

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 17, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 14

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Bishop Joseph McFadden, who is a guest of Representative Hennessey.

BISHOP JOSEPH P. McFADDEN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us bow our heads and pray:

Almighty God, You are the source of all goodness and love. Today we come before You knowing that You are always with us and ever attentive to our needs. As we gather on this day, we also celebrate all those in our Commonwealth with Irish heritage. We join with them in recognizing their patron saint, St. Patrick, and his great faith in You.

We ask You, Lord, to help us always to appreciate the gift of every human life and the various ethnic peoples and cultures that make up the mosaic of the world You have made. May we always appreciate the diversity of gifts that come to us from all the different nationalities and peoples that have immigrated to this nation seeking life, liberty, and the freedom to pursue their dreams without fear.

As our Representatives gather today, give them the wisdom and knowledge to be effective in fashioning laws that truly reflect the furtherance of the common good. Help them to be courageous in seeking all that is truly right and just, and may their work be fruitful for all the people of Pennsylvania.

On this day, when we recognize the contributions of the Irish, especially here in the Commonwealth, we call upon You to be with our legislators. In the words of St. Patrick, we ask that You pilot their efforts. We pray that Your might will uphold them, Your wisdom will guide them, Your eyes look before them, Your ear to hear them, Your word to speak in them, Your hand to guard them, Your way to lie before them, Your shield to protect them, Your host to secure them, against the snares of the devils, against temptations of vice, against inclinations of nature, against everyone who shall wish them ill, afar and near, alone, and in the multitude.

Heavenly Father, on this day, we ask that for our Representatives, the road may rise before them, that the wind may always be at their backs, and that You will forever hold them in the palm of Your hands. We ask this in the name of Jesus, the Lord. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, March 16, 2010, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2276 By Representatives MAJOR, EVERETT, PICKETT, BAKER, DONATUCCI, FAIRCHILD, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARRIS, M. KELLER, MELIO, MILLARD, MILLER, MOUL, MURT and SIPTROTH

An Act amending the act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, further providing for definitions and for applicability, exclusions and construction.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 17, 2010.

No. 2335 By Representatives PAYNE, BELFANTI, BEYER, DONATUCCI, EVERETT, GABLER, HALUSKA, HARPER, JOSEPHS, MANN, MELIO, MILLARD, MOUL, MURPHY, MURT, REICHLEY, SANTONI, SEIP, SIPTROTH, SONNEY, J. TAYLOR, VITALI and J. EVANS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for when sales may be made at Pennsylvania Liquor Stores.

Referred to Committee on LIQUOR CONTROL, March 17, 2010.

No. 2336 By Representatives PAYNE, BELFANTI, CASORIO, CIVERA, DeWEESE, FAIRCHILD, GABLER, GILLESPIE, GINGRICH, GOODMAN, GROVE, HESS, HICKERNELL, KAUFFMAN, KNOWLES, MILLER, MOUL, MURT, M. O'BRIEN, READSHAW, ROAE, SEIP, SIPTROTH, STERN, SWANGER, TALLMAN, J. TAYLOR, VEREB, VULAKOVICH and WATSON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, expanding provisions relating to sentence for murder, murder of unborn child and murder of law enforcement officer, criminal

homicide of law enforcement officer and assault of law enforcement officer to include first responders; imposing penalties; and further providing for sentences for offenses committed against law enforcement officer.

Referred to Committee on JUDICIARY, March 17, 2010.

No. 2337 By Representatives BISHOP, BELFANTI, HENNESSEY, DONATUCCI, SIPTROTH, HESS, MURT, SWANGER, MANDERINO and BOYLE

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for unlawful discriminatory practices.

Referred to Committee on STATE GOVERNMENT, March 17, 2010.

No. 2338 By Representatives MUNDY, EACHUS, TRUE, BELFANTI, BRADFORD, BRIGGS, CALTAGIRONE, CARROLL, CURRY, CUTLER, DALEY, DePASQUALE, DeWEESE, FRANKEL, HARKINS, HICKERNELL, HOUGHTON, JOHNSON, JOSEPHS, KULA, MAHONEY, MANN, McILVAINE SMITH, MURPHY, MURT, PALLONE, PARKER, PASHINSKI, PAYTON, PETRI, PRESTON, SAMUELSON, SANTONI, SHAPIRO, SIPTROTH, K. SMITH, STABACK, STURLA, WAGNER, WILLIAMS and YOUNGBLOOD

An Act providing for requirements for children in foster care and for grievance policy and procedure.

Referred to Committee on CHILDREN AND YOUTH, March 17, 2010.

SENATE BILLS FOR CONCURRENCE

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

SB 213, PN 1686

Referred to Committee on EDUCATION, March 17, 2010.

SB 747, PN 1724

Referred to Committee on TRANSPORTATION, March 17, 2010.

SB 1044, PN 1618

Referred to Committee on JUDICIARY, March 17, 2010.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 237, PN 1688**, and **SB 297, PN 1632**.

The SPEAKER. Members, please report to the floor of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 237, PN 1688

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in general provisions relating to insurance companies, further providing for annual and other reports; providing for suitability of annuity transactions and for the regulation of health insurance practices concerning parity and nondiscrimination; further providing for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for other nonadmitted insurers, for surplus lines licensee's duty to notify insured, for declarations, for surplus lines advisory organizations, for evidence of insurance, for effect of payment to surplus lines licensee, for licensing of surplus lines licensee, for surplus lines licensee's acceptance of business from brokers, for records of surplus lines licensees, for monthly reports, for surplus lines tax, for tax on independently procured insurance, for suspension, revocation or nonrenewal of surplus lines licensee's license and for penalties; providing for compliance; and, in children's health care, further providing for expiration of certain provisions.

SB 297, PN 1632

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for well reporting requirements.

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

GUESTS INTRODUCED

The SPEAKER. The Chair has guests he would like to introduce, guests in the gallery, Don Albanese and his wife, Rosemarie. They are the guests of Representative Rich Grucela. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Jeremy Vargas from Reading High School, who is shadowing Representative Santoni for the day. Will the guest please rise. Welcome to the House.

In the back of the House – I imagine this is the group that led the House in the Pledge of Allegiance – the Chair welcomes the Upper Merion Area Middle School Junior Optimists. They are the guests of Representative Tim Briggs. Welcome to the House. Hence the term "optimists."

In the well of the House, the Chair welcomes Michael Artale, a homeschooled student from Lititz who interns in Representative Bear's Lititz office, serving as a guest page. He is the guest of Representative John Bear. Welcome to the hall of the House.

Also serving as a guest page, in the well of the House, Stephanie Rhoades. She is a ninth grade student at Red Lion Area High School and is a guest of Representative Stan Saylor. Will the guest please rise. Welcome to the hall of the House.

In the well of the House, serving as a guest page today, is Christopher Harmantzis, a senior at Middletown Area High School. He is the son of Julie and Andrew Harmantzis and is the guest of Representative John Payne. Will the guest please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Carissa Stough, who is a sophomore at Christian School of York, and Ryan Brewer, who is a junior at Kennard-Dale High School. Both students are participating in the Future Leaders of York class of 2010, and they are the guests of Representative Stan Saylor. Welcome to the hall of the House.

We have a very special guest with us, Chief Justice Castille, who is joining us to partake in some of the Irish entertainment that we have here on the House floor this morning. Welcome to the hall of the House, chief justice.

I am just told by the former Speaker that the chief justice just celebrated his birthday yesterday. I do not know the number, but happy birthday, chief justice.

In the balcony, the Chair welcomes a group, the Tourette Syndrome Alliance. They are here for Tourette Syndrome Awareness Day, and they are the guests of Representative Dan Moul. Will the guests please rise. Welcome to the hall of the House.

STATEMENT BY MR. D. O'BRIEN

The SPEAKER. Under unanimous consent, the Chair would like to recognize the gentleman from Philadelphia County, Representative Dennis O'Brien, without objection.

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

Just an observation, Mr. Speaker. I think that one could make an argument that because of your position, you are, perhaps, the number one Irishman celebrating St. Patrick's Day in the Commonwealth of Pennsylvania. And I could call your mother on this occasion, and I am sure she would agree that you are, arguably, the number one Irishman. But if I asked her if you could dance, I will bet that she would say, can my son dance?

Now, I have not called her, but I know she is probably watching on PCN (Pennsylvania Cable Network) and is very proud of you. And I recall back in 2008, when Representative Hennessey issued a challenge to me, which I accepted, to dance with the Irish dancers. So I would ask that the Speaker not disappoint and carry on with that fine tradition—

The SPEAKER. I would object.

Mr. D. O'BRIEN. —and participate in today's festivities.

The SPEAKER. I would object to the man's unanimous consent.

The Chair thanks the gentleman. Unfortunately, the Speaker has two left feet and I could not compete against the lovely lasses seated to the Speaker's left.

ST. PATRICK'S DAY PROGRAM

McELLIGOTT SCHOOL IRISH DANCERS PRESENTED

The SPEAKER. The Chair would like to recognize the gentleman from Chester County, Representative Hennessey, for the purpose of introducing some special guests to the House of Representatives.

Mr. HENNESSEY. Thank you, Mr. Speaker.

We indeed do have some special guests for you today. On behalf of the Pennsylvania House of Representatives' Irish Caucus, I would like to welcome the members, our guests, and our viewers on PCN to a short celebration of Pennsylvania's Irish culture.

Throughout our Commonwealth's history, Pennsylvania has been built by peoples from all over the world. In the 1800s waves of immigrants, primarily from Europe, came to America to build better lives for themselves and their families. The Pennsylvania Dutch, Germans, Italians, Polish, Hungarians, Czechs, and peoples, as I said, from all over the world all form the polyglot which is the social fabric of Pennsylvania. Not to be forgotten in those groupings of immigrants are the Irish. Driven by the Great Famine from 1845 to 1849, they came in waves and in droves to America and to Pennsylvania.

We celebrate all cultures in Pennsylvania, but today, St. Patrick's Day, we especially celebrate our Irish roots and traditions. To kick off our celebration, we have – and I use that term "kick off" advisedly, you will see in a moment – we are joined by the McElligott School of Irish Dance from Stroudsburg, Monroe County, in the eastern part of Pennsylvania, from the Pocono regions of Pennsylvania.

The McElligott School has been in operation in Stroudsburg for about 5 years. Today our dancers are performing to the music of Afro Celt, an instrumental group. It is an African and American music group fused together into a traditional style of music, but a modern traditional style of music. Native instruments from Ireland and Africa were used to create the music.

Our dancers are – and catch the last names; you will get an idea of exactly how we intermix socially here in Pennsylvania. We are joined today by Irish dancers Kasie Berkowitz, Brendan Dohn, Caitlyn Doyle, Christina Heckelman, and Ashley Potestio, and this little sprite over here next to the podium in green is Lily Bruer. You can gather from their last names the kind of social interaction we have here in Pennsylvania. They are about to dance – girls, young girls, Lily especially, Brendan – regale us with some Irish dance.

(Dance was performed by McElligott School Irish Dancers.)

Mr. HENNESSEY. Wow. Wow, lots of energy, lots of color, lots of good kids doing good things. So many times in our society we hear some bad news about kids; these are good kids doing good things and keeping our cultures and our traditions alive. So thank you very much. I think they scooted off to their next performance.

Heather Sparks – the McElligott School has been operated for 5 years in Stroudsburg by Heather Sparks, and as you can see from what you just witnessed here on the House floor, she does an excellent job of teaching young children to dance Irish dances.

MINDY RHODES PRESENTED

Mr. HENNESSEY. We are also joined today by a woman by the name of Mindy Rhodes. She is a graduate of the Westtown School in Westtown, Pennsylvania; the Pennsylvania State School of Music in State College; and she has performed in the past with the Pennsylvania State symphony.

More importantly, she is best friends with Kate Smith, who is the daughter of Representative Barbara McIlvaine Smith. We met sort of serendipitously; Barbara and I and some of the Chester County delegation were at a dinner last week at the General Warren Inne with some business people from Chester County and happily happened upon Mindy, who was singing in the General Warren Inne, and we enjoyed her singing and we invited her up here. She was able to come, so she is going to treat us to the traditional Irish ballad, "Danny Boy."

Mindy.

("Danny Boy" was sung by Mindy Rhodes.)

Mr. HENNESSEY. Thank you, Mindy. Thank you for a beautiful rendition of what I think is unofficially the Irish national anthem. It was a beautiful rendition. I appreciate you joining us today.

The Irish Caucus, ladies and gentlemen, the Irish Caucus of the Pennsylvania House of Representatives wishes you a happy St. Patrick's Day, a wonderful day, invites you to an Irish luncheon in room 60, East Wing, starting at noon or whenever we break the morning session here. The McElligott dancers will be back to perform for us down there. Perhaps we can convince Mindy to come down and sing to us some more during the Irish lunch.

And I will just leave you and end this celebration with the wish, top o' the mornin' to you. And if you have been paying attention over the last few years, you will know that the answer to that is, and the rest of the day to yourself. So top o' the mornin' to you all.

Thank you very much. Mr. Speaker, thank you. Happy St. Patrick's Day.

The SPEAKER. The Chair thanks the gentleman, Mr. Hennessey, and the Irish Caucus.

STATEMENT BY MR. GEIST

The SPEAKER. Would the gentleman, Mr. Geist, like to be recognized under unanimous consent?

Mr. GEIST. Yes.

The SPEAKER. Without objection, the gentleman is recognized.

Mr. GEIST. Mr. Smiling Irishman, would it be possible to recruit Eddie Day "O'Shinski," recruit him to give us a number? I mean, he has such a beautiful voice. He is one of our members and I think it would be wonderful if we could persuade him just to give us a little sendoff tune.

The SPEAKER. When we come back from caucus or would you like to do it now?

Mr. GEIST. I think he could do one both times.

The SPEAKER. I just happen to have this in my pocket.

Mr. PASHINSKI. Well, with all due respect to all of you, you have always got to be prepared. Never knowing how this caucus goes, or who has been kissing the Blarney Stone, but I have been bumped out by a very fine-looking woman who sang beautifully. She sang beautifully. Wonderful job.

So why do we not sing something that is a little bit happy. I know you do not have your pints, but you have your heart here in the right place, because today everyone is Irish, including this Polack.

Sing it with me. Oh, wait, that was a little Italian, was it not? Sing it with me? I was looking at Tony DeLuca.

("When Irish Eyes Are Smiling" was sung by Representative Pashinski.)

Mr. PASHINSKI. Where are all the Irish boys? Where are all the Irish boys? Johnny Pallone. Come on, John. You could not join the band, but you can join the choir.

Thank you all. You do not want to sing together? Ready? One more time.

Representative Clymer, take the mike. Representative Clymer and I were singing together in the Capitol. For all the people that are watching, we have just discovered bipartisanship is possible through music, huh?

Mr. CLYMER. Correct.

Mr. PASHINSKI. Ready?

("When Irish Eyes Are Smiling" was sung by Representatives Clymer and Pashinski.)

Mr. PASHINSKI. Thank you all.

The SPEAKER. The Chair thanks the gentlemen, Mr. Clymer and Mr. "O'Pashinski." We need more of this in this House.

The Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Mr. Speaker, I respect the latitude that the Speaker gives to the process, but it does not hurt that you are Irish, does it?

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, you know, I was standing here just reflecting somewhat as someone that comes from the anthracite coal fields of Pennsylvania, where most of the Irish immigrated and worked in the bowels of the earth, worked on the railroads, worked in the mills. I had both of my grandparents work in coal mines – one was a slate picker, one was a rock man. My uncle, as well, was a slate picker and, you know, worked their way up through the ranks. And today for me to stand in this position as Speaker of the House, to watch the wonderful girls dance, to hear the singing, to see us all come together on this day of St. Patrick, I can only reflect on how the Irish have changed so much in this country. And I am so proud to be an American – very proud to be an American – but I am very proud of the Irish heritage that I carry and so proud of what we have done to influence the body politic and the world that we live in today, and the Irish certainly have made that significant contribution.

So as we celebrate, I can only be thankful for how I was raised in my Irish heritage and I appreciate everyone joining in in the festivities today. So the Chair thanks the members of the House. Back to business.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests leaves of absence for: Representative William KELLER from Philadelphia County for the day; Representative

McGEEHAN from Philadelphia County for the day; Representative THOMAS from Philadelphia County for the day; Representative YUDICHAK from Luzerne County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests leaves of absence for: Representative GINGRICH from Lebanon County for the day and Representative TRUE from Lancaster County for the day. Without objection, the leaves 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—192

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Cruz	Keller, W.	Taylor, J.	True
Gingrich	McGeehan	Thomas	Yudichak

LEAVES ADDED—2

Donatucci	Wheatley
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LEAVES CANCELED—1

Yudichak

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

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room. The caucus will be held at noon, also in the caucus room, and we are due to return to the floor at 12:45 p.m.

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 announce a Republican caucus at noon. I would ask Republicans to please report to our caucus room at noon. Thank you.

The SPEAKER. The Chair thanks the lady.

Any further announcements?

RECESS

The SPEAKER. This House stands in recess until 12:45 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 421, PN 465**, with information that the Senate has passed the same without amendment.

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

HB 2108, PN 3386 (Amended) By Rep. BELFANTI

An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for the definitions of "employee" and "employer," for protection of employees, for enforcement and for penalties.

LABOR RELATIONS.

HB 2160, PN 3387 (Amended) By Rep. BELFANTI

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for shared work program.

LABOR RELATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 349, PN 380 By Rep. D. EVANS

An Act establishing the Older Pennsylvanian Higher Education Program; and permitting institutions of higher education to offer higher education courses to older adults without charge of tuition.

APPROPRIATIONS.

HB 794, PN 1154 By Rep. D. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for payment of fees associated with certification by the National Board for Professional Teaching Standards.

APPROPRIATIONS.

HB 1336, PN 2238 By Rep. D. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for possession and use of asthma inhalers.

APPROPRIATIONS.

HB 2178, PN 3313 By Rep. D. EVANS

An Act amending the act of November 29, 2004 (P.L.1282, No.158), known as the Manufactured Housing Improvement Act, expanding the coverage of the act to relocated housing.

APPROPRIATIONS.

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

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Dermody, the majority whip, who requests a leave of absence for: Representative DONATUCCI from Philadelphia County for the day; Representative WHEATLEY from Allegheny County for the day. Without objection, the leaves will be granted.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. SEIP called up **HR 682, PN 3363**, entitled:

A Resolution designating March 2010 as "Professional Social Work Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

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

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I rise today for just a moment to ask my colleagues to recognize the great contributions of social workers across the Commonwealth and the great profession of social work. I want social workers to know that the members of the House of Representatives value your efforts, the efforts of social workers who often and routinely dedicate incredible blocks of time to help others.

Social workers identify serious issues and obstacles and help improve the lives of the people that they work for, and they also are instrumental in working collaboratively to create positive solutions to great challenges to enhance the lives of other human beings. Social workers help children, veterans, seniors, people overcoming physical disabilities, individuals with substance abuse concerns, those confronting mental health issues, and other challenges of life.

Mr. Speaker, social workers have been and continue to be very instrumental in making the lives of others better. Mr. Speaker, I ask my colleagues for an affirmative vote on HR 682.

Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—190

Adolph	Evans, J.	Lentz	Quinn
Baker	Everett	Levdansky	Rapp
Barbin	Fabrizio	Longietti	Readshaw
Barrar	Fairchild	Maher	Reed
Bear	Farry	Mahoney	Reese
Belfanti	Fleck	Major	Reichley
Benninghoff	Frankel	Manderino	Roae
Beyer	Freeman	Mann	Rock

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Keller, W.	Thomas	Wheatley
Donatucci	McGeehan	True	Yudichak
Gingrich	Taylor, J.		

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

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:

HB 421, PN 465

An Act designating the Arch Street Bridge on State Route 2064, Lycoming County, as the Duboistown Bridge.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I could have the attention of the members for a brief moment. I do not know if a lot of the members noticed that beneath the rostrum there is an empty seat. It is the empty seat of the person who ran the sound system here in the House of Representatives. And it is a sad reminder that we have lost one of our own, Mike McCue, who tragically passed away a couple of weeks ago while shoveling snow during one of the big snowstorms here in Harrisburg.

He was known as one of the best sound operators, but really, a dedicated sound system operator here in the House of Representatives, and it was a job that he took very, very seriously over the last 26 years that he worked that position. I knew Mike when I was first elected. He started working in the House of Representatives in 1973 as a page. And from the page position in 1980, he was hired in our post office in the back of the hall of the House, and then, of course, in 1984 he was elected as our sound system operator – actually, they operated the sound systems from back in the balcony, not in the front of the hall of the House. But Michael absolutely loved this institution, and every time he spoke about where he worked, you could tell the pride that he had in working in this institution. He did such a great job.

No matter what conversation I ever had with Mike on a session day, with contentious debate, it was never a problem for him to stay the late hours; he never minded that. But he had a great sense of humor and he always was very, very quick to wit. He left us behind far too soon. I am sure all of you know, he was only 51, 52, or 53 years old. He was a young man.

But to his family – his father, John McCue, who was a member of this House of Representatives; his brother, Patrick A. McCue; and his dog that he treasured and was still in the home after they found him, Scout – we just thank their family for sharing such an extraordinary man with us here in the House of Representatives, and certainly wish Godspeed to Michael.

RESOLUTIONS PURSUANT TO RULE 35

Mr. PYLE called up **HR 668, PN 3294**, entitled:

A Resolution honoring the life and expressing condolences upon the death of Michael Brian McCue.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, it is with a heavy heart I must regrettably inform you and this august body of the passing of Michael Brian McCue. For the past 34 years Mike was the man that sat right there, ran the sound system for the Pennsylvania House, and heard most of the great discussions on the topics that have confronted our Commonwealth for longer than I think any member of this floor has been seated – there might be a couple that have been here longer. In truth, Mr. Speaker, I would have much preferred asking that my honorable colleagues support a resolution congratulating him on his retirement, but such was not in the Lord's plan.

Mr. Speaker, Mike was a very giving man, optimistic, positive. He measured his worth not by what he took from this life, but rather from what he was able to give. Although deeply saddening, it was true to his lifelong character that during the blizzards of this past winter, Mike succumbed to a massive coronary while shoveling his neighbor's sidewalk. He lived his principles to the very end.

Mr. Speaker, I humbly ask for the positive votes of my fellow Representatives on HR 668. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Keller, W.	Thomas	Wheatley
Donatucci	McGeehan	True	Yudichak
Gringrich	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 686, PN 3374**, entitled:

A Resolution congratulating the Jeannette High School Girls Basketball Team for winning the 2009-2010 Western Pennsylvania Interscholastic Athletic League Class AA championship.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Keller, W.	Thomas	Wheatley
Donatucci	McGeehan	True	Yudichak
Gingrich	Taylor, J.		

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 9, PN 3360**, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors and for expiration.

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

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2178, PN 3313**, entitled:

An Act amending the act of November 29, 2004 (P.L.1282, No.158), known as the Manufactured Housing Improvement Act, expanding the coverage of the act to relocated housing.

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

* * *

The House proceeded to second consideration of **HB 1336, PN 2238**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for possession and use of asthma inhalers.

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

Mr. M. SMITH offered the following amendment
No. **A03716**:

- Amend Bill, page 3, line 4, by inserting after "AN"
asthma inhaler or
- Amend Bill, page 3, line 8, by inserting after "THE" where it occurs the second time
asthma inhaler or
- Amend Bill, page 5, line 15, by striking out "EDUCATION" and inserting
Health
- Amend Bill, page 5, line 16, by striking out "HEALTH" and inserting
Education
- Amend Bill, page 5, line 22, by striking out "DISTRICT'S" and inserting
entity's

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

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

Mr. M. SMITH. Thank you, Mr. Speaker.
This is a technical amendment that makes certain corrections to the bill.

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

The following roll call was recorded:

YEAS—190

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

Costa, D.	Harris	O'Brien, D.	Stern
Costa, P.	Helm	O'Brien, M.	Stevenson
Cox	Hennessey	O'Neill	Sturla
Creighton	Hess	Oberlander	Swanger
Curry	Hickernell	Oliver	Tallman
Cutler	Hornaman	Pallone	Taylor, R.
Daley	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	Kessler	Perzel	Waters
Dermody	Killion	Petrarca	Watson
DeWeese	Kirkland	Petri	White
DiGirolamo	Knowles	Phillips	Williams
Drucker	Kortz	Pickett	Youngblood
Eachus	Kotik	Preston	
Ellis	Krieger	Pyle	McCall,
Evans, D.	Kula	Quigley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Keller, W.	Thomas	Wheatley
Donatucci	McGeehan	True	Yudichak
Gingrich	Taylor, J.		

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

On the question,

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

Ms. **RAPP** offered the following amendment No. **A03866**:

Amend Bill, page 1, line 17, by inserting after "setting" and in compliance with the service agreement required by section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady from Warren County, Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

This amendment simply says that a school entity's policy regarding possession and self-administration of asthma inhalers and the auto-injectors must comply with a service agreement required by the Rehabilitation Act of 1973 and also with the Pennsylvania School Code, specifically chapter 15, which was adopted on February 22, 1991, in the State of Pennsylvania and as it relates to protected handicapped children.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. I just wanted to inform the Speaker, that is not on the screen yet. We may want to just pause a minute until we can get that up.

The SPEAKER. The House will be at ease.

The House will come to order.

The amendment is up on PDF (portable document format).

Will the House adopt the amendment?

On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Mr. Speaker, I am not totally computer literate, but I tried the typical alternative way to get to that amendment and that did not work either. So if someone— I just want to double-check that you are correct in that statement.

The SPEAKER. It is on our screen off of the PDF document.

Mr. VITALI. It is not on— I do not see any member right now who has that on their screen.

The SPEAKER. You have a computer technician at your—

Will the House adopt the amendment?

Does the gentleman from Allegheny County, Representative Matt Smith, wish to be recognized on the amendment? The Chair recognizes the gentleman.

Mr. M. SMITH. Mr. Speaker, just for the benefit of the members, this is an agreed-to amendment.

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—190

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Keller, W.	Thomas	Wheatley
Donatucci	McGeehan	True	Yudichak
Gingrich	Taylor, J.		

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going over HB 1336 temporarily.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2291, PN 3357**, entitled:

An Act providing for the capital budget for the fiscal year 2010-2011; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, General Fund current revenue projects, State ATV/Snowmobile Fund projects and State transportation enhancement funds projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects; and making appropriations.

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

The SPEAKER. On that question, there is an amendment filed by the gentleman from Crawford County, Representative Roae. The Chair has been told that you are withdrawing that amendment. The Chair thanks the gentleman.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 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 Luzerne County, Representative Pashinski.

The House will come to order.

Mr. PASHINSKI. Thank you, Mr. Speaker.

HB 816 is designed to elevate everyone's awareness to the facts surrounding heart disease and stroke. These two diseases represent the number one and the number three causes of death and disability in Pennsylvania. These two diseases account for more deaths than cancer, diabetes, lower respiratory disease, and accidents combined.

Over 30,000 Pennsylvanians die from heart disease and over 7,000 die from stroke disease each year. The loss of life is devastating enough, but the enormous cost related to these diseases is staggering. Literally billions of dollars are expended each year to deal with these applications. One of the most disturbing facts related to these diseases is that most people have difficulty in recognizing the symptoms of heart attack and stroke. They are unaware of the severity of these signs and too often wait too long before seeking medical help, which could prove fatal.

Recent advances in stroke treatment can significantly improve the outcome for stroke patients. Prompt treatment of therapies like intravenous thrombolytic drug therapy has proven time and time again to save lives. HB 816 will help create the education and the necessary network to connect all of the stakeholders, to share, in real time, information that saves lives. HB 816 is a vital piece of the health-care puzzle that helps reduce the cost through best practice education, through the prevention initiatives, proven treatment guidelines, and more importantly, saves lives.

I have bipartisan support. Representative Doug Reichley has worked diligently on this House bill for many years, and I ask for your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 816 CONTINUED

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I just want to add my comments to those of Representative Pashinski. He is exactly right that this is an important measure to enhance the ability for hospitals throughout Pennsylvania to coordinate care for those patients who encounter stroke symptoms. This legislation had passed the House and the Senate two sessions ago, and I am hopeful that because there is not any obligatory fiscal requirement with this legislation, the Senate will deem it appropriate to pass this in prompt order and send this on to the Governor's Office.

I would commend the members for their unanimous support of an important public health measure. 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—191

Table listing names of representatives who voted 'YEAS' for HB 816, including 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, Daley, Day, and Deasy.

Table listing names of representatives who were absent, including DeLozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Drucker, Eachus, Ellis, Evans, D., and Evans, J.

NAYS—0

NOT VOTING—0

EXCUSED—9

Table listing names of representatives who were excused, including Cruz, Donatucci, Gingrich, Keller, W., McGeehan, Taylor, J., Thomas, True, and Wheatley.

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 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 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—191

Table listing names of representatives who voted 'YEAS' for SB 126, including Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, and Bishop.

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cruz	Keller, W.	Taylor, J.	True
Donatucci	McGeehan	Thomas	Wheatley
Gingrich			

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

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

RESOLUTIONS

Ms. MUNDY called up **HR 606, PN 3150**, entitled:

A Resolution memorializing the Federal Communications Commission to grant the Pennsylvania Public Utility Commission's 2009 petition for delegated authority to implement mandatory number pooling in telecommunications rate centers in the Commonwealth of Pennsylvania to increase the number of NXX codes available for assignment and to make adjustments in the 570, 814 and 717 area codes that have been forecasted to become exhausted.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-191

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cruz	Keller, W.	Taylor, J.	True
Donatucci	McGeehan	Thomas	Wheatley
Gingrich			

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

* * *

Mr. DEASY called up **HR 681, PN 3356**, entitled:

A Resolution urging the Congress of the United States to pass and the President of the United States to sign legislation to extend the Federal Medical Assistance Percentage extension for the states' Medicaid programs to June 30, 2011.

On the question,
Will the House adopt the resolution?

Mr. **CUTLER** offered the following amendment
No. **A06021**:

Amend Resolution, page 3, by inserting between lines 20 and 21
RESOLVED, That the House of Representatives strongly and respectfully urge the Congress of the United States to utilize existing Federal funding for the Enhanced FMAP; and be it further

RESOLVED, That the House of Representatives strongly and respectfully urge the Congress of the United States to reevaluate the formula for funding the states' Medicaid programs in order to provide adequate funding; and be it further

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. **CUTLER**. Thank you, Mr. Speaker.

Very briefly, in regards to the Medicaid funding that we receive from the Federal government, I agree with the honorable gentleman from across the aisle that this funding stream needs to be reevaluated because for too long the Federal government has not paid or helped us pay for the services that they consume. Therefore, I am requesting that the formula in the distribution of these funds to the State be reevaluated.

Additionally, Mr. Speaker, there is a clause in there regarding trying to find an existing revenue stream to help fund these increases. I do not believe it is fair for us to get our own fiscal house in order and then watch the Federal government just add to the debt. So my hopes are that we can control the debt, both at the Federal level and also meet our needs locally, and I believe it is an agreed-to amendment.

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

Mr. **DEASY**. Thank you, Mr. Speaker, and I thank Mr. Cutler for his hard work on the amendment. It is an agreed-to amendment, and I look forward to its passing. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Keller, W.	Taylor, J.	True
Donatucci	McGeehan	Thomas	Wheatley
Gingrich			

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 adopt the resolution as amended?

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Keller, W.	Taylor, J.	True
Donatucci	McGeehan	Thomas	Wheatley
Gingrich			

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

BILL ON THIRD CONSIDERATION

The House proceeded to third 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 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 gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Will the prime sponsor stand for brief interrogation?

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

Ms. HARPER. Thank you, Mr. Speaker.

The SPEAKER. The gentlelady will yield. The House will come to order. The House will come to order.

The gentlelady may proceed.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, one of my local municipalities has a local ordinance which requires people whose vehicles are towed to contact the police. It was my understanding that the gentleman's bill would not supersede those local ordinances, and I just wanted to ask him whether his bill would protect those local community ordinances in towing situations.

Mr. DeLUCA. Mr. Speaker, you are absolutely right.

It has limited exemptions in there; it does not supersede. The city of Pittsburgh is also drafting their own legislation. As long as it is not in conflict with the State, you are okay.

Ms. HARPER. So in other words, Mr. Speaker, that would mean that if we pass HB 2041 today that my local governments can continue to require contact with the police to release a towed vehicle.

Mr. DeLUCA. Yes.

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

The SPEAKER. On the question, shall the bill pass finally, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I would like to ask the maker of the bill to stand for interrogation, please.

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, under your legislation, it says that a tower must present a fee schedule to the owner of the vehicle. At what point during the tow is that fee schedule presented to the owner of the vehicle?

Mr. DeLUCA. Mr. Speaker, I think it would certainly depend on the situation.

The SPEAKER. The gentleman will yield. The gentleman will yield.

Mr. DeLUCA. It would certainly—

The SPEAKER. The gentleman, Mr. DeLuca, will yield. Will the House come to order. Members take their seats.

Mr. DeLUCA. Can you hear me, Mr. Speaker?

The SPEAKER. The gentleman will yield. The gentleman will yield. The House will come to order.

The gentleman, Mr. DeLuca, may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, it would certainly depend on the circumstances, but it certainly would be before they tow it.

Mr. BARRAR. It would be before the tow?

Mr. DeLUCA. Right.

Mr. BARRAR. So regardless of whether in that period of time they are involved in an accident that is shutting down the highway, can the consumer, can the owner of the vehicle and the tower engage in negotiations while that is being done?

Mr. DeLUCA. Mr. Speaker, you know, in that situation, it is hard to believe that we are going to look at, that there is going to be price competition. The police are going to tell them to tow it. They are going to have to show what it is going to cost. Really, it does not make any sense here because the fact is, the police tell them to tow it, they are going to show what they charge, and it does not even make sense on that one.

Mr. BARRAR. Mr. Speaker, I think it is important to establish the legislative intent of this bill because my biggest concern is that if the fee schedule and the contract are not signed or presented at a certain period of time, we are going to have consumers taking these towing contractors into court and saying, well, wait a minute, you towed my car before you ever presented me with a fee schedule or a contract, and we could end up in court over that.

Just another question would be, at what point in time is the contract signed? Or do the fee schedule and the contract signing, do they take place at the exact same time?

Mr. DeLUCA. Mr. Speaker, there is nothing to say that they cannot show the fee schedule and then tow the car and then argue the situation later on. It does not say anything in there regulating fee schedules; it says they have to show it to them.

Mr. BARRAR. Well, but they have to sign a contract. So once they sign the contract, they are committed to—

Mr. DeLUCA. Where in the bill does it say they have to sign a contract?

Mr. BARRAR. I think in your legislation. I apologize; I do not have the bill in front of me. It says that the tow cannot be— Can you hang on? Can we hold on for one second? Let me get this.

So then there is no requirement that a contract be signed, there is just a fee schedule that is submitted?

Mr. DeLUCA. Mr. Speaker, there is nothing in this bill that says it would require them to sign a contract.

Mr. BARRAR. Okay. Your definition, you put a definition of "towing" in the bill. Is the definition of "towing" the same that is used either by the State Police or in the Vehicle Code? Is it a different, could it be a different—

Mr. DeLUCA. Mr. Speaker, I really could not answer that part of it, believe me. I did not look into what is in the State Police's; no.

Mr. BARRAR. The legislation that we are about to pass does not define the difference – is there a definition or difference between, does the legislation affect differently the requirements of a consensual tow versus a nonconsensual tow?

Mr. DeLUCA. As I look at the bill, Mr. Speaker, I do not see that in there.

Mr. BARRAR. Okay. So it will affect every tow, regardless of— It just deals with towing and it does not mandate the difference if I call them or if they are called by the police in different situations. So it will affect every tow that takes place?

Mr. DeLUCA. Correct, Mr. Speaker; there is nothing in there about it.

Mr. BARRAR. Okay. Is there a requirement in the bill that the towers, that the towing contractor must accept credit cards? That has been a big concern of the towing industry is that they are going to be required to accept credit cards.

Mr. DeLUCA. If you read the bill, Mr. Speaker, it says one form: cash, check, or credit cards. They cannot require just cash. We are not in the business of requiring people just to pay cash, and certainly as legislators, we want to make sure that people are paying their fair share in taxes. And one of the things right now that is going on in this industry is the fact that they are requiring cash in a lot of these places. That is certainly not what we are about up here. Everybody deserves to pay their fair share in taxes. What this says is that they cannot, they cannot refuse a credit card, because the fact is, Mr. Speaker, nobody today can afford some of these tows and carries that much money around. Let me just show you one, Mr. Speaker: a \$3900 tow. You tell me who carries \$3900 on them, Mr. Speaker?

Mr. BARRAR. Mr. Speaker, it is really hard to hear. If you could, Mr. Speaker, I cannot—

The SPEAKER. The gentlemen are correct. The House will come to order.

Mr. BARRAR. Go ahead. Mr. Speaker, I could not hear you; I apologize.

Mr. DeLUCA. Mr. Speaker, what I said was, the fact is it just gives them another option where they cannot refuse a credit card. What they are doing today is doing a lot of cash business and they will not accept credit cards, a lot of places will not accept credit cards. It is not fair. It is not fair for the taxpayer. It is not fair for the Commonwealth who collects taxes. It is not fair for the Federal government. We know what happens in cash transactions. It is a way of hiding money; let me say it straight.

Mr. BARRAR. So you are saying—

Mr. DeLUCA. A way of hiding money.

Mr. BARRAR. So you are saying they must accept credit cards?

Mr. DeLUCA. I did not say they must, it is one of the— Yes, they have to. Not the only form of accepting – they can accept a check, cash, or credit card.

Mr. BARRAR. So they have to accept the three, or they have to accept one of the three?

Mr. DeLUCA. It is only a credit card—

The SPEAKER. The gentlemen will yield. Do not talk over each other. Ask a question, answer a question.

Mr. DeLUCA. All right.

Mr. BARRAR. So they could say, we accept credit card only; we do not take cash or check? Or they could say, we accept check only and no cash or credit card?

Mr. DeLUCA. The credit card, Mr. Speaker, is only from the insurance company. They have to accept the credit card from the insurance company.

Mr. BARRAR. Do you know what type, what credit card? There are probably dozens of credit cards out there. Which ones will they have to accept from the insurance company?

I mean the language is in there. It is a concern.

Mr. DeLUCA. I would imagine—

Mr. BARRAR. If they are only going to accept American Express, I want to know.

Mr. DeLUCA. May I answer, Mr. Speaker? I am going to answer. I would imagine a common credit card – Visa, MasterCard, credit cards like that.

Mr. BARRAR. Mr. Speaker, one of the requirements in the bill is the release of the vehicle. It says, if the owner of the vehicle or their agent or an agent acting on their behalf or the insurer shows up to pick up the car – they have payment in full – that the tower must release the vehicle to that person. Is that correct?

Mr. DeLUCA. If you look at the legislation, it says "WITH THE OWNER'S CONSENT."

Mr. BARRAR. I am sorry?

Mr. DeLUCA. If you look at the legislation, it says "WITH THE OWNER'S CONSENT." Only with the owner's consent.

Mr. BARRAR. Right. Is there anything here to prevent, if the police put a hold on that vehicle and the tower decides that if I show up with a check, payment in full, there is nothing in the legislation that addresses if there is hold on that car by the police. So if I show up with a check paid in full for the amount of the charges and the police have called the towing company and said, do not release that car, by law, he has to. Am I correct?

Mr. DeLUCA. Mr. Speaker, you are incorrect on that because they would always be able to, the police would always be able to put a hold on it, even with the owner's consent, because the fact is they might be investigating something in that car, there might be something they are looking for, might be drugs or anything in that car. So they always have that right. We certainly do not want to take that right away from our law enforcement officers.

Mr. BARRAR. I think that is a big concern, but it does not say that in the legislation. There is no exception. It says they must. It does not say, you know, there is nothing in there carving that part out. It says they must release the vehicle upon tender of a check, credit card, or cash from the owner of the vehicle. It does not say the police have a right to put a hold on that car if it is being held for investigative purposes. Do you think we need to amend the bill to put that in there?

Mr. DeLUCA. Not really, Mr. Speaker, because of the fact that this is not drafted in a vacuum. There are other laws that would come into play in this legislation, or any legislation, so we could not address all that stuff right in this piece of legislation. So it was not addressed just in a vacuum. There are other laws that probably would address your situation that you are scared of.

Mr. BARRAR. I think the concern is, you are saying "probably address" that, but I think before we pass this legislation, we should make sure it addresses it—

Mr. DeLUCA. Let me say—

Mr. BARRAR. —and not say probably.

Mr. DeLUCA. Let me say, I am sure that it does address that. Okay? I think the same way it is handled today, it will be handled tomorrow. I should not say possible; I am sure. Let us put sure. If sure makes you better, then it is sure.

Mr. BARRAR. Mr. Speaker, on your towing standards — I found that section in the legislation I was looking for, "Section 3. Towing standards." It says, "Fees. —A tow truck operator shall clearly and conspicuously disclose its fees for towing, storage and other related services and its hours of operation, STREET ADDRESS AND TELEPHONE NUMBER on preprinted contracts or written schedules and shall post its fees and hours of operation...."

By requiring the preprinted contract, they can give them a contract, but it does not have to be signed. Am I correct?

Mr. DeLUCA. You are, but you are—

Mr. BARRAR. In order to do the tow.

Mr. DeLUCA. —or a written schedule. You missed that part of it.

Mr. BARRAR. Right. I saw the written; I did say that. On the written schedule, but if I present them with a preprinted contract at the tow scene and the car has not been towed yet, do

I have to require the signature of the owner of the vehicle or operator of the vehicle in order to tow the vehicle if I present them with a prewritten contract?

Mr. DeLUCA. Can you repeat that, Mr. Speaker, because we certainly did not understand what you are saying. Could you repeat that, please?

Mr. BARRAR. Okay.

Mr. DeLUCA. I apologize, but I just ask you if you could repeat that.

Mr. BARRAR. If I am the towing contractor and I show up on the scene and I present the operator with a prewritten contract for that tow, am I allowed to proceed with the tow even if that contract has not been signed by the owner of the vehicle?

Mr. DeLUCA. Mr. Speaker, as I look over this piece of legislation, there is nothing in this legislation that requires them to sign a contract. Where do you see that it requires them to sign a contract?

Mr. BARRAR. "Section 3. Towing standards." It says, "(a) Fees." So it would be section 3, section 3(a); I apologize.

So the purpose of that section—

Mr. DeLUCA. Maybe we are, maybe we are misinterpreting something. It does not say that they have to sign it; it says they have to present it. They do not have to sign it. It does not say anything about signing it. It says they have to present it. It does not say sign it.

Mr. BARRAR. Okay. I am trying to make it clear.

Mr. DeLUCA. I am just saying, maybe we are just not connecting, you know, we are just not connecting with each other, that is all.

Mr. BARRAR. On page 3, lines 9 to 14, it says that the tow truck operator must notify the owner of the vehicle, that they must notify the owner of the vehicle— Let us see, where am I?

How are they required to get the information to notify the owner of the vehicle of the tow, how do they get that information of who owns the vehicle and who the insurance company is? It said they must notify the insurance company and the owner of the vehicle within 24 hours. How should they obtain that information if the owner of the vehicle is not there?

Mr. DeLUCA. I think, Mr. Speaker, there are numerous ways they could do it — e-mail, contact the police — I mean, there are numerous ways they could get that information, especially in today's technology. There are numerous ways they can do that.

Mr. BARRAR. I think the concern of the towers is that they do not have, necessarily — you are making the assumption that they have access to the information. If there is no information available, if the owner of the car is taken to the hospital, how do they notify the owner within 24 hours?

Mr. DeLUCA. One of the things, Mr. Speaker, I think you need to also read in there — if possible. We will use the 24-hour notification if possible. If they do not have that information, they do not need it, they can still charge for that storage. If possible — if they cannot find the owner, those little words in there say "if possible." It does not mandate it if they cannot find the owner, but we certainly want them to try to find the owner. So if that is possible, fine. If it is not, there is no penalty for them and they certainly can charge the storage fees if that is what they are worried about.

Mr. BARRAR. In the legislation, I think this is a little bit onerous to put onto the towing contractor. Why did you make a decision not to put that requirement of notification of the tow on the police department? They have the availability to instantly

get the information of who owns the vehicle and whether it has insurance or not. The towing contractor does not have the sophisticated equipment and updated technology, necessarily, to get them that information at that moment.

Mr. DeLUCA. Mr. Speaker, I think that the reason we would not want to require that, Mr. Speaker, is because of the fact that the taxpayers have to pay that money. And the taxpayers are not making any money on tows; the towing company is making it. It is part of doing business. We certainly would not want to put that burden on the taxpayers in that municipality or any other municipality for a private business who is making the profit and making the money. It behooves them; it is part of doing business. Why would we want the taxpayers to pay for that? They are not getting any benefit from this.

Mr. BARRAR. Well, the towing contractor does not necessarily get paid every time a car is towed from a highway, most of the time only when the vehicle is salvageable and the owner wants it. How many times have we seen them walk away from an abandoned vehicle? There is no mechanism, unless this bill provides one, of how that would take place.

Mr. DeLUCA. Mr. Speaker, I do not know what that part has to do with this piece of legislation, and we certainly – this is a consumer piece of legislation. I think we have to be more concerned about the consumers, and I am sure the business community will find a way to adjust to this. We are not putting any burden on these individuals like some States. As I said, Texas regulates them. Texas has them take drug testing, continuing education. I mean, there are a lot of things that other States have done that we are not even doing today.

Mr. BARRAR. Mr. Speaker—

Mr. DeLUCA. All we are trying to do is protect the consumers.

Mr. BARRAR. One more question. It says it provides, the legislation provides access to the vehicle for the appraiser and the owner. Is the owner of the vehicle allowed to remove items, under that access portion, allowed to remove items from the car when it is in the possession of the towing contractor before they pay their bill?

Mr. DeLUCA. I do not know if we can answer that, Mr. Speaker, because there are all kinds of situations that are involved in which you are asking. I do not know if the police are not going to permit somebody to take anything out. They might go to a tower and say, nobody is allowed to go into the car, vehicle. I do not know. I cannot answer that. That is something that we could not answer right now because there are all kinds of situations, Mr. Speaker.

Mr. BARRAR. Thank you, Mr. Speaker.

That is all the questions I have. On the bill, Mr. Speaker?

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

Mr. BARRAR. Thank you, Mr. Speaker.

I would ask the members to vote "no" on this legislation. The Towing Standards Act has some good provisions in it that I support, but I have been in contact with the towing associations, a lot of the contractors, and they do not support the legislation that now is going to govern them. I would like to see us send this bill, to vote this bill down today, if at all possible. I have offered the maker of this amendment that I would sit with him and sit with the stakeholders involved in this business and come up with a real towing standards act. They want, the members of this community, the towing community, want to raise the standards. They want to make this business as professional as possible.

This turns the towing industry over to the insurance industry. It is very unfair what we are doing to them today without taking their considerations into mind here. One of their concerns is that there are no standards or definition of what is an established or legitimate business. There is no requirement that the towing contractor have any proof of insurance. There are no equipment requirements and there are no standards of operation. I think on the standards of operation, the maker of the bill was very unclear how the towing proceeds if there is a dispute over the fees. There are no security standards about the facility of the yard where the car will be stored for the consumer. We were told there is no insurance interest in this, on this bill, but the Insurance Federation is fighting hard to get this bill passed. The Insurance Federation is telling us that this is a consumer-friendly bill. Let me tell you, when the Insurance Federation comes to this chamber and supports a consumer-friendly bill, it will be a very cold day in this chamber and somewhere else.

I would ask the members to please vote "no" on this bill and allow me to work with the maker of the bill to try to come up with a bill that is agreeable to the profession and the other people, the other stakeholders involved with this. I would ask the members, please vote "no" on this. Thank you.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, once again I ask for an affirmative vote for HB 2041. This is a commonsense proposal pertaining to the towing industry. First of all, let me give you some of the features it does so we can just put aside all this other stuff that we have been talking about.

Clearly, this discloses towing, storage, and other related fees; provides fee information to a vehicle owner prior to towing, or if the owner is not present, to then contact them once they can find out the owner's name; renders towing at the scene of an accident or if the vehicle is disabled or if it is summoned by the owner or the operator of the vehicle or a police officer. What it does, it also uses best efforts to notify, best efforts to notify the owner of the vehicle or the insurer if known – I mentioned before, if known – of the location of the vehicle within 24 hours of completion of a tow. And it provides reasonable access to tow the vehicle during the tow truck operator's posted hours of operation.

Let me tell you what this bill does not do: It does not allow insurers to take a car off a tower's lot without the owner's consent. It does not take away the consumer's control of where his car goes or where it gets repaired; that is really steering. It does not mean that the tower/repair shop cannot do the repairs. It does not allow for searches and seizures of a towed car. It does not give insurers some new or confidential information. It does not preempt local ordinances not in conflict with it.

Let me also say, Mr. Speaker, since yesterday we have been contacted by the chief director of the Attorney General's Office for Insurance Fraud, the State Police Commissioner, the police commissioner of the city of Philadelphia, the Office of Attorney General, the AAAs, and the Pennsylvania Insurance Department. All are in favor of this consumer legislation; therefore, I would ask for an affirmative vote on HB 2041.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Would the gentleman just stand for brief interrogation?

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

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

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, in one of your responses to the gentleman from Delaware County, you cited a \$3900 towing bill, I believe, as an example of an outrageous towing charge. I am wondering if you can tell us, do you have any particulars on that bill? In other words, was that the towing charge alone? Was that towing and storage? Was that towing, storage, or maybe other charges?

Mr. DeLUCA. That is a good question, Mr. Speaker, and I certainly should have alluded to it.

Let me just read this off to you, and this is happening all over the— Mr. Speaker, could we have some order?

The SPEAKER. The gentlemen are correct. There is entirely too much noise. The House will come to order. Members will take their seats. The Sergeants at Arms will clear the aisles.

Mr. DeLUCA. Thank you.

The SPEAKER. Will the gentleman yield.

The House will come to order.

The gentleman may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

I am glad you asked that question, because I should have brought it up. I would like to read this off to you, and I can understand some of these charges, Mr. Speaker: a light duty wrecker, 4 hours at \$85 – I can understand that; two light duty rollbacks, 4 hours, \$85 – I can understand that – which comes to \$680; one skid loader – I can understand that – 4 hours at \$125 an hour; one Rhino all-terrain vehicle to transport the police to the scene, \$250; one supervisor, 4 hours, \$125 an hour plus 25 percent overtime, at a cost of \$625; three men, 4 hours at \$75 an hour plus 25 percent overtime, \$1,125; inside storage, \$60 a day, \$420; for a total of \$3,940. There are other cases in here, Mr. Speaker, from all over the State, the same way. It is ridiculous on some of these charges.

Whether they are charging the individual or charging the insurance company, we need to pay attention. We did not pay attention in the health care because somebody was picking up the tab. We cannot do that with auto insurance, because the fact is, once we continue, we are paying the freight, we are paying the premiums. We certainly do not want that to get out of hand where we cannot afford to have automobile insurance. So, Mr. Speaker, that is all over the State.

Mr. SCHRODER. Mr. Speaker, I would agree that there are some egregious charges in there. I guess my question is, what in this legislation would prohibit those charges? What in this legislation would prohibit the supervisor's charge, the three men— I did not quite understand everything you said, but could you cite the line, the page number, and the paragraph that would prohibit those charges?

Mr. DeLUCA. Mr. Speaker, I certainly would like to do something to regulate this type of stuff that is happening. Unfortunately, we cannot do it. I just brought this up to tell you what is happening out there in the Commonwealth, why we need some, where the standards— We are not trying to tell them what to charge, what not to charge. I think that will come when the consumers and the papers find out. When they do have that information, it will become public record, and they will be a little bit more cognizant of the fact of what they are doing.

Mr. SCHRODER. But the reality, Mr. Speaker, is that there is nothing in this legislation that would prohibit those charges, is there?

Mr. DeLUCA. Mr. Speaker, you are absolutely— There is nothing in here, but the consumers will know their charges ahead of time, and I think that is very important.

Mr. SCHRODER. On the bill, Mr. Speaker?

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, if you will, imagine yourself driving on perhaps a wintry night, icy weather, or a stormy night of some kind. Your car slips off the road into a gutter, into a ditch. You cannot remove it yourself. You call a towing company. They say, well, yes; okay. It is a busy night. We have a lot of trucks out, a lot of accidents on the road. We will get to you when we can. So you are sitting there. Maybe you are with your family, with your kids, maybe you are with your grandkids. A half hour goes by, 40 minutes, 45 minutes. Your tow truck does not show up, but another tow truck happens upon the scene who also happened to be out that night. They stop and say, hey, do you need assistance? You do not want to sit there all night waiting for the tow truck you called to come. You have family members with you. So you say, yes. Thank you. I will take your offer of assistance.

Mr. Speaker, under this bill, under paragraph (c), that tow truck operator who came upon the scene would not be allowed to offer you assistance because it prohibits tow trucks, except if they are summoned by the owner, from offering assistance to you.

Mr. Speaker, there is another part of this bill, under section (f). It talks about the notice of vehicle location. It requires reporting the location to the insurer – the address and phone number and location of the vehicle, if that information is available to the towing company. The permission of the owner is not needed.

Mr. Speaker, there are still, even in this day and age, cases where there are automobile accidents, fender benders, and the individuals, maybe someone accepts liability and says, yes; it was my fault. Let us settle this without the insurers getting involved. Give me your estimate and we will get it paid quickly. And so they decide not to report it to the insurers. Well, I believe that is the consumer's right to not bring their insurer into the picture. Yet under this bill, the towing company is required to report it to the insurer if they have the information available to them.

Mr. Speaker, there is another troubling provision under section (d) which prohibits the insurer from requiring the owner to consenting to more than a 24-hour storage. Now, that sounds reasonable on its face except when you figure that what this is really doing is setting the business hours of those small business

towing companies. Mr. Speaker, this does not take into account operators that might be closed for a Saturday, a Saturday and Sunday, for a holiday, maybe a 3-day holiday weekend. Yet according to this, they would have to apparently release that vehicle before then. So what we are really doing in a de facto way is setting the business hours and times of these small businesses.

Mr. Speaker, I do not think that these problems that I have cited were necessarily intended to be put in there, but make no mistake about it, the way it is written, those problems are clearly here. And I think what has happened is that this bill was drafted with good intentions, but the drafting excluded those people who know the towing business. It excluded those who could have prevented these kinds of problems with this bill.

So, Mr. Speaker, for these reasons and for the reasons I mentioned earlier in my colloquy, the outrageous charges that are being used as examples to support this bill would not in fact be impacted by this bill; they would not be prohibited; they would not be prevented. So, Mr. Speaker, this bill, I believe, has a lot of serious flaws and should be defeated. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Mustio. The gentleman waives off.

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

Mr. VEREB. Thank you, Mr. Speaker.

Just a brief interrogation of the gentleman, please?

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

Mr. VEREB. Thank you, Mr. Speaker.

You may be aware I have some legislation I am proposing with the turnpike. How would this bill impact the towing on the turnpike?

Mr. DeLUCA. Mr. Speaker, I would not know because I have not seen your legislation.

Mr. VEREB. I am sorry; you have not seen my legislation?

Mr. DeLUCA. I have not seen your legislation so I would not know.

Mr. VEREB. It is St. Patrick's Day. I do not want to give you a brief explanation today, Mr. Speaker.

Mr. DeLUCA. Well, I understand that.

Mr. VEREB. My question is, I have a particular interest in the future of the turnpike. My question is, how does this bill impact the current towing situation on the stretch of the turnpike?

Mr. DeLUCA. I think the consumer protections would work the same way on the turnpike, the same way on our highways and our local roads, Mr. Speaker. Can you hear me? I think it would apply, the consumer protection part of this bill would apply on the turnpike the same way it applies on State roads and also in our local boroughs and townships.

Mr. VEREB. The gentleman from Chester County brought up if you were on a road and a tow truck came by, that this bill would not allow that person to help, that you would have to use the truck that was dispatched.

Mr. DeLUCA. This would not affect that, Mr. Speaker. As far as you are on the road, you get in an accident. I am sure if you have a phone you are going to call 911, you are going to call the AAA (American Automobile Association) if you have AAA, you are going to call – especially a lot of you, if you buy

these new cars today, they have towing policies. I mean, unless you are, really, taken in an ambulance or something, I do not understand what that has to do with this part of the legislation.

Mr. VEREB. Well, I am just referring to the gentleman's question.

Mr. DeLUCA. I understand; I understand.

Mr. VEREB. I was just going to see if you have any type of a response. I think it was paragraph (c), and the reason why I ask is because the turnpike has the pre-dispatched companies, pre-listed companies, to service people when they break down on the turnpike. So my question is, how will this impact their policy as an operating agency?

Mr. DeLUCA. This does not even affect the people they have working on the turnpike. They have their own people that tow, from my understanding, on some of the tows they do. They do contract some of the towers, but they also have towers that work for the turnpike. They have to qualify first for it before they qualify their towers.

Mr. VEREB. I am sorry; I did not catch the last part of that.

Mr. DeLUCA. They have to qualify their towers, Mr. Speaker. So I do not think this bill would affect it.

Mr. VEREB. But I think in this case, at least in a partial case, the turnpike tows the cars and pays the contracted towing company to remove those vehicles in a certain amount of time whether there is a vehicle there when they get to the tow job or not. And I guess my question is, how will this legislation, if at all, impact either the current operation of the towing on the turnpike but also any type of insurance— Go ahead; I am sure you have an answer. Go ahead, Mr. Speaker.

Mr. DeLUCA. Mr. Speaker, I am going to once again say it does not affect the contractors. It has a consumer protection piece of legislation on it, and I do not think that what you are discussing really affects this legislation.

Mr. VEREB. Okay. Well, then can you answer the issue that the gentleman from Chester brought up? Is it or is it not a fact in the bill that if you are pulled over on any road and you call for a tow truck and another tow truck comes before the one that you had dispatched or called for, is it true or not true in your bill that that person cannot use the first arriving truck to be able to help them? Perhaps if we answer that question, then I might have my turnpike bill question answered.

Mr. DeLUCA. This does nothing to take your choice away, Mr. Speaker. You can choose whomever you want to choose.

And I respectfully disagree with the previous speaker on what he has alluded to, and we have a disagreement on what he interprets from the legislation and what I interpret, and that is a fair disagreement. I mean, he has interpreted it one way and I am interpreting it another way.

Mr. VEREB. Okay. So your interpretation is that if you are broken down on the road, you call for a towing company. They have a 45-minute approximate waiting time. If another tow truck pulls up, you can use that truck?

Mr. DeLUCA. Absolutely, absolutely, absolutely.

Mr. VEREB. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentlelady from Luzerne County, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the bill? Thank you, Mr. Speaker.

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

Ms. BOBACK. Thank you.

Under your bill then, if I am stranded on a dark night by myself on the side of the road, I do have the option to call the towing person in my locale because I trust them, they will get me home. No problem, correct?

Mr. DeLUCA. Absolutely.

Ms. BOBACK. Okay. They do not come in a sufficient amount of time. I am waiting about 45 minutes. Somebody else comes now and I recognize their lettering, and I think, okay. I want to get out of here. As long as they produce their placard and tell me their rates and everything, I can use them and cancel the first?

Mr. DeLUCA. Absolutely.

Ms. BOBACK. Okay. And the last thing, you alluded to local ordinances. Can you please expand a little bit on that?

Mr. DeLUCA. Some local municipalities are going further than this bill goes – some are putting fines in, some are having them be certified, some of them have to make sure that they have education on. Because you are talking about when you are actually towing some of this heavy equipment and heavy trucks or heavy cars, if you do not know what you are doing, it is a chance that somebody else could be on that road. If it is not tied down right, you could have somebody really hurt or cause a death. So I mean, they are going further, which we do not prohibit. They can go further than they want to go. The city of Pittsburgh is doing that right now.

Ms. BOBACK. So this does not impact local ordinances?

Mr. DeLUCA. No, it does not impact them at all.

Ms. BOBACK. Thank you, Mr. Speaker.

Mr. DeLUCA. You are welcome.

Ms. BOBACK. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

I was not going to speak again, but I feel compelled to do so because of this disagreement in the language regarding section (c). Mr. Speaker, it is very simple, and I would just like to read the language, so I would appreciate if the members listen. It says, "A tow truck operator shall render towing at the scene of a motor vehicle accident or a disabled motor vehicle only if summoned to the scene by the owner or operator of the...vehicle or a police officer OR AUTHORIZED LOCAL OR MUNICIPAL PERSONNEL." So in order to render assistance, that tow truck has to be summoned by the owner or the operator or police officer or authorized local municipal personnel.

In the situation that I am told by towers happens often, if that situation arises where a tow truck comes upon the scene and offers assistance and you have been sitting on the side of the road for 20 minutes, a half hour, 45 minutes, or whatever the case might be, well, you would still be stuck there because they would not be allowed to offer you assistance should this provision go into law. It is right there. I beg to differ with the gentleman from Allegheny County. I do not believe any other interpretation can be given to it.

So I just wanted to point that out to the members and ask you to please keep that in mind when casting your vote.

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—139

Baker	Everett	Mann	Roebuck
Barbin	Fabrizio	Markosek	Ross
Bear	Fleck	Marshall	Sabatina
Belfanti	Frankel	Marsico	Sainato
Bishop	Freeman	Matzie	Samuelson
Boback	Galloway	Melio	Santarsiero
Boyd	George	Micozzie	Santoni
Boyle	Gerber	Miller	Saylor
Bradford	Gergely	Mirabito	Scavello
Brennan	Gibbons	Moul	Seip
Briggs	Godshall	Mundy	Shapiro
Brooks	Goodman	Murt	Smith, M.
Brown	Grell	Mustio	Smith, S.
Burns	Grove	Myers	Solobay
Buxton	Haluska	O'Brien, D.	Sonney
Caltagirone	Hanna	O'Brien, M.	Staback
Carroll	Harhai	Oberlander	Stern
Casorio	Harkins	Oliver	Stevenson
Christiana	Harper	Pallone	Sturla
Cohen	Helm	Parker	Taylor, R.
Conklin	Hickernell	Pashinski	Turzai
Costa, D.	Hornaman	Payne	Vereb
Costa, P.	Johnson	Payton	Vitali
Curry	Josephs	Peifer	Vulakovich
Day	Kessler	Perzel	Wagner
Deasy	Kirkland	Petrarca	Wansacz
Delozier	Kortz	Pickett	Waters
DeLuca	Kotik	Preston	Watson
DePasquale	Kula	Pyle	White
Dermody	Levdansky	Quigley	Williams
DeWeese	Longiatti	Quinn	Youngblood
Drucker	Maher	Readshaw	Yudichak
Eachus	Mahoney	Reed	
Ellis	Major	Reese	McCall,
Evans, D.	Manderino	Roae	Speaker
Evans, J.			

NAYS—52

Adolph	Fairchild	Kauffman	O'Neill
Barrar	Farry	Keller, M.K.	Perry
Benninghoff	Gabig	Killion	Petri
Beyer	Gabler	Knowles	Phillips
Causer	Geist	Krieger	Rapp
Civera	Gillespie	Lentz	Reichley
Clymer	Grucela	McI. Smith	Rock
Cox	Harhart	Metcalfe	Rohrer
Creighton	Harris	Metzgar	Schroder
Cutler	Hennessey	Miccarelli	Sipthoth
Daley	Hess	Millard	Smith, K.
Denlinger	Houghton	Milne	Swanger
DiGirolamo	Hutchinson	Murphy	Tallman

NOT VOTING—0

EXCUSED—9

Cruz	Keller, W.	Taylor, J.	True
Donatucci	McGeehan	Thomas	Wheatley
Grinrich			

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 welcomes Guy and Nancy Storm. They are the mother- and father-in-law of our new reading clerk, Amy Storm. Will the guests please rise. Welcome to the hall of the House.

Also in the balcony is Pamela Smith, Pennsylvania Council on the Arts, with her daughter, René Roadcap. She is a sixth grade student at Central Dauphin Middle School and a member of the school chorus. They are the guests of Representative Ron Marsico of Dauphin County. Will the guests please rise. Welcome to the hall of the House.

Also to the left of the Speaker, Jason Leisey, staff sergeant (retired); Harry Gobora III, major (retired); and Brooks Hulitt, private first class, Pennsylvania Air National Guard. They are with the Wall Street Warfighters. The organization is focused on benefiting service-disabled veterans. Its mission is to identify, develop, and place disabled veterans in long-term professions in the financial services industry following their military service. Will the gentlemen rise. Welcome to the hall of the House.

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF HB 1336 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Saylor. Is the gentleman offering his amendment? He is withdrawing the amendment? The Chair thanks the gentleman.

Is the gentleman from Bucks County, Representative Clymer, withdrawing his amendment? The Chair thanks the gentleman.

Is the gentleman, Representative O'Neill, indicating he is withdrawing his amendment? The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 794**, **PN 1154**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for payment of fees associated with certification by the National Board for Professional Teaching Standards.

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

The SPEAKER. Is it the Chair's information that all the amendments posted to this legislation have been withdrawn?

Representative Phillips? Withdrawing. Representative Kirkland? The Chair thanks the gentleman. Representative Saylor? Withdrawing. Representative Clymer? Withdrawing. Representative O'Neill? The Chair thanks the gentlemen.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 929**, **PN 3359**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing boards of school directors to establish a program to provide high school diplomas to certain veterans.

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

The SPEAKER. It is the Chair's understanding that the gentlemen, Mr. Clymer and Mr. Saylor, are withdrawing their amendments to this legislation? The Chair thanks the gentlemen.

The gentleman, Representative O'Neill, has a late-filed— He is withdrawing the amendment? The Chair thanks the gentleman.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 349**, **PN 380**, entitled:

An Act establishing the Older Pennsylvanian Higher Education Program; and permitting institutions of higher education to offer higher education courses to older adults without charge of tuition.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 713, PN 3358**, entitled:

An Act establishing the Science Technology Partnership Program and the Science Education Innovation Grants Program; and providing for State grants.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1434, PN 1764 By Rep. JOSEPHS

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

STATE GOVERNMENT.

HB 1600, PN 1992 By Rep. JOSEPHS

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

STATE GOVERNMENT.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1704, PN 2780**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1704 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

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

HB 1464;
HB 1882;
HB 2189;
HB 2273;
HB 2299; and
SB 1169.

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 the following bills be recommitted to the Committee on Appropriations:

HB 1464;
HB 1882;
HB 2189;
HB 2273;
HB 2299; and
SB 1169.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1407, PN 2781**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for definitions and for notice and publication of lists of property; providing for borrowing for capital facilities, for water and sewer systems assistance bond authorization, for H2O Act implementation, for municipal landfills, recycling, waste tires and solid waste disposal and for oil and gas wells; reenacting and amending provisions relating to State Workers' Insurance Board and for expiration; further providing for Department of Community and Economic Development, for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Scranton State School for the Deaf and the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1407 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.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1407 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.

The SPEAKER. Are there any 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.

RECESS

The SPEAKER. The Chair has in its possession a motion to recess, filed by the gentleman from Lackawanna County, Representative Murphy, who moves that this House do now recess for today and reconvene on Monday, March 22, 2010, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 2:33 p.m., e.d.t., the House recessed.