleman is withdrawing that amendment.

Mr. BARBIN. Mr. Speaker, I will withdraw the amendment and let it proceed with the leader.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

RULES SUSPENDED

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

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to suspend the rules to offer amendment A5701.

The SPEAKER. If members will go to their PDF (portable document format) file on their computers, they will find amendment A05701.

The majority leader moves that the House do suspend its rules for the immediate consideration of amendment A05701.

On the question,

Will the House agree to the motion?

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

On the suspension, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, just a quick summary, this is a 3-year extension of the CHIP, Children's Health Insurance Program, law. It is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. S. SMITH. Thank you, Mr. Speaker.
 I would support the—
 The SPEAKER. The Chair recognizes the minority leader.
 Mr. S. SMITH. Call me anything, just do not call me late for dinner, is the old line, Mr. Speaker.
 Mr. Speaker, I support the motion to suspend the rules as the majority leader indicated that we were able to come to an agreement on the 3 years. We thought that was more reasonable than the other versions that had been proposed, and I would ask the members to support the motion to suspend. Thank you.

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—175

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

NAYS—19

Benninghoff	Gabig	Metcalfe	Rock
Creighton	Gillespie	Metzgar	Rohrer
Cutler	Grell	Murt	Schroder

Day	Kauffman	Perry	Tallman
DeLozier	Keller, M.K.	Roae	

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

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

Mr. **BARBIN** offered the following amendment No. **A05701**:

- Amend Bill, page 1, line 11, by inserting after "laws,""
 in general provisions relating to insurance companies,
- Amend Bill, page 1, line 12, by striking out "and"
- Amend Bill, page 1, line 13, by inserting after "transactions"
 ; and, in children's health care, further providing for
 expiration of certain provisions
- Amend Bill, page 13, by inserting between lines 23 and 24
 Section 3. Section 2362 of the act, added November 2, 2006
 (P.L.1314, No.136), is amended to read:
 Section 2362. Expiration.—This article shall expire December 31,
 [2010] 2013.
- Amend Bill, page 13, line 24, by striking out "3" and inserting
 4
- Amend Bill, page 13, by inserting between lines 26 and 27
 (2) The amendment of section 2362 of the act shall take
 effect in 60 days.
- Amend Bill, page 13, line 27, by striking out "(2)" and inserting
 (3)
- Amend Bill, page 13, line 28, by striking out "(3)" and inserting
 (4)

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

With the amendment number correction, this bill is limited to extending the time period for the sunset for the CHIP program from December 31, 2010, to December 31, 2013. I respectfully ask that this amendment be accepted.

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

The following roll call was recorded:

YEAS—194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1800, PN 2336**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption of persons, entities and vehicles from fees.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—194

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

Denlinger	Kauffman	Perry	Wansacz
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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.

RESOLUTIONS PURSUANT TO RULE 35

Ms. HARPER called up **HR 594, PN 3103**, entitled:

A Resolution designating February 7 through 14, 2010, as "Congenital Heart Defect Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Creighton	Helm	O'Neill	Tallman
Cruz	Hennessey	Oberlander	Taylor, J.
Curry	Hess	Oliver	Taylor, R.
Cutler	Hickernell	Pallone	Thomas
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wansacz
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. GOODMAN called up **HR 595, PN 3115**, entitled:

A Resolution commemorating February 16, 2010, as "Lithuanian Independence Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. ROEBUCK called up **HR 604, PN 3137**, entitled:

A Resolution designating the month of February 2010 as "Career and Technical Education Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longietti	Reed
Barbin	Fairchild	Maher	Reese
Barrar	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Beyer	Frankel	Manderino	Rock
Bishop	Freeman	Mann	Roebuck
Boback	Gabig	Markosek	Rohrer
Boyd	Gabler	Marshall	Sabatina
Boyle	Galloway	Marsico	Sainato
Bradford	Geist	Matzie	Samuelson
Brennan	George	McGeehan	Santarsiero
Briggs	Gerber	Melio	Santoni
Brooks	Gergely	Metcalfe	Saylor
Brown	Gibbons	Metzgar	Scavello
Burns	Gillespie	Miccarelli	Schroder
Buxton	Gingrich	Micozzie	Seip

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. READSHAW called up **HR 607, PN 3151**, entitled:

A Resolution observing February 12, 2010, as the 201st anniversary of the birth of Abraham Lincoln, the 16th President of the United States.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longietti	Reed
Barbin	Fairchild	Maher	Reese
Barrar	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Beyer	Frankel	Manderino	Rock
Bishop	Freeman	Mann	Roebuck
Boback	Gabig	Markosek	Rohrer
Boyd	Gabler	Marshall	Sabatina
Boyle	Galloway	Marsico	Sainato

Bradford	Geist	Matzie	Samuelson
Brennan	George	McGeehan	Santarsiero
Briggs	Gerber	Melio	Santoni
Brooks	Gergely	Metcalfe	Saylor
Brown	Gibbons	Metzgar	Scavello
Burns	Gillespie	Miccarelli	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro
Carroll	Goodman	Miller	Siptroth
Casorio	Grell	Milne	Smith, K.
Causer	Grove	Mirabito	Smith, M.
Christiana	Grucela	Moul	Smith, S.
Civera	Haluska	Mundy	Solobay
Clymer	Hanna	Murphy	Sonney
Cohen	Harhai	Murt	Staback
Conklin	Harhart	Mustio	Stern
Costa, D.	Harkins	Myers	Stevenson
Costa, P.	Harper	O'Brien, D.	Sturla
Cox	Harris	O'Brien, M.	Swanger
Creighton	Helm	O'Neill	Tallman
Cruz	Hennessey	Oberlander	Taylor, J.
Curry	Hess	Oliver	Taylor, R.
Cutler	Hickernell	Pallone	Thomas
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wansacz
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGrolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. READSHAW called up **HR 608, PN 3152**, entitled:

A Resolution designating the week of February 15 through 21, 2010, as "Random Acts of Kindness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. READSHAW called up **HR 610, PN 3154**, entitled:

A Resolution designating March 1, 2010, as "Saint David's Day" to be observed throughout this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCAVELLO called up **HR 611, PN 3159**, entitled:

A Resolution celebrating the accomplishments of African American Lonnie Carmon during "Black History Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. M. KELLER called up **HR 612, PN 3160**, entitled:

A Resolution designating the week of February 22 through 28, 2010, as "FFA Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Perry County, Representative Keller.

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

I just want to bring to the members' attention that we are recognizing the FFA (Future Farmers of America) week from February 22 through 28. With some scheduling difficulties, we were not able to bring the State officers to the floor, but we do want to recognize them, that agriculture started out in the beginning with FFA and it has reached a broad spectrum of leadership. These people that are in the FFA, these young ladies and gentlemen, are our future leaders, and we certainly need to continue to support them. As their motto says, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve."

There are more than 500,000 FFA members in 50 States across this United States, and hopefully the resolution will be passed and I will be presenting that resolution to the State president, Molly Walmer, who happens to be Representative Gingrich's constituent. So I would appreciate an affirmative vote on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese
Barrar	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Beyer	Frankel	Manderino	Rock
Bishop	Freeman	Mann	Roebuck
Boback	Gabig	Markosek	Rohrer
Boyd	Gabler	Marshall	Sabatina
Boyle	Galloway	Marsico	Sainato
Bradford	Geist	Matzie	Samuelson
Brennan	George	McGeehan	Santarsiero
Briggs	Gerber	Melio	Santoni
Brooks	Gergely	Metcalfe	Saylor
Brown	Gibbons	Metzgar	Scavello
Burns	Gillespie	Miccarelli	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. WHEATLEY called up **HR 617, PN 3177**, entitled:

A Resolution recognizing February 7, 2010, as "National Black HIV/AIDS Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese
Barrar	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Beyer	Frankel	Manderino	Rock
Bishop	Freeman	Mann	Roebuck
Boback	Gabig	Markosek	Rohrer
Boyd	Gabler	Marshall	Sabatina
Boyle	Galloway	Marsico	Sainato
Bradford	Geist	Matzie	Samuelson
Brennan	George	McGeehan	Santarsiero

Briggs	Gerber	Melio	Santoni
Brooks	Gergely	Metcalfe	Saylor
Brown	Gibbons	Metzgar	Scavello
Burns	Gillespie	Miccarelli	Schroder
Buxton	Gingrich	Micozzie	Seip
Caltagirone	Godshall	Millard	Shapiro
Carroll	Goodman	Miller	Siptroth
Casorio	Grell	Milne	Smith, K.
Causer	Grove	Mirabito	Smith, M.
Christiana	Grucela	Moul	Smith, S.
Civera	Haluska	Mundy	Solobay
Clymer	Hanna	Murphy	Sonney
Cohen	Harhai	Murt	Staback
Conklin	Harhart	Mustio	Stern
Costa, D.	Harkins	Myers	Stevenson
Costa, P.	Harper	O'Brien, D.	Sturla
Cox	Harris	O'Brien, M.	Swanger
Creighton	Helm	O'Neill	Tallman
Cruz	Hennessey	Oberlander	Taylor, J.
Curry	Hess	Oliver	Taylor, R.
Cutler	Hickernell	Pallone	Thomas
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wansacz
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Rapp	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. SCAVELLO called up **HR 618, PN 3178**, entitled:

A Resolution recognizing Garland H. Lipscomb, United States Department of Agriculture-Natural Resources Conservation Service Retired Pennsylvania State Soil Scientist.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Everett	Levdansky	Readshaw
Baker	Fabrizio	Longiatti	Reed
Barbin	Fairchild	Maher	Reese

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. SIPTROTH called up **HR 623, PN 3186**, entitled:

A Resolution recognizing the month of March 2010 as "National Nutrition Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

* * *

Mr. SIPTROTH called up **HR 624, PN 3187**, entitled:

A Resolution recognizing March 10, 2010, as "Registered Dietitian Day" in Pennsylvania and expressing appreciation for the contributions to good health made by registered dietitians.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Kotik	Ross	Wagner
Belfanti	McI. Smith		

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1186 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, in the well we would like to wish Wally and his lovely wife, Sandy Macon, happy anniversary. Thirty-eight year anniversary today, Wally? Congratulations.

STATEMENT BY MR. BARBIN

The SPEAKER. The gentleman from Cambria County, Representative Barbin, asks to be recognized under unanimous consent. I would ask for the attention of the members. The gentleman will yield. The House will come to order.

There will be no further votes.

The gentleman, Mr. Barbin, is being recognized under unanimous consent for an announcement to the House. Will the members please take their seats and come to order.

The gentleman, Mr. Barbin, is recognized under unanimous consent.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise today to ask for the House to take a moment to say a prayer for Congressman Murtha's family. He passed away today. Johnstown, Pennsylvania and the United States have lost a real defender for veterans, for our national defense, and for the issues of the middle class, and for that, I would like also as a former member of this General Assembly, I think it is appropriate for us to take a moment and just say a prayer for his family.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

We will do a formal resolution, and at that time we will do a moment of silence for Congressman Murtha.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. Does the gentleman from Allegheny County, Representative Markosek, wish to be recognized?

Mr. MARKOSEK. Thank you, Mr. Speaker.

I was not expecting that solemn interlude there, and I offer my condolences as well to the Murtha family. He did represent a part of my current district as well at one time.

I did really seek recognition just to make an announcement about a Transportation Committee meeting tomorrow, which will start 15 minutes sooner than we had originally announced, at 9:15 tomorrow morning, in room G-50.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Transportation Committee meeting tomorrow at 9:15 a.m. in room G-50.

STATEMENT BY MR. DALEY

The SPEAKER. The Chair recognizes the gentleman from Washington County, Representative Daley, under unanimous consent.

Mr. DALEY. Thank you, Mr. Speaker.

I also rise, Congressman Murtha represented Washington and Fayette Counties. I have known Jack for a long time. He has done remarkable things. He is sorely going to be missed by my constituents in Washington and Fayette Counties, and I know I speak on behalf of the Washington and Fayette County delegation in honor of his memory as a Congressman and as a leader in this country, and as a great Pennsylvanian. Our prayers and our hearts go out to his family, his wife, and God bless Jack Murtha.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. ADOLPH

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

Mr. ADOLPH. Thank you, Mr. Speaker. For the purpose of an announcement.

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

Mr. ADOLPH. Immediately following the adjournment, we are going to have a House Republican Appropriation Committee meeting regarding the budget back in the Republican conference room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative McGeehan.

Mr. MCGEEHAN. Thank you, Mr. Speaker. I want to make an announcement.

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

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee meeting scheduled for 9 a.m. on Wednesday is canceled due to the impending storm.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, we would ask that you arrive to the floor promptly at 10 o'clock so we can take the master roll and have the Senate, immediately after our master roll, join us in joint session. The Governor will deliver his budget address promptly at 10:30 a.m. tomorrow.

So please be on the House floor 10 o'clock sharp for master roll.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Speaker has in his possession an adjournment motion made by Representative Perry from York County, who moves that this House do now adjourn until Tuesday, February 9, 2010, at 10 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:17 p.m., e.s.t., the House adjourned.