

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MARCH 16, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 13

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

FATHER PHILIP LOWE, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

Let us pray:

Dear God, we praise You, for You are the source of all good. We thank You for the blessings of faith, family, and freedom. We ask Your protection of and blessing on these faithful servants of the Commonwealth of Pennsylvania. May their deliberations and decisions foster the common good so that all may live in a just and peaceful society. May they be instruments of justice and peace as they counter hatred with love, salve injury with pardon, value unity over discord, live faith to remove doubt, foster truth to correct error, share hope to quell despair, reflect joy to alleviate sadness, and beam light in the midst of darkness. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker grants permission to the Judiciary Committee and the Local Government Committee to continue to meet until 11:15.

Members will please report to the floor of the House.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2331** By Representatives METCALFE, BAKER, BENNINGHOFF, CREIGHTON, GABLER, GEIST, HESS, HUTCHINSON, KAUFFMAN, M. KELLER, MILLER, MOUL, MURT, PHILLIPS, RAPP, READSHAW, ROAE, ROCK, ROHRER, SCHRODER, STEVENSON, SWANGER and TALLMAN

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

Referred to Committee on STATE GOVERNMENT, March 16, 2010.

**No. 2332** By Representatives REESE, TURZAI, MUSTIO, BOYD, CHRISTIANA, CONKLIN, CREIGHTON, DALEY, GABLER, GRELL, HARHAI, JOSEPHS, KAUFFMAN, KRIEGER, LEVDANSKY, MARKOSEK, McILVAINE SMITH, METZGAR, MURT, PYLE, REED, ROAE, ROCK, M. SMITH, SWANGER, TALLMAN, VULAKOVICH, WHITE and FARRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Referred to Committee on STATE GOVERNMENT, March 16, 2010.

**No. 2333** By Representatives CALTAGIRONE, SIPTROTH, MANN, SOLOBAY, CARROLL, D. COSTA, DeLUCA, HARKINS, MAHONEY, PYLE, REICHLEY, THOMAS, VULAKOVICH and YOUNGBLOOD

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the definition of "superannuation age."

Referred to Committee on JUDICIARY, March 16, 2010.

**No. 2334** By Representatives STEVENSON, HELM, QUINN, ADOLPH, BOYD, BUXTON, CARROLL, CREIGHTON, ELLIS, J. EVANS, FAIRCHILD, GEIST, GINGRICH, GRELL, HARHART, HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, M. KELLER, KILLION, KORTZ, KULA, LONGIETTI, MARSICO, MOUL, MURT, O'NEILL, PALLONE, PASHINSKI, PICKETT, REICHLEY, SAYLOR, SIPTROTH, SONNEY, STERN, TRUE, VULAKOVICH, WATSON and MARSHALL

An Act providing for the registration of appraisal management companies, for the powers of the State Board of Certified Real Estate Appraisers with respect to appraisal management companies, for the responsibilities and duties of registered appraisal management companies, for prohibited activities and for discipline.

Referred to Committee on PROFESSIONAL LICENSURE, March 16, 2010.

**SENATE MESSAGE****AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 526, PN 3169**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**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 206, PN 450**

An Act prohibiting limitations on the wearing of official military uniforms on school property; and imposing a penalty.

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

**JOURNAL APPROVAL POSTPONED**

The SPEAKER. Without objection, approval of the Journal of Monday, March 15, 2010, will be postponed until printed. The Chair hears no objection.

The House will come to order.

**LANCASTER CATHOLIC HIGH SCHOOL  
FOOTBALL TEAM PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Bear, for the purpose of an announcement and a presentation of a citation.

Mr. BEAR. Thank you, Mr. Speaker.

Mr. Speaker, members of the House, the Lancaster County delegation would like to welcome the 2009 PIAA State Class AA Football Champions, Lancaster Catholic High School, to Harrisburg.

Joining me are head coach Bruce Harbach and his five captains – Andrew Heise, Ross Hall, Hans Kessler, Andrew Millay, and Kyle Smith – and what they were able to do this year has been really remarkable. The Crusaders finished the season 15 and 1 to win their first PIAA State football championship under the expert guidance of head coach Bruce Harbach and with the help of many assistant coaches and trainers.

The mark of a true champion is consistency, which is the result of great coaching, hardworking players, teamwork, and the support of loyal fans.

It is our distinct pleasure to present Lancaster Catholic with a House citation commemorating this wonderful season. Let us give the team and its coaches, seated in the back of the chamber, a warm House welcome and congratulate them on their State championship.

The SPEAKER. Will the guests please rise.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome some guests to the hall of the House. In the well of the House, the Chair welcomes Daniel Stevens and Kelsey Rotz, who attend Bible Baptist School and are here today serving as guest pages. They are the guests of Representative Sheryl Delozier. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Casey O'Bannon and daughter Vivian O'Bannon. They are the guests of Representative Kathy Manderino. Will the guests please rise. Welcome to the hall of the House.

In the balcony, the Chair welcomes the Pennsylvania State FFA (Future Farmers of America) officers: Molly Walmer; Tyler Funk; Brittany Wilmer; Allison Hoover; Caleb Wright; Billy Boring; Samantha Barrick-Poust; Alexandria Spease; Heather Miller; Coty Covert; Billy Saylor; and the executive director and manager, Mike Brammer. They are the guests of Representative Mark Keller. Will the guests please rise. Welcome to the hall of the House.

Also in the balcony, the Chair welcomes Cory Reitz, Ashley Vincent, Brian Gould, Cody Steele, and adviser Kyle Norman from the Brockway FFA visiting the Capitol today. They are the guests of Minority Leader Sam Smith. Will the guests please rise. Welcome to the hall of the House.

**PHILADELPHIA CONSULAR CORPS  
ASSOCIATION INTRODUCED**

The SPEAKER. For the information of the members, we have some special guests in the rear of the hall. They are representatives of the Philadelphia Consular Corps Association. The members of the Philadelphia Consular Corps represent 33 countries and are responsible for enhancing and coordinating relationships between their respective countries and the greater Philadelphia region.

The Philadelphia Consular Corps was first established in the United States and is still one of the largest Consular Corps in the country.

The focus of the corps is to improve trade, economy, education, culture, and science. Working together, we are able to strengthen our relations with foreign countries as well as broaden our views of global community.

Prior to today, we have hosted several of the consul generals in the House, but we have never hosted the entire delegation. We recognize the corps today for their service and importance to both Pennsylvania and the United States. Members of the corps are credited with developing access for business and industry, building partnerships for cultural exchange, and assisting with information sharing on various issues including disease control and prevention and educational advancements.

Here with us today are the honorary consul and president of the Philadelphia Consular Corps, the Honorable Albert Momjian, and the immediate past president of the Philadelphia Consular Corps, Consul General Georgia Athanasopoulos. We are also joined by 17 other members of the corps, each representing a different country – from Canada and Chile, to Italy, Israel, Latvia, Norway, Spain, Sweden, and Switzerland. We are also joined and we welcome our Secretary of State, Pedro Cortés. Will all of you welcome our guests to the hall of the House.

**NATIONAL GUARD DAY****REMARKS BY SPEAKER**

The SPEAKER. We have another introduction that I would like to make, and before I do, in times of war and in times of peace, Pennsylvania, its citizens, and the nation have relied on the dedication and skill of the Pennsylvania National Guard, our citizen soldiers.

The Pennsylvania National Guard is composed of Pennsylvania Army National Guard and the Pennsylvania Air National Guard and is one of the largest National Guards in the nation. It has the largest Army National Guard of all States and the fourth largest Air National Guard. It is one of the top 10 employers in the Commonwealth with about 3,000 of its members serving full time and the remaining 16,000 who are trained on a part-time basis while pursuing a civilian education or career.

Pennsylvania also has the distinction of being among the leaders in the nation in the formation of its National Guard. Benjamin Franklin, one of the nation's Founding Fathers, formed what was to become known as the Pennsylvania National Guard in 1747 and designed the unit crest, which is still used today.

The commander of the 19,000-member Pennsylvania National Guard is Maj. Gen. Jessica Wright, who is responsible for oversight of Pennsylvania headquarters, which are located at Fort Indiantown Gap right here in central Pennsylvania, as well as the armories and air bases in approximately 90 communities.

It is the men and women of the Pennsylvania National Guard that are its greatest strength. As the words of the official National Guard song note, "Defending freedom, protecting dreams. This is the spirit of what it means to me. For my God and my home that I love; I Guard America."

Throughout this nation's history, we can trace the bravery and dedication of National Guard members – from the Revolution through the Civil War, World War I, and World War II to today. For hundreds of years, these men and women have risked their lives for democracy, freedom, and our safety. When a disaster strikes, the Pennsylvania National Guard is there. When our country fights the war on terror, our National Guard is there, and their sacrifice is real.

Last May, Spc. Chad A. Edmundson of Williamsburg, Blair County, was on a dismounted foot patrol with the Iraqi army when a bomb detonated. At the age of 20, this brave Pennsylvanian gave his life protecting and defending our nation's ideals and freedoms.

Please join me in a moment of silence to honor the ultimate sacrifice made by Spc. Chad Edmundson and so many others.

(A moment of silence was observed.)

The SPEAKER. The Chair thanks the members.

**S. SGT. GREGORY LUCAS INTRODUCED**

The SPEAKER. Before I ask Pennsylvania's Adjutant General to step forward, I would like to recognize another young man who has proudly served in the Pennsylvania National Guard and returned to his job here in the Capitol Building as security administrator in Democratic Information

Technologies in the House of Representatives on January 23 of this year. S. Sgt. Gregory Lucas was a member of Company E, 2d Battalion, 104th Aviation, under the 28th Combat Aviation Brigade, and served under Representative Scott Perry. He activated in January 2009 and served in eastern Iraq, supporting aviation assets in southern Iraq at four refueling points.

Staff Sergeant Lucas, would you please rise, and he is accompanied by his lovely wife, Mary Ann Lucas. Welcome to the hall of the House.

Thank you for your service and dedication, and welcome home.

**REMARKS BY  
MAJ. GEN. JESSICA WRIGHT**

The SPEAKER. From war to civil strife to natural disasters, the men and women of the Pennsylvania National Guard are our first defenders.

I now have the privilege of introducing the individual who is responsible for command, control, and supervision of the Army and Air National Guard units in Pennsylvania, the Adjutant General of Pennsylvania, Maj. Gen. Jessica Wright.

MAJOR GENERAL WRIGHT. Thank you very much. Thank you.

Good morning, Speaker McCall, members of this House, distinguished guests, and friends of the National Guard.

I am honored to be with you today to represent the finest men and women that this Commonwealth and this country has to offer.

There is an adage in the National Guard that the National Guard is comprised of ordinary people doing extraordinary things. They are your neighbors, your friends, your coworkers, and in some cases, your family. This statement rings true in this great House of Representatives. Two members of the House are recent war veterans of the Iraqi war – Representative Scott Perry and Representative Nick Miccarelli. They are members of the 28th Combat Aviation Brigade. They, alongside 1,000 Pennsylvania members, were part of a team that accomplished milestone missions in southern Iraq. Using Chinooks, Apaches, and Black Hawk helicopters, the brigade flew in excess of 25,000 hours and moved more than 60,000 passengers and 2.5 million pounds of cargo – truly remarkable achievements. Welcome home, Scott and Nick. I am happy that you are back.

I am also honored to have with me this morning three members of our Pennsylvania National Guard family who deserve notable recognition, and I would ask that you hold your applause until the end, please.

The first is Lu-Ann Kubicar. She is the vice chair of the 28th Combat Aviation Brigade's Family Readiness Group. Even as a busy mom of two, a full-time job, and her husband deployed to a combat zone, Lu-Ann volunteered her almost nonexistent free time as the unit's Family Readiness coordinator for 6 years. She organized a number of events, putting the welfare of others, especially those of deployed soldiers, well in front of her own needs. Lu-Ann, thank you.

The second is S. Sgt. Joshua Hedetniemi. He has recently returned home with the Stryker Brigade from Iraq. This was his second deployment. During his two tours, Joshua amassed an amazing 600, 600 combat missions while wearing that keystone patch on his right sleeve. During one of the missions, his

convoy was attacked by a suicide car bomber, which set the Humvee in front of him on fire. With no regard for his safety, he ran to that burning Humvee and he helped pull four trapped soldiers from that flaming wreckage. Due to his heroic efforts, everyone, everyone in that burning Humvee survived, and he was awarded the Bronze Star with "V" for valor. Thank you very much, Joshua.

The third individual I would like to recognize is T. Sgt. Monica Scarazzo. She is a member of Middletown's 193d Special Operations Wing. She joined the Air Guard in 2002 and has accumulated since then an astounding 1,420 flying hours in both the EC-130E and the EC-130J Commando Solo aircrafts. She participated in Operation Iraqi Freedom, she participated in Enduring Freedom, and most recently she supported the Haitian relief efforts. Her decorations include the Air Medal, the Air Force Achievement Medal, and the Global War on Terrorism Expeditionary Medal. Every day I come to work and I am blessed with people just like Monica. Monica, thank you.

These are just three ordinary people doing extraordinary things. And if I could go off script for a moment, we have a lot of guardsmen in the audience today, and these are just three fine examples of our guardsmen, but in the back of the room we have several. Please stand and be recognized. You are amazing citizen soldiers. I am honored to work with these fine soldiers and airmen of the Pennsylvania National Guard.

Today our Pennsylvania National Guard, some 19,000 members, remains one of the strongest, best equipped, and readied forces in the nation. Our soldiers are complemented by 3,000 civilian employees that add value to the Department of Military and Veterans Affairs.

Just last month our department was called once again to State active duty after two record snowfalls stranded hundreds of motorists and immobilized emergency responders across the Commonwealth. On very short notice, 1700 of us, soldiers and airmen, stepped forward to volunteer, extending that helping hand to the great citizens of Pennsylvania. Working sometimes under whiteout conditions, they completed more than 1,000 missions, including transportation of ill patients to hospitals and assisting the State Police with transportation and rescuing and providing food and comfort to stranded motorists.

Bill Abbott and Jim Butler from Blair County were both trapped on a remote road for an extended period of time, but they were rescued by our soldiers. In a thank-you letter written "with extreme gratitude," they said, "It is all too often that people overlook the valuable assistance that the National Guard provides to the public – especially in times of great danger."

While I truly appreciate these letters of appreciation, there is no doubt that all of this work – all of these missions – serving in two combat zones, providing relief in Haiti, supporting a number of defense missions around the globe, and at the same time, extending a helping hand here – comes at great sacrifice for our guardsmen.

Since our meeting last year, we lost another warrior. The Speaker mentioned him earlier, Spc. Chad Edmundson, only 20, from Blair County, killed by an IED (improvised explosive device) in Abu Ghraib. Specialist Edmundson was a dynamic young soldier with enormous potential and a bright future. We will forever mourn his loss.

Our total number of losses now is 46, 34 of whom were killed in action; 12 were killed on duty, nonhostile. Last fall on a football field in Hershey, the best high school athletes of

Pennsylvania and the best from Ohio tested their mettle on the gridiron. Although the game is called the Big 33, there were actually 34 players. In a moving tribute to our fallen, each player represented one warrior. As they honored their sacrifice, we must continue to do so every day. We must never forget those we have lost and those that have given all for our freedom.

In closing, I want to thank each of you in the House for everything that you do to support our great National Guard. You work diligently to provide for our soldiers and our airmen, our families and our civilians, and our veterans, and they benefit from your hard work, and you give them the care they deserve. Thank you for your efforts.

God bless this Commonwealth and the United States of America. Thank you.

The SPEAKER. Again, thank you all for your commitment and sacrifice to this great Commonwealth and nation.

### 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 a leave of absence for the gentleman, Representative DALEY, from Washington County for the day. Without objection, the leave will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for Representative MICCARELLI from Delaware County for the day. Without objection, the leave will be granted.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—196

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

**APPROPRIATIONS COMMITTEE MEETING**

**DEMOCRATIC CAUCUS**

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

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, there will be an immediate Appropriations Committee meeting in the majority caucus room.

Following 15 minutes after that meeting, a Democratic Caucus meeting in the majority caucus room, and we will be back on the floor no more than a half an hour after the Democratic caucus. It should be a short Democratic caucus. I would estimate 12:15 to 12:30 for our return to the floor. Okay. Let us call it 12:30; I apologize.

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

**REPUBLICAN CAUCUS**

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to call a Republican caucus at noon. I would ask Republicans to please report to caucus at noon. Thank you.

The SPEAKER. The Chair thanks the lady.

Any further announcements?

**STATE GOVERNMENT COMMITTEE MEETING**

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Just to remind folks, the State Government Committee will meet at 12:15, room G-50. We will take up HB 1600, HB 1434, HB 2299, any other business that comes before us, and we will conclude in time, I trust, to get back on the floor at 12:30. Thank you.

The SPEAKER. The Chair thanks the lady.

There will be a State Government Committee meeting at 12:15 in room G-50.

Any further announcements?

**RECESS**

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

**AFTER RECESS**

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

**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,  
March 15, 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 22, 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 22, 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.

**BILL REREPORTED FROM COMMITTEE****SB 126, PN 1740** By Rep. D. EVANS

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, for liquefied ammonia gas, precursors and chemicals, for methamphetamine production, for operating a methamphetamine laboratory and illegal dumping of methamphetamine waste and for environmental costs.

## APPROPRIATIONS.

The SPEAKER. That bill will go to the House supplemental calendar.

**BILL REREPORTED FROM COMMITTEE****SB 888, PN 1774** (Amended) By Rep. D. EVANS

An Act designating the bridges on Route 28 in the Boroughs of Etna and Sharpsburg, Allegheny County, as the Chief Warrant Officer Michael J. Novosel Memorial Bridges; and making a related repeal.

## APPROPRIATIONS.

The SPEAKER. That bill will go to the House calendar.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED****HB 1464, PN 3370** (Amended) By Rep. HANNA

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for definitions; and providing for applicability.

## AGRICULTURE AND RURAL AFFAIRS.

**HB 1882, PN 2498** By Rep. CALTAGIRONE

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

## JUDICIARY.

**HB 2189, PN 3372** (Amended) By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children; and defining the offense of dissemination of prohibited materials by minors via electronic communications.

## JUDICIARY.

**HB 2273, PN 3371** (Amended) By Rep. HANNA

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in domestic animals, further providing for application.

## AGRICULTURE AND RURAL AFFAIRS.

**SB 1169, PN 1775** (Amended) By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

## JUDICIARY.

**CALENDAR****RESOLUTIONS PURSUANT TO RULE 35**

Mr. D. O'BRIEN called up **HR 667, PN 3293**, entitled:

A Resolution recognizing the month of April 2010 as "Autism Awareness Month" and April 2, 2010, as "World Autism Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Dennis O'Brien.

Mr. D. O'BRIEN. Thank you very much, Mr. Speaker.

First, I would like to thank this General Assembly for being a part of a statewide, national, and international conversation.

I stand before you as the uncle of Christopher Maurer, and unfortunately, a year ago, February 15, Christopher died of a seizure related to autism. He was my inspiration. And at the funeral so many people walked by, and the first lady, I will never forget, at the viewing said, "You know, Mr. O'Brien, autism isn't something you want in your family, but I never would have suspected that the best friends that I have in the entire world are the families that I have met through my son's disability."

The SPEAKER. Will the gentleman yield. Will the gentleman yield.

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

The gentleman may proceed.

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

But the reality is that before Christopher passed, I was able to impact thousands of lives because of Chris's inspiration.

And as I look out, I want to thank all the partners in this conversation over the years, those dads that are a part of this General Assembly, the uncles, and the friends of so many families that have created a wonderful dialogue in Pennsylvania and beyond.

The individuals that I have met with disabilities have changed my life. They have made me a better dad, they have made me a better legislator, but most importantly, they have made me a better person.

Seven years ago I remember being in the Capitol Rotunda, and we had no services in Pennsylvania. We were probably ranked 47th or 48th in the country. We looked at this issue as being at the bottom of the mountain with no tools, no tools

whatsoever available to climb that mountain. Well, I can say honestly, because of this partnership, we have gotten to the top of the mountain and now we can see way in the distance because we have a long way to go, but at least we have identified that direction.

I want to personally thank Governor Rendell for being very supportive in this conversation, and I want to thank the legislative leaders on both sides of the aisle. I want to especially thank Estelle Richman. The work that she did in Pennsylvania is unparalleled. I want to thank Nancy Minshew, the world-leading researcher at the University of Pittsburgh; David Mandell from the University of Pennsylvania/CHOP (Children's Hospital of Philadelphia); and Nina Wall-Cote, who is the director of the first Bureau of Autism Services in the United States of America.

And while I am talking about firsts, let me just inform you of the firsts that happened in Pennsylvania.

First was the Autism Task Force – 300-plus people. In any conversation, you would think that was unimaginable, but what we decided was half of those individuals had to be parents. So we designed the programs in Pennsylvania through the eyes of the people that we were trying to serve, and we valued those parents as partners because they know their child better than anybody. The Autism Task Force, that blueprint, not only remains our blueprint in Pennsylvania, but it is the defining document across this country and beyond.

We have the first Centers of Excellence in Pennsylvania. There are only going to be six in the United States. Two of them are here in Pennsylvania – the University of Pittsburgh and Drexel University – but we did not stop there. We convinced the University of Pennsylvania/Children's Hospital of Philadelphia, the Children's Hospital of Pittsburgh, and Carnegie Mellon to share in those awards. There is no State in this country that can match that level of infrastructure in this conversation. We have taken that research and we have created three regional centers in the eastern, western, and central parts of the State. So we took the education, we took the trainers of trainers, we took the parent information, and we combined those in a concerted, collaborative effort, and that defines where we are going in the future.

We created a biobehavioral unit at Western Psych. We all can remember the wonderful deeds at Children's Seashore House in Philadelphia. When that biobehavioral unit disappeared, our children in Pennsylvania had to go to Kennedy Krieger. When they go down there at an exorbitant cost, they do not come back to Pennsylvania, and we pay for those out-of-State placements 100 percent out of taxpayer dollars. Well, because of that biobehavioral unit – and that will be regionalized so that parents do not have to go more than an hour or 2 hours when their child has a meltdown – we will keep them in Pennsylvania, because fiscally it is the right thing to do, but more importantly, it is important to keep those families together.

Another first, the first adult waiver in the history of the United States, the first, because children did not receive any programs after 21. So everything that we did up to that point, they would regress. We created an ACAP program (Adult Community Autism Program). I just want to explain this because this is so fundamental, so very fundamental. We negotiated with CMS (Centers for Medicare & Medicaid Services) for 7 years. We brought in a managed-care partner; we brought in a group of people who understand Medicaid services,

and then we took our experts in Pennsylvania and we defined a system that would enable those individuals to be successful across the fiscal, the behavioral, and the community supports, and we capitated it, but while we were negotiating, they came up with 5,000 reasons that we could not do it, and I have a copybook in my office where we listed every one of those 5,000. So not only did we fix this program for the individuals with autism, but we created a template for CMS that is going to go to every State in the United States saying you have to adopt that model if you are going to get medical assistance payments. That is a first; that is a first.

We also have a census report through David Mandell at the University of Pennsylvania. We now know that there are 20,000 individuals with autism. We know where they are in every one of your counties. Without violating HIPAA (Health Insurance Portability and Accountability Act), we also know what level of service they are, where they are in the spectrum. We also know when they are going to impact the system. We, Mr. Speaker, have done a lot for autism in Pennsylvania, but now that we know what that map is, we cannot ignore it. We have to invest in this future for ourselves and for the future of those families.

Last but not least, I cannot thank you enough for supporting my initiative, our initiative, for creating the most comprehensive autism insurance plan in the United States of America. All these services would not be possible if you could not pay for them, if you did not identify those funding streams.

The collaboration and the inclusive conversations that we have launched in Pennsylvania are unparalleled between our academic health centers, our institutions of higher learning. Our institutions of higher learning, as we speak, are creating wonderful undergraduate and graduate degrees specific to autism. We have at least one university that has taken the listing of adult services – that again is unique to Pennsylvania – and is combining, combining three curriculums. There are special ed, there are nursing, and there are sociology degrees to comprehensively manage and take possession and drive these adult services out in the community.

Together, these accomplishments form a conversation that has established us as a national leader.

And, Mr. Speaker, when we talk about the budget, we cannot just look at one agency or one bureau, like the Bureau of Autism Services, because their services are coordinated through many agencies, and if one of those services falls apart, this whole fragile model breaks down and we fail. So we have to be thoughtful in this process.

I ask for your continued support, and I express my gratitude for everything that you have done for these families. Thank you very much.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to stand and echo the sentiments of Representative O'Brien, who has truly been a lighthouse on this issue.

But I also want to stand and thank my colleagues. It was 21 years ago that I stood in the Speaker's box with my twin boys, both of them with special needs, and I can tell you that as a single parent raising those boys who are 31 now – one mentally gifted, the other one developmental – I can tell you now that if it was not for the advances, if it was not for the good public policy that this stellar body established, my sons would

not have been able to get the kind of support that they needed in order to see 31. So I want to stand and thank all of my colleagues on both sides of the aisle for not retreating, for not restraining, and for always having vision, compassion, and commitment to children with autism and to all kids with special needs.

Now, Representative O'Brien mentioned some of the anchors to all of this in the administration. I want to add the name of Secretary Snider, because it was Secretary Snider under Governor Casey that brought Estelle Richman to Pennsylvania. And Secretary Snider, during those days it was kind of rough, but from Governor Casey to Secretary Snider to Secretary Richman and many others that have been mentioned by Representative O'Brien, we do stand as a shining lighthouse to the rest of not only the United States but the world on what can happen when people from different parties, from different walks of life come together with the kind of compassion, commitment, and vision that each and every one of you, Democrats and Republicans, has been able to bring to this issue.

So I rise to support the resolution, and again say thank you, thank you, thank you.

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

The following roll call was recorded:

YEAS—196

Table listing names of representatives who voted 'YEAS' (196 total). Includes names like Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Civera, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Curry, Cutler, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, Fabrizio, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Longiotti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Reed, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Wansacz, Waters, Watson.

Table listing names of representatives who did not vote or were excused. Includes names like DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Ellis, Evans, D., Evans, J., Everett, Killion, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lentz, Levdansky, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Readshaw, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—4

Table listing names of representatives who were excused: Cruz, Daley, Miccarelli, Taylor, J.

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

\* \* \*

Mr. CASORIO called up HR 676, PN 3328, entitled:

A Resolution designating the month of April 2010 as "Prevention of Cruelty to Animals Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Table listing names of representatives who voted 'YEAS' (196 total). Includes names like Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Civera, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Curry, Cutler, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, Fabrizio, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Longiotti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Reed, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Wansacz, Waters, Watson.



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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. PAYNE called up **HR 678, PN 3330**, entitled:

A Resolution designating the week of March 14 through 20, 2010, as "Volunteer Forest Firefighter and Forest Fire Warden Week" and March 17, 2010, as "Volunteer Forest Firefighter and Forest Fire Warden Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 485, PN 3361**, as further amended by the House Rules Committee:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of illegal dumping of methamphetamine waste; imposing a penalty; and providing for the offense of operation of methamphetamine laboratory.

On the question,  
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—195

Adolph	Fabrizio	Levdansky	Reed
Baker	Fairchild	Longiotti	Reese
Barbin	Farry	Maher	Reichley
Barrar	Fleck	Mahoney	Roae
Bear	Frankel	Major	Rock
Belfanti	Freeman	Manderino	Roebuck
Benninghoff	Gabig	Mann	Rohrer
Beyer	Gabler	Markosek	Ross
Bishop	Galloway	Marshall	Sabatina
Boback	Geist	Marsico	Sainato

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

NAYS-1

Metzgar

NOT VOTING-0

EXCUSED-4

Cruz Daley Miccarelli Taylor, J.

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

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 816, PN 3316**, entitled:

An Act establishing State funding for the Heart Disease and Stroke Program within the Department of Health.

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

**SUPPLEMENTAL CALENDAR A**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 126, PN 1740**, entitled:

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, for liquefied ammonia gas, precursors and chemicals, for methamphetamine production, for operating a methamphetamine laboratory and illegal dumping of methamphetamine waste and for environmental costs.

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

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2161, PN 3007**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

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

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

(Bill analysis was read.)

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

On the question, shall the bill pass finally, the Chair recognizes the gentleman from Lackawanna County, Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, HB 2161 simply addresses who can sell reduced-fee hunting licenses to active members of the military. Presently such a license can only be purchased at the Pennsylvania Game Commission or at the county treasurer's level. For service men and women who are on leave and arrive in Pennsylvania late on Friday and want to do some hunting on Saturday or the very early morning hours on Monday, the limitation as to where a military license can be purchased has proven to be inconvenient inasmuch as county treasurers and the Game Commission offices all close at 4 o'clock on Friday and then are closed for the entire weekend. HB 2161 will now allow all licensed vendors who have the ability to sell a Pennsylvania hunting license now be able to sell the \$1 reduced-fee military license as well.

The Game Commission is in full support of the measure. There is no opposition that we know of, and on that note I would ask for an affirmative vote on the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Monroe County, Representative Siptroth.

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

Mr. Speaker, I would like to thank Chairman Staback for his leadership on moving this legislation forward. A constituent in one of my counties indicated to me that they had problems securing a license on a Friday returning from Guard duty and asked me to see what could be done.

I certainly hope that we will have a quick resolve after this vote today with your support in the Senate so that this bill can move forward. Again, I thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz Daley Miccarelli Taylor, J.

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

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome, from Adams County, County Commissioner George Weikert, and from the Soil Conservation District, Larry Martick and Pat Naugle. They are the guests of Representatives Moul and Tallman. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Jeff Kording. He is a junior at Riverside Beaver County High School, Ellwood City, PA. He is shadowing Representative Jaret Gibbons. Welcome to the hall of the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1795, PN 3307**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, in local workforce investment areas and boards, providing for youth councils.

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-196

Adolph	Fabrizio	Longiotti	Reed
Baker	Fairchild	Maher	Reese
Barbin	Farry	Mahoney	Reichley
Barrar	Fleck	Major	Roae
Bear	Frankel	Manderino	Rock
Belfanti	Freeman	Mann	Roebuck
Benninghoff	Gabig	Markosek	Rohrer
Beyer	Gabler	Marshall	Ross
Bishop	Galloway	Marsico	Sabatina
Boback	Geist	Matzie	Sainato
Boyd	George	McGeehan	Samuelson

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

**BILL ON FINAL PASSAGE POSTPONED**

The House proceeded to consideration on final passage postponed of **HB 2026, PN 3323**, entitled:

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

On the question recurring,  
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, it is the Chair's intention to rescind his announcement that HB 2026 was agreed to on third consideration, therefore bringing the bill back to third consideration before the House.

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

**RULES SUSPENDED**

**MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24**

The SPEAKER. The Chair now recognizes the gentlelady from Mercer County, Representative Brooks, for a motion to suspend the rules for the offering of an amendment? The lady is recognized.

Mrs. BROOKS. Thank you, Mr. Speaker.

I would like to move to suspend the rules to offer amendment 6011 and move to proceed to third consideration and final passage of HB 2026 pursuant to rule 24. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentlelady from Mercer County, Representative Brooks, makes a motion to suspend the rules for the immediate consideration of amendment 6011 and also a motion to proceed on final passage pursuant to rule 24 on HB 2026.

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

The SPEAKER. On that motion, the Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

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

I would ask that all members of this General Assembly vote in favor of the motion to suspend and motion to proceed.

I want to congratulate the gentlelady from Mercer County on really making sure that this provision was in place with this amendment and appreciate the maker of the bill for giving us the time to get this filed. We would ask that everybody please support Representative Brooks's amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre County, Representative Conklin.

Mr. CONKLIN. Thank you.

In a mere bipartisan, this is a very good amendment, and I will be asking the members also of this body to vote for suspending the rules to vote for the Brooks amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those voting to suspend the rules and move to proceed pursuant to rule 24 will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

YEAS—193

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

NAYS—3

Cutler	Grell	Samuelson
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NOT VOTING—0

EXCUSED—4

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

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

Mrs. **BROOKS** offered the following amendment  
No. **A06011**:

Amend Bill, page 6, by inserting between lines 7 and 8  
(d) At the request of a parent or guardian, a pupil shall be excused from all or parts of the school district dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from the instruction by returning a signed opt-out form.

Amend Bill, page 6, line 8, by striking out "(d)" and inserting  
(e)

Amend Bill, page 6, line 12, by striking out "(e)" and inserting  
(f)

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

The SPEAKER. On that question, the Chair recognizes the gentlelady from Mercer County, Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

What this amendment does is it allows the parents to be involved and participate and have the opportunity to have their child participate in this course if they choose to do so. If they choose not to have their child participate, it allows that parent to opt the child out of the curriculum.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Centre County, Representative Conklin.

Mr. CONKLIN. I will be asking the members for an affirmative vote on this. It is an agreed-to amendment. 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—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Lancaster County, Representative Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, I do wish to speak on final passage. I do want to extend a word of congratulations to the gentleman from Centre County, Representative Conklin, and to the gentlelady from Mercer for the effort that was just taken. I think that is commendable, and I think it speaks to the good things that can happen in this chamber when people address points of mutual concern. I think this chamber, Mr. Speaker, takes a lot of criticism for at times the view that people are locked in, totally partisan, and I think yesterday and this action today speaks very well, and so I want to extend that word of congratulation.

That being said, Mr. Speaker, the issue that I spoke on yesterday remains a personal point of concern, and that concern is this; I will restate it briefly: that the government herein again is interjecting itself into the parent-child relationship in a way that I think is inappropriate. Certainly, we are addressing the

issue of teen dating violence today, and we are concerned about that issue. That is a tragedy whenever a death or an injury occurs, and I think the motives in addressing this issue are proper and are important.

But, Mr. Speaker, I retain my concern that in a time when the citizens in general complain about too much government reach into our personal lives, into our private lives, that we are again taking a step in that direction with this bill. And so I share the concerns that are out there, but I think this bill is a step in the wrong direction as we consider the proper role of families and families in the education of their children.

I recognize that for many on my side of the aisle who have maybe a personal connection to this issue, they feel compelled to vote for this, and I certainly respect and understand that. But as a personal statement, I will be voting in opposition to it, again, because of my concerns about government's reach into the lives of our families and the parent relationship.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland County, Representative Gabig, for the second time.

Mr. GABIG. Thank you, Mr. Speaker.

Just briefly on the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. GABIG. Thank you.

We brought up an issue yesterday on this issue of parents being able to opt out, and I think everyone has said that we appreciate the opportunity to get that clarified.

I was one of the ones that brought that issue forward, and after I brought that up, I discontinued my questioning and went to the bill, because I thought that maybe we would be able to resolve this. But there was another more important issue that I wanted to bring up that was somewhat addressed by the gentleman from Lancaster both yesterday and today.

But when I was up here – I think it was my first term – I had one of these safe-school bills, and I worked with the Pennsylvania School Boards Association on it. I had come from the D.A.'s office and handled many child abuse-type cases, both physical and otherwise, and had some expertise but also sort of a concern about that issue. And as I worked with the School Boards Association, what I learned was – the Pennsylvania School Boards Association – what I learned was that there were many school districts throughout Pennsylvania – at the time there were 501, and they were representing 12 million people across this great Commonwealth – and some of them already had policies and procedures down at their school board, their districts, and some had different types of ones to address the different types of demographics and the size of the district, et cetera.

So what I wound up doing basically was for those that did not, we created a model, a statewide model, that was a guideline, and the school districts could adopt that or tailor it to their own. And the problem I see in this thing here, there is no local option to it. It is a one-size-fits-all model where this is going to be imposed on the school districts. All the school districts are going to have to do this. And what it is primarily is training. Every one of their personnel, they are going to have to get trained, and the rape crisis centers are going to have to do that training.

And I worked closely with the rape crisis center when I was in the prosecutor's office in my county, and they are overworked and underfunded already. And then to put this mandate on them

and to put this mandate on each school district from a statewide basis, which is basically an unfunded mandate, is, I do not think, the best way to try to address this issue that we all agree we want to try to address.

For example, I could go to my school district right now – I could go to Carlisle, Big Spring; I have part of Cumberland Valley, part of Shippensburg – and take this to them and say, hey, what do you think? And they could say, well, we like this part, do not like that part, and we cannot afford this part but we could do much more in this area; this is going on in our school district, this is not going on in our school district. So we all could go down there as leaders and community leaders in our area and do this.

The gentleman from Centre County could go up to his school districts and do that. But I do not know why we have to come here and be a super school district and tell all the school districts what to do, especially when it is going to require funding and we are not giving them the necessary funding. So there is no local option here and it is a one-size-fits-all, and because of that— And I do not think the School Boards Association supports this as far as I know. I have not received any communication. I have received communication on some of the other bills on the calendar for this week, and they support some and do not support others. I do not believe they support— They do not support it? All right. I have been informed by one of my very diligent colleagues that they in fact do not support it.

Again, I am not on this committee, so I have not followed this legislation all the way through; I am dealing with it on the floor. But because of that issue, and it is not because I do not think this is a very serious issue – I know it is in segments – and I do not think the school boards do not think it is a serious issue either. They would just rather deal with it at their local level, and they are capable of dealing with it, and they do not need us to give them this one-size-fits-all mandate, unfunded mandate to them.

So because of that – I have not heard from my school districts specifically, but I have now been told that the Pennsylvania School Boards does not support this – I am just not going to be able to support it today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Armstrong County, Representative Pyle. Is the gentleman waiving off?

On the question, the Chair recognizes the gentleman from Centre County, Representative Conklin.

Mr. CONKLIN. I would like to thank the Speaker.

I would like to thank this body for all the input they have put into this bill over the last few days. As has been said earlier, the process is not always perfect, but at the end of the day, I think the folks in this hall and across the hall believe heavily in the system.

And I just want to thank the members for this, because as you have seen, it was called the Demi Cuccia bill, and the reason we named this bill is that many times we go through and we will have a bill, no matter what it may be, and it becomes a number. But the reason we named this bill the "Demi Cuccia" bill is that I wanted to put a face to this. The individual that named the bill wanted to put a face to this.

This was a 16-year-old girl. I want to remind my colleagues that while she was on the phone with a loving father, in her home, was attacked and murdered by a young man. This is going on every day. And by folks today, we have a chance to

make a difference. We have a chance to give young people the information they need to know how a relationship should be.

Again, I want to bring up the fact that when we went to school, there was one landline in the middle of the house and our parents could dictate whom we talked to and how long we talked. Today we have e-mail; we have text messaging; we have cell phones. It has made it very difficult for us to be able to watch our children every day and protect them from everything. All we are going to do today is to give a little bit of education to allow young people to know the warning signs of a bad relationship. That is all this bill does. There is no other agenda in mind but to give a young person the ability to have good memories when they get older, give their family the ability to see them graduate and have children of their own.

I want to thank this body in advance for an affirmative vote, and thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—183

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

Evans, D.	Kula	Rapp	McCall,
Evans, J.	Lentz	Readshaw	Speaker
Fabrizio			

## NAYS—13

Cox	Gabig	Moul	Rohrer
Creighton	Grove	Oberlander	Swanger
Denlinger	Metcalfe	Perry	Tallman
Everett			

## NOT VOTING—0

## EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1324, PN 3320**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for open meetings, for executive sessions, for General Assembly meetings covered and for penalty; and making a related repeal.

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

The SPEAKER. The gentleman, Representative Fairchild, has two amendments that are substantive and will require a suspension of the rules – three amendments.

Are you withdrawing amendments and then adding? The Chair recognizes the gentleman; if you could inform the Chair what amendment you are offering and withdrawing?

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I will be withdrawing all the amendments except amendment A06018.

The SPEAKER. The Chair thanks the gentleman.

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

**RULES SUSPENDED****MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24**

The SPEAKER. The gentleman from Union County, Representative Fairchild, is withdrawing amendments A05995 and A06010, and the Chair is recognizing the gentleman to suspend the rules for the purpose of offering amendment A06018.

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

The SPEAKER. On that motion of the suspension of the rules, on the suspension of the rules, the Chair recognizes the gentlelady from Philadelphia County, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is indeed a day for bipartisan cooperation. I urge all of my colleagues on both sides of the aisle to vote for suspension.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Allegheny County, who is standing in lieu of Representative Smith, on the motion.

Mr. TURZAI. Thank you, Mr. Speaker.

I want to thank the gentleman from Union County for his amendment and urge all members of the Assembly to vote in favor of it, and thank the maker of the bill for agreeing to this amendment, the gentlelady from Philadelphia. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Just to clarify the motion, I am asking to suspend the rules to offer amendment A06018 and also requesting that it includes the motion to proceed to third consideration.

The SPEAKER. And final passage. The Chair thanks the gentleman.

On the motion, those voting on the motion to suspend the rules for the immediate consideration of amendment A06018 and to proceed to final passage of HB 1324 pursuant to rule 24 will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

## YEAS—192

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



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

NAYS—4

Cutler	Grell	Perry	Samuelson
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NOT VOTING—0

EXCUSED—4

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

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

Mr. **FAIRCHILD** offered the following amendment No. **A06018**:

Amend Bill, page 1, line 19, by striking out "(B) ELECTION DAYS.—NO AGENCY MAY CONDUCT AN OPEN MEETING" and inserting

(b) Election days.—

(1) Except as set forth in this subsection, no agency may conduct an open meeting

Amend Bill, page 2, by inserting between lines 4 and 5

(2) The provisions of paragraph (1) shall not apply to an open meeting of a county board of elections established under section 301 of the Pennsylvania Election Code which is held for the purpose of exercising powers granted to it and performing duties imposed upon it by the Pennsylvania Election Code or 25 Pa.C.S. Pt. IV (relating to voter registration).

(3) The provisions of paragraph (1) shall not apply to an emergency meeting called in accordance with 35 Pa.C.S. § 7501(d) (relating to general authority of political subdivisions).

(4) The provisions of paragraph (1) shall not apply to an emergency meeting or conference which is exempt from public notice under section 709(a) (relating to public notice).

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

The SPEAKER. On the question, will the House adopt the amendment, the Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This is a technical amendment to correct an oversight in my previous amendment, which prohibited government entities from conducting public meetings on election days.

Yesterday the County Commissioners Association brought to my attention the fact that on election days, county election boards must bang their gavel and remain open for business which may come before it in regard to the day's election activities. Therefore, this amendment provides an exemption which allows county boards of elections to meet and conduct official business imposed upon it in accordance with the Election Code.

The amendment also codifies in the law the ability for State agencies and political subdivisions to call emergency meetings on election days in the event of an emergency situation in that community. This provision already exists in law, Title 35, section 7501(d), but it is being added to this amendment for clarification purposes.

The County Commissioners Association supports this amendment, and I would sincerely like to thank the gentleday from Philadelphia. As chairman, she really got the troops together. We had a lot of legal discourse on how to figure this out and how to do it right, and I think that is the way we should be doing legislation here in the House. Let us get it right, we will send it over to the Senate, and we will go from there.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleday from Philadelphia County, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The gentleman who spoke before me, Mr. Fairchild, spoke the truth, and I return to him my thanks for his cooperation. This is an agreed-upon amendment. Please vote "yes."

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

(Bill analysis was read.)

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

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

Mr. MAHER. Thank you, Mr. Speaker.

And I agree that Representative Fairchild's series of amendments have improved this proposed legislation. However, the legislation as a whole continues to be opposed by the Pennsylvania Association of Township Supervisors and opposed by the Pennsylvania Newspaper Association, both ends of the spectrum. Those who would be governed by this law and those who view this sort of law as an important avenue to shed light on government proceedings, both are opposed.

Now, I know there are some who have the theory that if everybody is against an idea, there must be something good about it, but I tend not to embrace that backward logic and would observe that if both those who are conducting the

meetings that would be subject to the law and those that would be reporting on those meetings, if they both oppose this legislation, well, then this legislation is not ready to move forward.

So I will join the Newspaper Association and the Township Supervisors in opposing this legislation in the hope that we could craft something that somebody could support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Ms. HARPER. Mr. Speaker, thank you very much.

This General Assembly has done a lot in the past several years to open government. The Right-to-Know Law and other things have made government at all levels more open to scrutiny, not just by newspapers but by regular citizens. This bill, unfortunately, goes too far. I believe a \$1,000 fine plus the cost of prosecution will not serve as a deterrent to those who would intentionally violate the Sunshine Law. I believe it would serve as a deterrent to those who would stand to take over the reins of local government and their local schools. A thousand dollars plus the cost of prosecution for a borough council member who is basically serving as a volunteer is too much. In addition to that, Mr. Speaker, the mere fact of being charged with a Sunshine Law offense and the resultant bad publicity and approbation is enough to deter most officials from intentionally violating the Sunshine Law or any law.

For that reason I will be voting "no." I think this bill will not deter illegal conduct. I think this bill will deter well-meaning citizens from becoming involved in their local governments or their local school boards.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

On the question, the Chair recognizes the gentledady from Philadelphia County, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Let me make a few points in favor of this reform bill, which will bring more transparency to local government.

The first point. The fine and the other punishments have to do with intentional violations only – intentional violations only. If a citizen who is on a borough council, let us say, makes a mistake, this fine will not apply; this requirement to pay court costs will not apply.

Secondly, the bill that we have now, contrary to what the speaker before me, the lady from Montgomery, said, does not deter people from intentionally violating the Sunshine Law. I am responding to a series of editorials and a series of news stories. The editorials call for more serious prosecution, more serious fines. They call for us to recognize that there are people who are hiding from the press and from the citizens the business which is the business of the press and of the citizens. And I have read many news stories which end with or have in the middle of them, well, this reporter could not observe the meeting because it was closed to the press and the public.

So clearly, clearly what we have now is not working. We in this General Assembly on both sides of the aisle are working for reform in our House, in our Senate, and in all the governments which are subject to our legislation. This is a good bill. This is a bill which leads to transparency. This is a bill which I hope I will have a huge overwhelming majority voting "yes," because that is what the citizens of this State need.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.  
The Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker.  
I just wanted to ask the maker of the bill if any organizations have been outwardly or publicly opposed to her proposal.

The SPEAKER. The gentlelady, Representative Josephs, indicates she will stand for interrogation. The gentleman, Mr. Turzai, is in order and may proceed.

Mr. TURZAI. I apologize, Mr. Speaker. I just wanted to ask the maker, have any organizations publicly come out, by way of example, has the Newspaper Association taken a position on the bill?

Ms. JOSEPHS. The Newspaper Association has, and, as was said by the gentleman from Allegheny, is not in support. But the reason that they are not in support is because they think it does not go far enough.

I disagreed. Mr. Fairchild disagreed. We think that if somebody is talking about, for instance, a school district is talking about where they are going to put security cameras, how are they going to evacuate students and teachers if they have an emergency, that that should not be open to the public. I agree. The press does not. But the rest of the bill they are for and would like to see more transparency.

I believe the traditional good-government reform citizens organizations, I am not going to say their names because I do not know for sure, but I think they are all in favor of it.

Mr. TURZAI. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—172

Adolph	Evans, D.	Kotik	Readshaw
Barbin	Evans, J.	Krieger	Reed
Barrar	Everett	Kula	Reese
Bear	Fabrizio	Lentz	Reichley
Belfanti	Fairchild	Levdansky	Rock
Benninghoff	Farry	Longietti	Roebuck
Beyer	Fleck	Mahoney	Sabatina
Bishop	Frankel	Manderino	Sainato
Boback	Freeman	Mann	Samuelson
Boyd	Gabler	Markosek	Santarsiero
Boyle	Galloway	Marshall	Santoni
Bradford	Geist	Marsico	Saylor
Brennan	George	Matzie	Scavello
Briggs	Gerber	McGeehan	Seip
Brooks	Gergely	McI. Smith	Shapiro
Brown	Gibbons	Melio	Siptroth
Burns	Gillespie	Metcalfe	Smith, K.
Buxton	Gingrich	Metzgar	Smith, M.
Caltagirone	Godshall	Millard	Smith, S.
Carroll	Goodman	Miller	Solobay
Casorio	Grell	Mirabito	Sonney
Christiana	Grove	Mundy	Staback
Clymer	Grucela	Murphy	Stern
Cohen	Haluska	Murt	Stevenson
Conklin	Hanna	Mustio	Sturla
Costa, D.	Harhai	Myers	Taylor, R.
Costa, P.	Harhart	O'Brien, M.	Thomas
Cox	Harkins	O'Neill	True
Creighton	Harris	Oliver	Turzai
Curry	Helm	Pallone	Vereb

Cutler	Hess	Parker	Vitali
Day	Hickernell	Pashinski	Wagner
Deasy	Hornaman	Payne	Wansacz
Delozier	Houghton	Payton	Waters
DeLuca	Hutchinson	Peifer	Watson
Denlinger	Johnson	Perzel	Wheatley
DePasquale	Josephs	Petrarca	White
Dermody	Kauffman	Petri	Williams
DeWeese	Keller, M.K.	Phillips	Youngblood
DiGirolamo	Keller, W.	Preston	Yudichak
Donatucci	Kessler	Pyle	
Drucker	Kirkland	Quigley	McCall, Speaker
Eachus	Knowles	Quinn	
Ellis	Kortz		

NAYS—24

Baker	Killion	O'Brien, D.	Rohrer
Causar	Maher	Oberlander	Ross
Civera	Major	Perry	Schroder
Gabig	Micozzie	Pickett	Swanger
Harper	Milne	Rapp	Tallman
Hennessey	Moul	Roae	Vulakovich

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

\* \* \*

The House proceeded to third consideration of **HB 870, PN 3276**, entitled:

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 State standards for business, computer and information technology courses.

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

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

(Bill analysis was read.)

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

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

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to add my voice in strong support of this legislation to establish badly needed standards in business, computer, and information technology courses in the Commonwealth of Pennsylvania.

Mr. Speaker, as a Pennsylvania certified business education teacher, I understand all too well the need for a uniform set of standards for business education. Mr. Speaker, nearly every

other certification and content area has a set of clearly defined standards. The discipline of business education should be no different.

This legislation would establish these badly needed standards and thereby define what a student of business should know and be able to do. They set a measurable mark by which a curriculum's content can be measured and evaluated, and they will help ensure that our business students are prepared to enter the working world.

Therefore, Mr. Speaker, I will be voting for this legislation, and I urge my colleagues to do the same. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz Daley Miccarelli Taylor, J.

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.

**ANNOUNCEMENT BY MR. HENNESSEY**

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

The House Steel Caucus has been scheduled to meet with several representatives of Pennsylvania's steel industries at 2 o'clock today in room 60, East Wing. In light of the fact that we have some additional bills to consider, we will formally convene that meeting of the House Steel Caucus upon the adjournment of the House for today's session. So it will be formally as soon as we adjourn today's session. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 740, PN 3321**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preparation for and conduct of primaries and elections, further providing for regulations in force at polling places; in primary and election expenses, defining "pre-recorded political message"; and further providing for advertising.

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—196

Adolph	Fabrizio	Longiotti	Reed
Baker	Fairchild	Maher	Reese
Barbin	Farry	Mahoney	Reichley
Barrar	Fleck	Major	Roae
Bear	Frankel	Manderino	Rock
Belfanti	Freeman	Mann	Roebuck
Benninghoff	Gabig	Markosek	Rohrer

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2041, PN 3191**, entitled:

An Act providing for standards for towing and for violations.

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

Mr. **SCHRODER** offered the following amendment  
No. **A05721**:

Amend Bill, page 3, lines 21 through 27, by striking out all of said lines

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I wish to withdraw this amendment as well as any others that I filed to the bill.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Barrar. Would the gentleman like to indicate what amendment he would like to consider first?

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, could we run A05975 first?

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

Mr. **BARRAR** offered the following amendment  
No. **A05975**:

Amend Bill, page 3, by inserting between lines 27 and 28

(i) Towing insurance.—The premium for towing, collision and comprehensive coverage under all new and existing automobile insurance policies shall be reduced by 10%.

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will provide for a 10-percent reduction in insurance rates for towing, comprehensive, and collision. I am running this amendment because the bill, this bill, is being presented as a bill that will save the consumers money, and I am hoping that we will be able to pass that savings on to the consumer.

Mr. Speaker, last year the insurance industry collected in premiums over \$7 billion and paid out \$4.3 billion in expenses. That is a pretty hefty profit margin, and in today's economic environment, I think there is more than enough room there for us to do a 10-percent reduction. The profit margin for the insurance company is very high, and I would like to see us pass some savings on to the consumer.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment. First of all, this is a towing bill, not an insurance bill. I do not know why we continue to talk about insurance on this piece of legislation. This is a consumer bill.

And I understand about saving money, Mr. Speaker, but I also know that I am not aware that the towing is in the insurance business, and I certainly do not think there is justification for this. Probably this would be unconstitutional if we would even pass it.

So therefore, I ask for a "no" vote on this amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Barrar, for the second time.

Mr. BARRAR. Thank you, Mr. Speaker.

The maker of the bill said this is not an insurance bill, but it has an effect on insurance rates. The insurance companies are pushing this bill. We have members of the Insurance Federation standing outside our caucus door asking us to support this bill. I would assume because there is a savings in this bill somewhere for the insurance industry.

If we are going to pass this bill, then we should pass that savings on to the consumer and not allow the insurance industry to just bolster up their profits even higher than what they are. Remember, they collected \$7 billion in premiums and paid out \$4.3 billion in expenses. You know, that is a heck of a profit margin. This bill, if it goes into law, I think will add even more profits to the insurance industry.

I would ask the members to vote for this amendment, and let us pass these savings on to the consumer. This is a pro-consumer amendment. Let us give it to them. Thank you.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation? Mr. Barrar?

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

Mr. VITALI. Thank you.

And excuse me, because I know virtually nothing about this industry, but I am just wondering, if you are forcing a reduction for this particular coverage, would that necessarily involve a savings to consumers or would it just simply be an adjustment? In other words, other coverage would be raised proportionately so that the overall fees that an insurance company is taking in would be the same but the rates would simply be adjusted to give a little less for this and a little more for the rest to make up for it.

Mr. BARRAR. I think the speaker's analogy of this is absolutely wrong. I do not think the Department of Insurance would stand for this if they tried to finagle this in a way that produced the exact same profit margin for them. I would think we would have a pretty good case against them, to take some type of action against them, especially by the Department of Insurance.

Mr. VITALI. But your amendment per se would not necessarily mandate a reduction, rather just a shifting. Would that be accurate to say?

Mr. BARRAR. No. It requires a reduction in these three areas.

Mr. VITALI. Okay. I am not going to argue, because I really do not have enough information.

But my other question is, and again, I do not pay that much close attention to my own auto insurance policy, but do you break out towing per se? You seem to be getting at towing. I understand collision and comprehensive and all of that, but do you break out towing per se here? Can you do that?

Mr. BARRAR. Yes. Some companies do break out towing as a separate on their policy, some do not, but then it would be covered under their collision or comprehensive policy.

You know, Mr. Speaker, there is a problem in the Commonwealth with steering, if you know what steering is. The insurance companies are currently steering cars that are involved in a collision to their preferred shops. It is illegal in the State of Pennsylvania. The insurance companies, the Insurance Commissioner is—

Mr. VITALI. Wait. I think you are getting off— You are really getting beyond my answer. My question really dealt with breaking down policies. So that is all I am really asking you.

Mr. BARRAR. Thank you.

Mr. VITALI. Thank you, and that concludes my question.

### GERMANENESS QUESTIONED

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, since this is a stand-alone bill, I challenge this amendment on germaneness. This certainly does not have anything to do with the insurance industry. It is a towing bill; it is a stand-alone bill, and therefore, I challenge this amendment on germaneness.

The SPEAKER. The gentleman from Allegheny County, Representative DeLuca, raises a point of order of germaneness to amendment A05975 to HB 2041.

The Speaker, under rule 27, is required to submit the question of germaneness of an amendment to the House for decision.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. The issue is debatable by all members for one time.

On the question of germaneness, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Mr. Speaker, this amendment is germane to the bill. The bill was assigned to the Insurance Committee. The bill was voted out of the Insurance Committee. I cannot understand, how would a bill that was not, that is not germane to insurance, why would it go through the Insurance Committee at that point?

There are insurance implications in the bill, and I would ask the members to support that the bill is germane. Thank you.

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

Mr. DeLUCA. Mr. Speaker, regardless of this bill coming out of the Insurance Committee or not, this amendment is not germane. It is a stand-alone bill pertaining to towing.

Now, you might argue where this bill should go; it is beside the point. It is not germane to this bill. You can argue all you want about it being an insurance bill. It is not germane to this bill, and I ask for an affirmative vote – a "no" vote on this – a "yes" vote on this germaneness. Or a "no" vote, a vote on nongermane on this bill.

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

Mr. TURZAI. Mr. Speaker, with all due respect to the maker of the bill, no matter where you are on the amendment, in my humble opinion, the amendment is germane to the bill. No matter where you are on the amendment on substance, the gentleman from Delaware County does, I believe, have a right to offer this amendment, and I would urge members to support the motion on germaneness no matter where you are on the amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to argue that the amendment is certainly germane.

Mr. Speaker, to argue that this is not an insurance bill is to really suspend reality when all through this bill there are some subtle and some not so subtle portions that basically turn over the towing industry to the insurance industry. That is what this big fight is about, whether consumers and small businesses are going to control these decisions or whether the insurance company and companies of the Commonwealth are going to run the show and make decisions and take control of vehicles early on in the process so that they can get them repaired at their favorite facilities.

Mr. Speaker, if we are to do that, then I think, if we are to allow that, then I think the Barrar amendment is not only germane but makes a lot of sense. We should at least make sure that the consumers and the insurers in our State see some sort of premium benefit if this bill should go into effect.

So I rise to argue that it is germane and ask the House to vote accordingly.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Mustio, on the point of order.

Mr. MUSTIO. Thank you, Mr. Speaker.

On germaneness, I would encourage the members to vote that the amendment is germane and that we defeat the amendment on its own merits.

The SPEAKER. On the point of order, those who are voting to declare the amendment germane will vote "aye"; those voting to declare the amendment not germane will vote "no."

On the question recurring,  
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-95

Adolph	Farry	Major	Quinn
Baker	Fleck	Marshall	Rapp
Barrar	Gabig	Marsico	Reed
Bear	Gabler	Metcalfe	Reese
Benninghoff	Geist	Metzgar	Reichley
Beyer	Gillespie	Micozzie	Roae
Boback	Gingrich	Millard	Rock

Boyd	Godshall	Miller	Rohrer
Brooks	Grell	Milne	Ross
Causser	Grove	Moul	Saylor
Christiana	Harhart	Murt	Scavello
Civera	Harper	Mustio	Schroder
Clymer	Harris	O'Brien, D.	Smith, S.
Cox	Helm	O'Neill	Sonney
Creighton	Hennessey	Oberlander	Stern
Cutler	Hess	Payne	Stevenson
Day	Hickernell	Peifer	Swanger
Delozier	Hutchinson	Perry	Tallman
Denlinger	Kauffman	Perzel	True
DiGirolo	Keller, M.K.	Petri	Turzai
Ellis	Killion	Phillips	Vereb
Evans, J.	Knowles	Pickett	Vulakovich
Everett	Krieger	Pyle	Watson
Fairchild	Maier	Quigley	

NAYS-101

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

NOT VOTING-0

EXCUSED-4

Cruz	Daley	Miccarelli	Taylor, J.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

MOTION TO RECOMMIT

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, who offers—

Mr. BARRAR. May I make a motion, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. BARRAR. Mr. Speaker, I would like to make a motion to commit this bill to the Transportation Committee. The maker of the bill himself said this is a transportation bill. The Transportation Committee never had an opportunity to look at

this bill, and really, this bill should go back to Transportation. It affects towing. It affects safety on our highways. And like the maker of the bill said, it does not affect the insurance companies; it affects transportation.

Let us send it back to the Transportation Committee where it belongs for another look, and let us get a bill out that actually protects the consumers and sets some towing standards. Thank you, Mr. Speaker.

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

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

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, respectfully on the gentleman's motion, this issue had two public hearings – two. It had the trade associations that were affected in this industry before the committee where the speaker sent the bill. So let me be clear again, we have had open comment on this, had stakeholder discussions, and this bill is ready for action.

I support the gentleman's attempts today to move his legislation, and I ask the members to reject the motion.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny County, Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would suggest a "no" vote on this motion. This is primarily a consumer affairs and an insurance bill, and I would suggest that we not send it back to the Transportation Committee.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to recommit, those voting to recommit HB 2041 to the House Transportation Committee will vote "aye"; those voting against the motion will vote "nay."

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

The following roll call was recorded:

YEAS-90

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

NAYS-106

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

NOT VOTING-0

EXCUSED-4

Cruza	Daley	Miccarelli	Taylor, J.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

MOTION TO RECOMMIT

The SPEAKER. Does the gentleman, Representative Barrar, have another amendment?

Mr. BARRAR. Mr. Speaker, I would like to make another motion, if I could.

In the spirit of bipartisanship, could I make a motion that this bill be referred to the Consumer Affairs Committee, as the chairman of Transportation has asked me to do?

The SPEAKER. Will the gentleman, Mr. Barrar, approach the desk?

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Barrar, has made a motion to recommit HB 2041 to the Committee on Consumer Affairs.

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



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

Mr. DeLUCA. Mr. Speaker, I am glad this is a towing bill. It looks like the other side of the aisle and one of my colleagues wants to tow it to every committee on the House floor. So I want to thank him for keeping the intent of the bill anyhow, the towing bill, and we want to tow it to different committees, so I want to thank him for that.

I oppose this motion to recommit it to the Consumer Affairs Committee. Let us get on with the votes on the amendments, and let us put an up-or-down vote whether you want to vote for this legislation that benefits consumers or you want to vote for legislation that benefits the towing industry. So I think it is simple. One hand here is the consumers of Pennsylvania here, and down here we talk about a few towers that we are trying to protect.

Now, let me say this to you: A majority of the towers have no opposition to this bill, number one. Secondly, the Attorney General is strongly in favor of this piece of legislation, besides other organizations. But I oppose the motion to recommit this to the Consumer Affairs Committee.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny County, Representative Preston.

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

It has been an honor to be the chairman of the Consumer Affairs Committee, and I will tell you, this is one of the issues that we and the staff have been watching. And as my colleague from Allegheny County, the chairman of Transportation, said, it is a consumer issue and it is an insurance issue, and that is why the staff of the Consumer Affairs Committee on my side have been paying close attention.

And I would like to be able to commend the gentleman, commend him in the manner in which he handled the hearings being open. This has been vetted and vetted and vetted. I believe what General Patton used to say: Why should we cover the same ground twice? I think the gentleman's bill is on time. Not only that, the AAA (American Automobile Association) office has been in my district for over the last 20 years; they are in support of this just as well.

So why are we asking— And let us not waste the time; let us not waste what is necessary to be able to deal with this. Let us just be able to give the consumers of Pennsylvania a good bill. And I think the chairman of the Insurance Committee has done an excellent job, he and his staff, on both sides of the aisle.

I just encourage us, let us defeat this Barrar amendment. Let us vote the bill. Let us send it to the Senate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On recommittal, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this is a consumer protection bill. The former speaker mentioned the fact that the bill is supported by the Attorney General. It is being supported by the Attorney General's department on consumer affairs, but the Consumer Affairs Committee has not had a chance to look at this bill to make any changes or amendments to it. This bill is not complete the way we are running it today. That is why I have offered so many amendments to it, and I would like to see this go back to the Consumer Affairs Committee for a second look.

Thank you, Mr. Speaker.

The SPEAKER. On the motion, those voting to recommit HB 2041 to the House Consumer Affairs Committee will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

#### YEAS—92

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

#### NAYS—104

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

#### NOT VOTING—0

#### EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. Does the gentleman from Delaware County, Representative Barrar, have additional amendments?

Mr. BARRAR. Mr. Speaker, yes, I do. The next amendment I would like to run – I will try to get through these as fast as possible – would be A05723.

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

Mr. **BARRAR** offered the following amendment No. **A05723**:

Amend Bill, page 1, by inserting between lines 10 and 11 "Insurer." A motor vehicle liability insurer subject to the requirements of 75 Pa.C.S. Ch. 17 (relating to financial responsibility).

Amend Bill, page 3, by inserting between lines 27 and 28 Section 3.1. Prohibition on insurers.

An insurer shall not require the use of a specified tow truck operator.

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment clearly states that an insurance company shall not require the use of any specific tower. Currently in Pennsylvania, steering is against the law. One of the biggest concerns of the stakeholders about this bill was the fact that it would allow insurance companies to steer to a specific auto body shop or to a specific tower. That is illegal in the State of Pennsylvania. This language just reinstates that. I think it is absolutely necessary that this amendment go into the bill.

Thank you, Mr. Speaker.

### GERMANENESS QUESTIONED

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

Mr. DeLUCA. Mr. Speaker, once again I challenge this amendment on germaneness. I do not believe this is germane to the bill, and the fact is that this makes no sense in the context of this piece of legislation. Therefore, I challenge it on germaneness.

The SPEAKER. The gentleman, Representative DeLuca, raises a point of order that amendment A05723 to HB 2041 is not germane.

The Speaker, under rule 27, is required to submit the question of germaneness of an amendment to the House floor for consideration.

On the question,  
Will the House sustain the germaneness of the amendment?

The SPEAKER. On the point of order, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Mr. Speaker, the amendment deals with towing. The amendment deals with insurance companies steering. The word "tower," "towing," is in the bill at least 50 times, and the word "insurance," "insurance company," "insurer," is in the bill at least five or six times. How can it not be germane?

If you are going to mention "insurance," you are going to mention "towing" in an amendment and you are going to mention "towing" and "insurance" in a bill, how can you say they are not germane? This is just a way of skating, making people have to vote on an amendment that they do not want to, unless somebody just did not read the bill. But I would think, ask anybody, to find in the bill where the words "towing" and "insurance" do not exist? It is all through the bill. It is a towing bill. The amendment affects towing.

The amendment is germane to the bill. I would ask for a "yes" vote.

The SPEAKER. On the point of order, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. I am among those who would expect to vote "no" on this amendment, but it is just silly to say it is not germane. Towing? Amendment on a towing bill? If that is not germane, I do not know what is.

I would encourage the gentleman from Penn Hills to withdraw his germaneness motion and let us just vote on the amendment. I do not think the amendment is going to succeed, but let us just do it. It is silly to pretend it is not germane.

The SPEAKER. On the question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would like to add my voice in support of the obvious germaneness of this amendment to this piece of legislation.

Mr. Speaker, it makes a mockery out of the term "germaneness" to even bring such a motion on this amendment. And, Mr. Speaker, what else this does is that this will fuel and fan the fires of all of those towing companies out there who see this as a giveaway to the insurance industry.

Representative Barrar's amendment is not only very germane to the subject matter at hand, to towing and to insurance, which as he correctly stated is the common theme throughout this piece of legislation, but it will send the signal that we are, if we reject this or declare it not to be germane, it will send the signal and reaffirm their fears that what we are really trying to do is to put towing decisions in the hands of the insurer and take away protection from the consumers.

Representative Barrar's amendment protects the consumers, Mr. Speaker, one of the few pieces or parts of this bill that will protect the consumers should it go in. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### QUESTION OF GERMANENESS WITHDRAWN

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

Mr. DeLUCA. Mr. Speaker, I am going to withdraw that motion there and we will vote on these amendments one at a time. I withdraw the motion for germaneness. I withdraw the motion for germaneness.

But I oppose your amendment, and let me just say this: I do not know where you are reading in the bill—

The SPEAKER. The gentleman will yield.

The Chair thanks the gentleman for withdrawing the motion.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The question before the House is now amendment A05723. The gentleman, Mr. DeLuca, may proceed on the amendment.

Mr. DeLUCA. Mr. Speaker, I oppose this amendment. And we heard a lot about the insurance in this bill, but I would like to draw the members' attention to HB 2041. And the only place that we mention "insurer"— We mention "insurer," not insurance companies. We mention the fact with the consent of the "insurer," not the insurance company – the "insurer."

This certainly, I believe, is unconstitutional, and I certainly would ask for a "no" vote, because it certainly does not pertain to this bill.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. MUSTIO. Thank you.

We have heard a lot about the insurance companies here, Mr. Speaker. What percentage of the automobiles in Pennsylvania actually have comprehensive and collision coverage on them?

Mr. BARRAR. I do not have that exact amount from the insurance industry.

Mr. MUSTIO. Would a correct statement be if an automobile was in an accident or stolen and it did not have comprehensive or collision coverage on it, that the insurance company would not even be involved in directing the towing of that vehicle?

Mr. BARRAR. There is a provision in the bill that says that after a car, a vehicle, is towed, that the tower must contact the owner of the vehicle and the insurance company within a certain period of time. I am trying to get to your question on that. So if it is not an insurance issue, then it is— I think that is one of the questions I wanted to raise in interrogation later on with the maker of the bill, is what types of tow is the towing contractor required to notify the insurance company? It is not clear in the bill. They were questions I had for the maker of the bill that I would ask later on.

Mr. MUSTIO. All right. It is my understanding that the insurance company would not be involved because they are not paying a claim on that, and I think staff would verify that.

You are prohibiting the insurer from requiring a specified tower. How about a police department? Is it okay that the police departments refer?

Mr. BARRAR. Most of the townships, boroughs, and cities within the State that we know of and anybody that tows for the Pennsylvania State Police has a contract or it is done by township ordinance in order to tow a vehicle. So yes, most of

them, their fees are posted by the township or they are required to post with the township what their fees are.

Mr. MUSTIO. Thank you, Mr. Speaker.

On the amendment?

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

Mr. MUSTIO. I would encourage the members to vote "no" on this amendment. I appreciate my good friend, Representative Barrar's attempts here. But really, from a consumer standpoint, this actually is going to end up driving up costs, and I think the argument that is being made here is similar to the one that is being made on the national level: Let us distract by bashing the insurance companies instead of getting to the intent of the legislation, which, in this case, I would encourage "no" on the amendment and "yes" on the basic legislation. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Adolph	Fairchild	Knowles	Quigley
Barrar	Farry	McI. Smith	Quinn
Bear	Fleck	Metcalfe	Rapp
Benninghoff	Gabig	Metzgar	Reed
Beyer	Gabler	Micozzie	Reichley
Boback	Geist	Millard	Roae
Boyd	Gillespie	Miller	Rock
Brooks	Gingrich	Milne	Rohrer
Causar	Grove	Moul	Saylor
Civera	Harhart	Murt	Scavello
Clymer	Harper	O'Brien, D.	Schroder
Cox	Harris	O'Neill	Smith, S.
Creighton	Helm	Payne	Stern
Cutler	Hennessey	Peifer	Stevenson
Day	Hess	Perry	Swanger
Delozier	Hickernell	Perzel	Tallman
DiGirolamo	Hornaman	Petri	True
Ellis	Hutchinson	Phillips	Watson
Everett	Kauffman		

NAYS—122

Baker	Fabrizio	Maher	Sabatina
Barbin	Frankel	Mahoney	Sainato
Belfanti	Freeman	Major	Samuelson
Bishop	Galloway	Manderino	Santarsiero
Boyle	George	Mann	Santoni
Bradford	Gerber	Markosek	Seip
Brennan	Gergely	Marshall	Shapiro
Briggs	Gibbons	Marsico	Siptroth
Brown	Godshall	Matzie	Smith, K.
Burns	Goodman	McGeehan	Smith, M.
Buxton	Grell	Melio	Solobay
Caltagirone	Grucela	Mirabito	Sonney
Carroll	Haluska	Mundy	Staback
Casorio	Hanna	Murphy	Sturla
Christiana	Harhai	Mustio	Taylor, R.
Cohen	Harkins	Myers	Thomas
Conklin	Houghton	O'Brien, M.	Turzai
Costa, D.	Johnson	Oberlander	Vereb
Costa, P.	Josephs	Oliver	Vitali
Curry	Keller, M.K.	Pallone	Vulakovich
Deasy	Keller, W.	Parker	Wagner
DeLuca	Kessler	Pashinski	Wansacz
Denlinger	Killion	Payton	Waters
DePasquale	Kirkland	Petrarca	Wheatley
Dermody	Kortz	Pickett	White
DeWeese	Kotik	Preston	Williams

Donatucci	Krieger	Pyle	Youngblood
Drucker	Kula	Readshaw	Yudichak
Eachus	Lentz	Reese	
Evans, D.	Levdansky	Roebuck	McCall,
Evans, J.	Longietti	Ross	Speaker

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. Does the gentleman, Mr. Barrar, have further amendments?

Mr. BARRAR. Yes; I do, Mr. Speaker. The next one I would like to run would be A05976.

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

Mr. **BARRAR** offered the following amendment No. **A05976**:

Amend Bill, page 3, by inserting between lines 27 and 28 Section 3.1. Release form.

(a) General rule.—A provider of automobile insurance shall provide a written release form to each insured notifying the insured:

(1) that there is no requirement to use any specified repair shop, tow truck operator or storage facility. Before an insured can receive information from an appraiser regarding facilities which may be able to repair the vehicle for the appraised, towing or storage amounts, the insured shall first request the information from the appraiser and then sign the form in accordance with paragraph (2); and

(2) that if the appraisal includes aftermarket crash parts, this fact shall be clearly indicated on the appraisal and that if the use of an aftermarket crash part voids the existing warranty on the part being replaced or any other part, the aftermarket crash part shall have a warranty equal to or better than the remainder of the existing warranty. "Aftermarket crash part" means a nonoriginal equipment manufacturer replacement part, either new or used, for any of the nonmechanical parts that generally constitute the exterior of the motor vehicle, including inner and outer panels.

(b) Form.—The Insurance Department shall develop a standardized release form containing the notices required under subsection (a). The notices under subsection (a)(1) and (2) shall each be initialed by both the insured and the physical damage appraiser who has been assigned to appraise the claim. Both individuals shall also sign and date the form at the bottom of the form that has been reserved for this purpose.

(c) Penalty.—An appraiser who does not comply with the provisions of this section shall have his physical damage appraiser license suspended for not more than three months.

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require a form that would be initialed by the insured and the appraiser that they have been informed of their rights as far as steering them towards any particular automotive shop, auto repair shop, or that they have been informed of their rights to reject aftermarket crash parts. And if the appraiser is found guilty of steering towards a particular auto body shop, he would receive a 3-month suspension of his license.

Thank you, Mr. Speaker. I would ask for an affirmative vote. The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment. First of all, it does not say what a provider of auto insurance is. Secondly, it does not say when the release of the vehicle has to be in there. And certainly, this is not a consumer amendment that benefits the consumers, and what we are trying to do is trying to benefit consumers in the Commonwealth of Pennsylvania.

And it is a simple bill. I did not know this bill would generate so much opposition from certain trades out there when it is a bill that by their own admission says it is a good consumer piece of legislation.

I oppose this amendment, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I cannot understand how somebody can say this amendment does not benefit the consumer. This is about preventing steering to a particular auto body shop, which is currently going on every day in the Commonwealth. The Department of Insurance refuses to do anything about it. It looks like the legislature is going to refuse to do anything about it. This is about informing the consumer of their rights not to have aftermarket crash parts put in their car. How can you say it is not a consumer amendment? It is just silly.

I would ask the members for an affirmative vote on this. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, I will be the first one to support the gentleman if he can come up with all this stuff that the insurance companies are steering every day, because it is illegal, Mr. Speaker, and certainly you as a Representative should not be permitting it to happen if you have that information. I would join you if they are doing that, Mr. Speaker.

Again, I oppose this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I would like to add a little bit to this steering discussion that we are having on the floor. I do not know the number, but I do believe the Insurance Department gets hundreds of complaints each year on allegations of illegal steering going on by insurance companies with regard to where they get their automobiles repaired.

Now, what you will also find is the Insurance Department very rarely, if ever, rules in favor of the consumer in that regard. You know why? Because the extent of their review of that practice is call up the insurer, ask them if they did it, the insurer says no, and they close the case. That is how those cases are reviewed by the Pennsylvania Insurance Department, Mr. Speaker.

So do we have records that show this going on in numerous instances? Difficult to say. But if you talk to your towing companies, if you actually listen to the people who are out there repairing vehicles as opposed to representatives of the insurance industry who constantly walk the halls, maybe you will find out what actually is going on in the industry, and that is what I think we should do before we vote this bill.

The Barrar amendment is very much protecting the right of the consumer to decide where he or she will have their car repaired. It is that simple. How could anyone possibly argue against that concept?

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would just like to comment on the Barrar amendment. I think it is an amendment in search of a problem.

Since 2009 up to date, there have only been three – count them – three complaints against towing companies. Your amendment, sir, is looking for a problem that does not exist currently in the marketplace, and that is why I oppose it. It is unnecessary, it is additional, and I oppose it.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre County, Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and I will speak briefly to this, but I do think it is important.

I have had those phone calls to my office. I also know many gentlemen who are in the auto repair business. The concern, I think, this Representative brings up with his amendment is, do you want less than quality parts put on your car? There are such things as aftermarket, and for those of us who still repair our own cars, we will tell you, they are difficult to work with. The holes do not always line up in order to be able for mounting fenders back on the cars, and oftentimes it is driving the cost up to our consumers. The average consumer is not sitting around thinking about the gauge of steel or the quality of a part, what country it is made in, and whether it is going to be substantial for a year after you have got that car repaired. They see the pretty paint when the car is done and they think it is just as good as the manufacturer parts. That is not the case.

I have personally spoke on the phone while at a body shop with several people who said that they were told by their insurance to take their car to a particular shop. That is steering. This amendment is probably one of the most pro-consumer amendments being offered to this bill, and if we do care about our constituents and you care about the car that is coming in the

opposite direction from you, then you ought to care about quality parts. This is about safety. This is about the gauge of steel. This is about the legitimate use of quality parts in repairing your car, my car, and all of our constituents.

If you are not hearing this from your constituents, maybe you are not listening as well. But go around and talk to your body shops, talk to your auto repairmen, and they will tell you this is happening time and time again. As their elected Representatives, this is what they expect us to be fighting for.

I rise in support of the Barrar amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—95

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

#### NAYS—101

Barbin	Fabrizio	Maher	Sainato
Belfanti	Frankel	Mahoney	Samuelson
Bishop	Galloway	Manderino	Santarsiero
Boyle	Gerber	Mann	Santoni
Bradford	Gergely	Markosek	Seip
Brennan	Gibbons	Marshall	Shapiro
Briggs	Godshall	Matzie	Smith, K.
Brown	Goodman	McGeehan	Smith, M.
Burns	Grell	Melio	Solobay
Buxton	Haluska	Mirabito	Staback
Caltagirone	Hanna	Mundy	Sturla
Carroll	Harhai	Murphy	Taylor, R.
Casorio	Harkins	Mustio	Thomas
Cohen	Houghton	Myers	Turzai
Costa, D.	Johnson	O'Brien, M.	Wagner
Costa, P.	Josephs	Oliver	Wansacz
Curry	Keller, W.	Pallone	Waters
Deasy	Kessler	Parker	Wheatley
DeLuca	Killion	Pashinski	White
DePasquale	Kirkland	Payton	Williams
Dermody	Kortz	Preston	Youngblood
DeWeese	Kotik	Readshaw	Yudichak
Donatucci	Kula	Reese	
Drucker	Lentz	Roebuck	McCall,
Eachus	Levdansky	Ross	Speaker
Evans, D.	Longietti	Sabatina	

NOT VOTING—0

EXCUSED—4

Cruz Daley Miccarelli Taylor, J.

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?

The SPEAKER. Does the gentleman, Mr. Barrar, have further amendments?

Mr. BARRAR. Thank you, Mr. Speaker. The next amendment I would like to offer is A05724.

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

Mr. **BARRAR** offered the following amendment No. **A05724**:

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

shall not supersede

Amend Bill, page 4, lines 4 and 5, by striking out "only to the extent that those ordinances permit" and inserting relating to

Amend Bill, page 4, lines 5 and 6, by striking out "that are in conflict with this act"

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, the way this bill is drafted today, the bill would supersede local township ordinances. My amendment corrects that and says that the bill will not supersede local township ordinances.

You know, most of our townships, especially where I live, every township where I live, already has towing ordinances in place that currently control this situation. I think most of the townships have a good handle on this bill, on this amendment. I do not think we should undo the good work that our local government officials have done.

This amendment is supported by the local government people, the Boroughs Association, and I would ask for a "yes" support, a "yes" vote on this. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Mr. Speaker, first of all, it does not do what the maker of the amendment says it does, number one. Number two, we do not live in a preemption. If there are local governments who want to have tighter regulations, they are allowed to under this bill.

Secondly, we do not want them going from one municipality to the other municipality, because that would create a problem. But if they do want to supersede, as long as this is uniform, Mr. Speaker, they have a right, the same as the way the city of Pittsburgh is going to draft stronger legislation than this bill. And I can tell you, Mr. Speaker, maybe we should have gone like Texas and really put some teeth in this legislation to regulate these individuals, but we will discuss that on final passage.

I oppose this legislation, Mr. Speaker.

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

The following roll call was recorded:

YEAS—96

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

NAYS—99

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

NOT VOTING—1

Kessler

EXCUSED—4

Cruz Daley Miccarelli Taylor, J.

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?

The SPEAKER. Does the gentleman, Representative Barrar, have another amendment to offer?

Mr. BARRAR. The next amendment I would like to offer is A05855.

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

Mr. **BARRAR** offered the following amendment No. **A05855**:

Amend Bill, page 4, by inserting between lines 10 and 11 Section 6. Applicability.

This act shall not apply to contracts for towing entered into by the Pennsylvania State Police before or after the effective date of this act.

Amend Bill, page 4, line 11, by striking out "6" and inserting  
7

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with towing companies that are already under contract with the Pennsylvania State Police. I do not know if any members here have ever seen the contract that is presented to a tower, someone who tows on our State highways. The State Police present them with a very comprehensive towing contract that they must abide by, and this would allow towers who are under that contract, they would not be affected by this legislation.

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

Mr. DeLUCA. Mr. Speaker, once again, I have to oppose this amendment. And I am not sure if the maker of the amendment is familiar with the State Police, because the State Police do not have contracts. What they do is qualify their towers. It is a lot different than making them sign contracts. If you would check on it, you would find out that the State Police do not have contracts; they only qualify the towers. Now, if you want to play games with some of the terminology, that is fine, but they do not give contracts; they qualify their towers.

I oppose this amendment.

The SPEAKER. On the question, those in favor of the amendment will vote "aye"— The Chair rescinds.

PARLIAMENTARY INQUIRIES

The SPEAKER. Does the gentleman, Representative Pallone, wish to be recognized on the amendment?

Mr. PALLONE. Thank you, Mr. Speaker.

A parliamentary inquiry, I believe.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PALLONE. The Pennsylvania State Police, it is my understanding, do not have the authority to contract anyway, so is this even appropriate that we even run an amendment that says an agency that does not have the authority to do something cannot do it? The contract will be with the Commonwealth through General Services.

The SPEAKER. The amendment is not out of order. Any member of the floor has the ability to offer any amendment that they wish in that the amendment is in order and it would be up to the members of this House to decide that question.

Does the gentleman have a further parliamentary inquiry? Please state it.

Mr. PALLONE. Yes, Mr. Speaker. Then as a matter of further parliamentary inquiry, does the Pennsylvania State Police have the ability to contract?

The SPEAKER. That question would be out of order, and it is not a parliamentary inquiry to the Chair.

Mr. PALLONE. Respectfully, can the Chair elaborate as to why it would be out of order to find out if a department under the jurisdiction of the Commonwealth can or cannot contract?

The SPEAKER. That would be an appropriate question to another member or the maker of an amendment, but it is not appropriate—

Mr. PALLONE. All right. Could I interrogate the chairman of the Insurance Committee?

The SPEAKER. The gentleman is in order, if the gentleman from Allegheny County, Representative DeLuca, consents to interrogation.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, one question. Do you know whether or not the Pennsylvania State Police have the authority to contract with vendors?

Mr. DeLUCA. The only thing I can say, Mr. Speaker, when it comes to this issue, towing, they do not have that authority. On other things, I cannot comment, Mr. Speaker.

Mr. PALLONE. Thank you, Mr. Speaker. I have no further questions.

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

The following roll call was recorded:

YEAS—69

Adolph	Everett	Maher	Pickett
Baker	Fairchild	Major	Pyle
Barrar	Farry	Marsico	Quigley
Benninghoff	Gabig	Metzgar	Quinn
Beyer	Geist	Millard	Reichley
Boback	Gillespie	Miller	Roae
Brooks	Gingrich	Milne	Rock
Christiana	Grove	Moul	Rohrer
Civera	Harhart	Murt	Scavello
Clymer	Harper	O'Brien, D.	Schroder
Cox	Harris	O'Neill	Smith, S.

Creighton	Helm	Oberlander	Sonney
Day	Hennessey	Payne	Stevenson
Delozier	Hess	Peifer	Swanger
Denlinger	Kauffman	Perzel	Tallman
DiGirolamo	Keller, M.K.	Petri	Vereb
Ellis	Knowles	Phillips	Watson
Evans, J.			

NAYS—127

Barbin	Frankel	Longietti	Sabatina
Bear	Freeman	Mahoney	Sainato
Belfanti	Gabler	Manderino	Samuelson
Bishop	Galloway	Mann	Santarsiero
Boyd	George	Markosek	Santoni
Boyle	Gerber	Marshall	Saylor
Bradford	Gergely	Matzie	Seip
Brennan	Gibbons	McGeehan	Shapiro
Briggs	Godshall	McI. Smith	Siptroth
Brown	Goodman	Melio	Smith, K.
Burns	Grell	Metcalfe	Smith, M.
Buxton	Grucela	Micozzie	Solobay
Caltagirone	Haluska	Mirabito	Staback
Carroll	Hanna	Mundy	Stern
Casorio	Harhai	Murphy	Sturla
Causer	Harkins	Mustio	Taylor, R.
Cohen	Hickernell	Myers	Thomas
Conklin	Hornaman	O'Brien, M.	True
Costa, D.	Houghton	Oliver	Turzai
Costa, P.	Hutchinson	Pallone	Vitali
Curry	Johnson	Parker	Vulakovich
Cutler	Josephs	Pashinski	Wagner
Deasy	Keller, W.	Payton	Wansacz
DeLuca	Kessler	Perry	Waters
DePasquale	Killion	Petrarca	Wheatley
Dermody	Kirkland	Preston	White
DeWeese	Kortz	Rapp	Williams
Donatucci	Kotik	Readshaw	Youngblood
Drucker	Krieger	Reed	Yudichak
Eachus	Kula	Reese	
Evans, D.	Lentz	Roebuck	McCall,
Fabrizio	Levdansky	Ross	Speaker
Fleck			

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. Does the gentleman, Mr. Barrar, have further amendments?

Mr. BARRAR. Mr. Speaker, I am going to pull the rest of my amendments. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Is the gentleman, Mr. Killion, withdrawing his amendment? The Chair thanks the gentleman, so do the members.

The Chair recognizes the gentleman from Montgomery County, Representative Murt, who offers amendment A05709. The gentleman withdrawing the amendment? The Chair thanks the gentleman.

There are no further amendments, no late-filed amendments.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Berks County, Representative Kessler, to correct the record.

Mr. KESSLER. Thank you, Mr. Speaker.

In reference to amendment 5724 to HB 2041, I was not recorded as a "yea" or a "nay." I would like to be recorded as a "nay."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED

HB 2299, PN 3300

By Rep. JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in penalties, further providing for children in polling places and voting compartments or voting machine booths.

STATE GOVERNMENT.

MOTION TO PROCEED TO CONSIDERATION  
UNDER RULE 24

The SPEAKER. The Chair recognizes the majority leader. Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, pursuant to rule 24, I rise to seek House approval to proceed to third consideration and final passage on HB 460, PN 3362, less than 24 hours after it was last amended, as there has been sufficient time to review the language of the bill. Again, I seek approval to proceed on third consideration and final passage of HB 460.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—171

Adolph	Fabrizio	Levdansky	Reed
Baker	Fairchild	Longietti	Reese
Barbin	Farry	Maher	Reichley
Barrar	Fleck	Mahoney	Roebuck
Bear	Frankel	Major	Ross
Belfanti	Gabig	Manderino	Sabatina
Beyer	Geist	Mann	Sainato
Bishop	George	Markosek	Santarsiero
Boback	Gerber	Marshall	Santoni
Boyd	Gergely	Marsico	Saylor
Boyle	Gibbons	Matzie	Scavello
Bradford	Gillespie	McGeehan	Seip



Brennan	Gingrich	McI. Smith	Shapiro
Briggs	Godshall	Melio	Siptroth
Brooks	Goodman	Micozzie	Smith, K.
Brown	Grove	Millard	Smith, M.
Burns	Grucela	Miller	Smith, S.
Buxton	Haluska	Mirabito	Solobay
Caltagirone	Hanna	Moul	Sonney
Carroll	Harhai	Mundy	Staback
Casorio	Harhart	Murphy	Stern
Causer	Harkins	Murt	Stevenson
Civera	Harper	Mustio	Sturla
Clymer	Harris	Myers	Swanger
Cohen	Helm	O'Brien, D.	Taylor, R.
Conklin	Hennessey	O'Brien, M.	Thomas
Costa, D.	Hess	O'Neill	True
Costa, P.	Hickernell	Oliver	Turzai
Curry	Hornaman	Parker	Vereb
Day	Houghton	Pashinski	Vitali
Deasy	Johnson	Payton	Vulakovich
Delozier	Josephs	Payton	Wagner
DeLuca	Kauffman	Peifer	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	Kotik	Quigley	
Evans, D.	Kula	Quinn	McCall,
Evans, J.	Lentz	Readshaw	Speaker
Everett			

NAYS—25

Benninghoff	Gabler	Metzgar	Roae
Christiana	Galloway	Milne	Rock
Cox	Grell	Oberlander	Rohrer
Creighton	Hutchinson	Pallone	Samuelson
Cutler	Krieger	Perry	Schroder
Denlinger	Metcalfe	Rapp	Tallman
Freeman			

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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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.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 460, PN 3362**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for unlawful acts concerning licenses.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Daley	Miccarelli	Taylor, J.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 58 and HB 1361 be removed from the tabled bill calendar.

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

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 58 and HB 1361 be recommitted to the Committee on Appropriations.

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

**RESOLUTION**

Mr. EACHUS called up **HR 403, PN 2421**, entitled:

A Concurrent Resolution relating to the presumption of a service connection for Agent Orange exposure for certain Navy and Air Force veterans and calling on the Congressional Delegation of the Commonwealth of Pennsylvania to fully support and fund passage of the Agent Orange Equity Act of 2009.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 403 be removed from the active calendar and placed on the tabled bill calendar.

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

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 403 be removed from the tabled bill calendar and placed on the active calendar.

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

**ANNOUNCEMENT BY MS. HARPER**

The SPEAKER. The Chair recognizes the gentlelady from Montgomery County, Representative Harper, for the purpose of an announcement.

Ms. HARPER. Thank you, Mr. Speaker.

At the behest of Representative Tim Hennessey, I am reminding the Steel Caucus that you are currently meeting in 60 East Wing at the end of session.

Thank you very much.

The SPEAKER. The Chair thanks the lady.

**STATE GOVERNMENT COMMITTEE MEETING**

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

The State Government Committee, which recessed, will reconvene 5 minutes after we have finally left the floor here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The State Government Committee will meet 5 minutes after session adjourns.

Are there any further announcements?

**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 filed by the gentleman from Montgomery County, Representative Briggs, who moves that this House do now adjourn until Wednesday, March 17, 2010, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

Do not forget to wear your green.

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

Motion was agreed to, and at 3:12 p.m., e.d.t., the House adjourned.