

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 7, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

HON. KAREN BOBACK, member of the House of Representatives, offered the following prayer:

Merciful Father, as we join together today in this great House, enable us to do what is right and good. May our discussions be honest and sincere. May understanding outshadow cynicism. May wisdom persevere in our decisionmaking. May kindness and courtesy prevail.

And as we convene from every locale in this great Commonwealth, let us remember that in our differences, we are as one. Whether city or farmland, urban or country, valley or mountain, continue to remind us that the sole purpose of our being is to protect and represent the people we serve.

This we humbly ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 833 By Representatives DePASQUALE, BELFANTI, BISHOP, BRIGGS, BUXTON, CALTAGIRONE, COHEN, D. COSTA, GEIST, HARKINS, HOUGHTON, JOHNSON, KORTZ, MANDERINO, MUNDY, MURPHY, READSHAW, REED, SEIP, SHAPIRO, K. SMITH, STABACK, STURLA, WAGNER, WHEATLEY, YOUNGBLOOD and BRADFORD

A Resolution directing the Joint State Government Commission to conduct an in-depth analysis of the occurrence, effects and trends of poverty and low income in this Commonwealth.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 2, 2010.

No. 836 By Representatives BARRAR, BENNINGHOFF, BEYER, DALEY, DeLUCA, GEIST, GINGRICH, HARRIS, HORNAMAN, METCALFE, MURT, RAPP and VULAKOVICH

A Resolution urging the Insurance Commissioner to investigate the prevalence of the practice by which motor vehicle insurers coerce or otherwise attempt to aggressively direct their insureds who have filed claims for damaged motor vehicles to use motor vehicle repair shops that have been preapproved by the insurer or that are affiliated with the insurer, thereby restricting or adversely affecting the choice of the insureds to select repair shops of their own choice.

Referred to Committee on INSURANCE, June 2, 2010.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2473 By Representatives PEIFER, SAYLOR, SONNEY, FARRY, DENLINGER, S. H. SMITH, TURZAI, BAKER, BISHOP, BOBACK, BOYD, BROOKS, CALTAGIRONE, CARROLL, CAUSER, CLYMER, DAY, GEIST, GIBBONS, GINGRICH, GOODMAN, GRELL, GROVE, HANNA, HELM, HICKERNELL, HUTCHINSON, MAJOR, MILLARD, MILLER, MOUL, MUSTIO, OBERLANDER, O'NEILL, PAYTON, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, REICHLEY, ROSS, SANTONI, SCAVELLO, SIPTROTH, K. SMITH, STERN, STEVENSON, SWANGER, VULAKOVICH, CREIGHTON, M. KELLER and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, reenacting and amending provisions relating to employment incentive payments.

Referred to Committee on FINANCE, June 1, 2010.

No. 2544 By Representatives STURLA, BELFANTI, CALTAGIRONE, GIBBONS, HESS, SANTONI, SIPTROTH, SWANGER, CREIGHTON and YOUNGBLOOD

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for Medical Care Availability and Reduction of Error Fund and for actuarial data.

Referred to Committee on INSURANCE, May 27, 2010.

No. 2545 By Representatives SAYLOR, BELFANTI, BISHOP, BOYD, EVERETT, FLECK, GILLESPIE, GINGRICH, GOODMAN, GROVE, HELM, HESS, MICOZZIE, O'NEILL, PHILLIPS, SCAVELLO, SIPTROTH, SONNEY, WAGNER, SWANGER, CREIGHTON, GEIST, M. KELLER and YOUNGBLOOD

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for collection of rent upon death.

Referred to Committee on URBAN AFFAIRS, May 27, 2010.

No. 2546 By Representatives SANTARSIERO, BOYLE, BRADFORD, BRENNAN, BRIGGS, CONKLIN, DALEY, DEASY, DePASQUALE, DERMODY, GALLOWAY, GIBBONS, HARHAI, HORNAMAN, HOUGHTON, KESSLER, MAHONEY, MATZIE, McILVAINE SMITH, MIRABITO, MOUL, MURPHY, MURT, O'NEILL, SIPTROTH, M. SMITH, SWANGER, R. TAYLOR and THOMAS

An Act providing for ethics in government; prohibiting certain uses of public resources; and providing for penalties.

Referred to Committee on STATE GOVERNMENT, May 27, 2010.

No. 2547 By Representatives DALEY, HESS, BELFANTI, BOYD, CALTAGIRONE, FAIRCHILD, GEIST, GODSHALL, HARRIS, KORTZ, LONGIETTI, MAHONEY, MOUL, OBERLANDER, PETRARCA, SCAVELLO, SIPTROTH, SOLOBAY, SWANGER, KULA, METZGAR and YOUNGBLOOD

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions and for exceptions to license requirements.

Referred to Committee on COMMERCE, May 27, 2010.

No. 2548 By Representatives READSHAW, BELFANTI, MAHER, REICHLEY, CALTAGIRONE, KORTZ, MAHONEY, McILVAINE SMITH, MURPHY, MURT, PAYTON, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, STABACK and K. SMITH

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license, for reciprocity and for restriction on the use of title "Licensed Marriage and Family Therapist"; providing for unlicensed practice prohibited; and further providing for penalties and for unlawful practice.

Referred to Committee on PROFESSIONAL LICENSURE, May 27, 2010.

No. 2549 By Representatives DiGIROLAMO, ADOLPH, BRENNAN, BRIGGS, CLYMER, CREIGHTON, FARRY, GINGRICH, HARHAI, HARKINS, KILLION, KORTZ, MAHONEY, MANN, MICOZZIE, MILLARD, MILLER, MIRABITO, MURT, D. O'BRIEN, O'NEILL, PASHINSKI, PYLE, QUINN, REICHLEY, ROSS, SABATINA, SAINATO, SIPTROTH, K. SMITH, VEREB and WATSON

An Act providing for requirements for methadone use by narcotic treatment programs, for reducing methadone diversion, for reducing methadone-related accidents and deaths and for duties of the Bureau of Drug and Alcohol Programs in the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 27, 2010.

No. 2550 By Representatives M. O'BRIEN, CLYMER, JOSEPHS, GOODMAN, BELFANTI, HARKINS, MAHONEY, MURPHY, MYERS, PARKER, PAYTON, PETRARCA, READSHAW, ROEBUCK, ROSS, STEVENSON, SWANGER, R. TAYLOR, K. SMITH, BISHOP and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the commencement of criminal prosecution for the offense of sexual abuse of children.

Referred to Committee on JUDICIARY, May 27, 2010.

No. 2551 By Representatives SCAVELLO, ADOLPH, BARBIN, BARRAR, BELFANTI, BENNINGHOFF, BOBACK, BOYD, BROOKS, BROWN, BUXTON, CALTAGIRONE, CARROLL, CASORIO, CAUSER, CHRISTIANA, CLYMER, COHEN, CONKLIN, D. COSTA, P. COSTA, COX, CREIGHTON, CRUZ, CURRY, CUTLER, DALEY, DAY, DEASY, DELOZIER, DePASQUALE, DeWEESE, ELLIS, J. EVANS, EVERETT, FABRIZIO, FAIRCHILD, FLECK, FREEMAN, GABIG, GABLER, GEIST, GEORGE, GERGELY, GIBBONS, GINGRICH, GRELL, GROVE, GRUCELA, HARHAI, HARHART, HARKINS, HARPER, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, M. KELLER, W. KELLER, KORTZ, KOTIK, KRIEGER, LEVDANSKY, LONGIETTI, MAHER, MAJOR, MANDERINO, MARKOSEK, MARSHALL, MATZIE, McGEEHAN, McILVAINE SMITH, MELIO, METCALFE, MICCARELLI, MILLARD, MILLER, MILNE, MIRABITO, MOUL, MURPHY, MURT, MUSTIO, OBERLANDER, PALLONE, PARKER, PAYNE, PAYTON, PEIFER, PERRY, PERZEL, PICKETT, PRESTON, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROEBUCK, ROSS, SABATINA, SAINATO, SAMUELSON, SANTARSIERO, SANTONI, SAYLOR, SEIP, SHAPIRO, SIPTROTH, SONNEY, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, R. TAYLOR, TRUE, TURZAI, VEREB, VITALI, VULAKOVICH, WANSACZ, WATERS, WHITE, WILLIAMS, YOUNGBLOOD and YUDICHAK

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

Referred to Committee on CONSUMER AFFAIRS, June 1, 2010.

No. 2552 By Representatives M. SMITH, PYLE, BAKER, BISHOP, BRENNAN, BRIGGS, BROWN, CALTAGIRONE, CLYMER, D. COSTA, CREIGHTON, DONATUCCI, DRUCKER, FREEMAN, GERGELY, GIBBONS, GOODMAN, GRUCELA, HOUGHTON, JOSEPHS, KULA, MAHONEY, MATZIE, McGEEHAN, MELIO, MILNE, M. O'BRIEN, RAPP, ROEBUCK, SEIP, SIPTROTH,

SOLOBAY, STABACK, SWANGER, THOMAS, VULAKOVICH, WHEATLEY, WHITE, YOUNGBLOOD, P. COSTA, DeLUCA, FRANKEL, READSHAW, SHAPIRO, VEREB and BRADFORD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for reimbursement for diabetic supplies.

Referred to Committee on INSURANCE, June 1, 2010.

No. 2553 By Representatives YUDICHAK, BISHOP, JOSEPHS, CARROLL, BELFANTI, EVERETT, GOODMAN, GRUCELA, HARRIS, JOHNSON, W. KELLER, MAHONEY, McGEEHAN, MURPHY, PAYTON, PEIFER, PYLE, READSHAW, SABATINA, SCAVELLO, SCHRODER, SIPTROTH, SONNEY, THOMAS, WAGNER and CREIGHTON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for conduct of hearings and for right to counsel; and providing for a statement of disposition.

Referred to Committee on JUDICIARY, June 1, 2010.

No. 2554 By Representatives MANN, ADOLPH, BOBACK, BRENNAN, BRIGGS, BROWN, CREIGHTON, DAY, DONATUCCI, FABRIZIO, GEIST, GINGRICH, GODSHALL, GRUCELA, HARKINS, JOSEPHS, KORTZ, KULA, LENTZ, McGEEHAN, METZGAR, MURT, PARKER, PASHINSKI, PRESTON, SCAVELLO, THOMAS, VULAKOVICH, WHITE, YOUNGBLOOD and BRADFORD

An Act providing for availability of electronic textbooks at institutions of higher education.

Referred to Committee on EDUCATION, June 1, 2010.

No. 2555 By Representatives REICHLEY, BELFANTI, BURNS, D. COSTA, FAIRCHILD, GEIST, HORNAMAN, MICOZZIE, MURT, MUSTIO, O'NEILL, RAPP, READSHAW, SIPTROTH, SOLOBAY, SWANGER and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

Referred to Committee on FINANCE, June 1, 2010.

No. 2556 By Representatives KESSLER, FREEMAN, GRUCELA, ROSS and GINGRICH

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for additional costs for rehabilitation and maintenance.

Referred to Committee on LOCAL GOVERNMENT, June 1, 2010.

No. 2557 By Representatives BARRAR, COHEN, CREIGHTON, DALEY, DeLUCA, FRANKEL, GEORGE, GINGRICH, GOODMAN, HORNAMAN, MURT, O'NEILL, PHILLIPS, RAPP, SIPTROTH, STABACK, THOMAS and YOUNGBLOOD

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for vaccinations policies at general acute care hospitals.

Referred to Committee on INSURANCE, June 2, 2010.

No. 2558 By Representatives BARBIN, DeLUCA, MAHONEY, SOLOBAY, PETRARCA, HARHAI, READSHAW, KOTIK, W. KELLER, D. COSTA, MATZIE, BURNS, HALUSKA, GOODMAN, KORTZ, GIBBONS, HORNAMAN, WAGNER, BRENNAN and HANNA

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for the timely passage of appropriation and revenue bills.

Referred to Committee on APPROPRIATIONS, June 4, 2010.

SENATE BILLS FOR CONCURRENCE

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

SB 918, PN 2000

Referred to Committee on LOCAL GOVERNMENT, May 27, 2010.

SB 1011, PN 2001

Referred to Committee on EDUCATION, May 27, 2010.

JOURNALS APPROVED

The SPEAKER. The Journals of Monday, March 15; Tuesday, March 16; Wednesday, March 17; and Monday, March 22 of 2010 are now in print. Will the House approve the Journals?

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, May 26, 2010, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests a leave of absence for: Representative ROEBUCK from Philadelphia County for the day; Representative OLIVER from Philadelphia County for the day; Representative JOSEPHS from Philadelphia County for the day; Representative THOMAS from Philadelphia County for the day; Representative COHEN from Philadelphia County for the day; Representative YOUNGBLOOD from Philadelphia County for the day; Representative WANSACZ from Lackawanna County for the day. Without objection, the leaves will be granted.

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

The Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests a leave for the gentlady from Northampton County, Representative BEYER, for the day. Without objection, the leave will be granted.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Dermody, who requests a leave of absence for the gentleman from Westmoreland County, Representative PALLONE, for the day. Without objection, the leave will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—189

Adolph	Everett	Lentz	Readshaw
Baker	Fabrizio	Levdansky	Reed
Barbin	Fairchild	Longietti	Reese
Barrar	Farry	Maher	Reichley
Bear	Fleck	Mahoney	Roae
Belfanti	Frankel	Major	Rock
Benninghoff	Freeman	Manderino	Rohrer
Bishop	Gabig	Mann	Ross
Boback	Gabler	Markosek	Sabatina
Boyd	Galloway	Marshall	Sainato
Boyle	Geist	Marsico	Samuelson
Bradford	George	Matzie	Santarsiero
Brennan	Gerber	McGeehan	Santoni
Briggs	Gergely	McI. Smith	Saylor
Brooks	Gibbons	Melio	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Miccarelli	Shapiro
Caltagirone	Goodman	Millard	Siptroth
Carroll	Grell	Miller	Smith, K.

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—10**

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone		

LEAVES ADDED—12

Bishop	Denlinger	O'Brien, D.	True
Brown	DeWeese	McGeehan	Waters
Cruz	Donatucci	Parker	Williams

LEAVES CANCELED—3

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

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2493, PN 3722**, entitled:

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, providing for implementation provisions for Deferred Retirement Option Plans and for corrective measures for maintaining tax qualified status of the Pennsylvania Municipal Retirement System.

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

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

(Bill analysis was read.)

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

On the question of final passage, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I have a few questions. I would like to have the maker of the bill stand for interrogation.

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

Mr. TURZAI. Thank you.

Mr. EACHUS. Mr. Speaker, may I ask the gentleman to speak to me for just one moment before interrogation?

Mr. TURZAI. Yes.

Mr. EACHUS. Thank you.

(Conference held.)

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over the bill temporarily.

* * *

The House proceeded to third consideration of **HB 2258, PN 3591**, entitled:

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

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—

DECISION OF CHAIR RESCINDED

The SPEAKER. It is the Chair's understanding there is a technical amendment filed to HB 2258.

Without objection, the Chair rescinds its announcement that HB 2258 was agreed to on third consideration.

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

Mr. **BRIGGS** offered the following amendment No. **A07331**:

Amend Bill, page 3, line 6, by striking out the brackets before and after "OR"

Amend Bill, page 3, line 11, by striking out "OR" and inserting and

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery County, Representative Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

This is a technical amendment that is agreed to.

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

Mr. ROSS. Mr. Speaker, might I ask a question of the maker of the amendment, please?

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

Mr. ROSS. It would be helpful if you, Mr. Speaker, could be slightly more detailed in your explanation and explain the technical amendment to us, please.

Mr. BRIGGS. On review from second consideration, there were just some minor drafting errors that we needed to straighten out to make consistent with the rest of the bill.

Mr. ROSS. And a further question.

Could you please explain what those drafting errors were and what changes were made?

Mr. BRIGGS. Sure.

On page 3, line 6, there were brackets that we removed around "or." And also on line 11, we replaced "or" with "and."

Mr. ROSS. Thank you, Mr. Speaker. That concludes my interrogation.

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—184

Adolph	Everett	Lentz	Readshaw
Baker	Fabrizio	Levdansky	Reed
Barbin	Fairchild	Longiotti	Reese
Barrar	Farry	Maher	Roae
Bear	Fleck	Mahoney	Rock

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

NAYS—5

Brooks	Metcalf	Rapp	Reichley
Hutchinson			

NOT VOTING—0

EXCUSED—10

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, thank you for giving me an opportunity to say a few words about HB 2258.

This legislation will help keep siblings together when a court determines that they can no longer remain in their own home. It reflects a growing consensus that preserving family connections for children is a critical part of a child's future and development.

Too often when children are subjected to abuse and neglect, they also suffer another layer of trauma when they are placed in foster care and separated from their siblings. Research has shown that the bond between a child and a sibling is one of the most significant and influential relationships in a child's life. For that reason, efforts to keep siblings together and encourage visitation have been considered best practice in child welfare.

In October 2008 Congress changed Federal law relating to foster care reimbursement to each State by requiring that each State demonstrates reasonable efforts to place siblings together, unless doing so is contrary to the safety or well-being of any sibling. The Federal law also requires frequent visitation between siblings who are not placed together, unless the safety or well-being of a sibling is at question.

HB 2258 ensures that these principles are applied uniformly and consistently throughout Pennsylvania by including these requirements in the Juvenile Act as they relate to dependent children.

I want to thank several groups who helped develop this legislation and provided needed support. These groups include the Juvenile Law Center, Kids Voice in Pittsburgh, The Education Law Center, The Children's Advocacy Clinic of Penn State Dickinson School of Law, and Pennsylvania Partnerships. In addition, I want to thank the Juvenile Court Judges Commission and Department of Public Welfare for their contributions in regard to HB 2258.

I urge my fellow members to vote in favor of the bill.

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—189

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone		

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

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

* * *

The House proceeded to third consideration of **HB 2001, PN 2701**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for enumeration of elected officers.

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 Lebanon County, Representative Swanger.

Mrs. SWANGER. Thank you, Mr. Speaker.

I want to make this clear to my colleagues— Excuse me; could I have some order in the House, please?

The SPEAKER. The gentlelady is correct.

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

Mrs. SWANGER. Thank you, Mr. Speaker.

The SPEAKER. The gentlelady will yield.

The House will come to order.

The gentlelady from Lebanon County is recognized.

Mrs. SWANGER. Thank you, Mr. Speaker.

This bill concerns the office of jury commissioner, which is an elected position in almost all counties in our State. In my particular county, this job has been made obsolete by computerization. The selection of juries is done by random selection by computerization, and these positions are virtually without duties.

Now, I know this is not the situation in all counties, and that is why this bill would make it optional. It would make it the choice of county commissioners to take this to the voters on referendum. This is just a means for us to let the counties control some of the costs in their budget.

As I said, this is not mandatory; it is a choice, and I would hope that my colleagues will support this option on behalf of their counties. Thank you.

The SPEAKER. The Chair thanks the lady.

The question is, shall the bill pass finally? On that question, the Chair recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise, reluctantly, to oppose HB 2001. Even though it would be permissive and not mandatory in allowing counties to eliminate the office of jury commissioner within their jurisdictions, I do so because I believe the bill underestimates and undervalues the services performed by jury commissioners across the Commonwealth in supervising and overseeing and responding to the questions and the needs of prospective jurors routinely on a day-to-day basis throughout our court system in our counties.

Routinely, citizens are summoned for jury duty, and they make requests to be excused, delayed, rescheduled. It makes sense to have a consistent, stable response, and the jury commissioners provide that. They provide welcoming remarks on behalf of the county judicial system. The jury commissioners also repeatedly deal with the issues that arise with individual jurors on a day-to-day basis.

It is a mistake to think that we can simply do without them and pull somebody from some other job that they are doing elsewhere in the county judicial system and plug them in. These are people that are here every day that prospective jurors are gathered. So I do not think that we can simply reach into another section of the judicial system and supplement someone, pull someone else out of that other position and allow them to do this. It seems to me that the commissioners, the jury commissioners, do provide a public service. I think it is a mistake for county commissioners to make the decision.

I think this bill is going to pass, but I wanted to at least stand up and put in some good word on behalf of the existing jury commissioners we have. I think they provide a very valuable service to our citizens who are called for jury duty. They answer the questions. They solve their problems. They offer a consistent response to the request for rescheduling and for excusal from serving on jury duty, and I wanted to be at least a voice for them as we consider this bill here in the House today. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Mr. Speaker, taxpayers across the State are looking for options. They are looking for ways to cut their taxes, cut their costs. I would urge the members to vote for this measure, as it simply enables counties of the second class to make their own determinations in their own counties about what is good or bad for their communities.

So therefore, I would urge the members to give a favorable vote to this important and logical measure. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I wonder if the maker of the bill would stand for brief interrogation?

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

Mr. GABIG. Thank you, Mr. Speaker.

Mr. Speaker, HB 2001 – 2001 – as I listened to some of the debate, does it apply to all the counties throughout the Commonwealth or a select few of the counties, Mr. Speaker?

Mrs. SWANGER. It only applies to a select few. I believe it is second-class counties.

Mr. GABIG. A second-class county.

Now, I thought there was a bill, Mr. Speaker – maybe it is not this bill; maybe it is a similar bill – that would apply to my county, which is Cumberland County, to give a local option. Is that in this bill or is that in another bill?

Mrs. SWANGER. That is in another bill, Mr. Speaker. That is HB 2000, which would also apply to my county.

Mr. GABIG. 2000. Okay.

That answers my interrogation. If I could speak on the bill, Mr. Speaker.

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

Mr. GABIG. Thank you.

I certainly appreciated the comments from my good friend, the gentleman from Chester County, on why in his county they want to keep this office, this row office, in their county. It seems to work and it seems to be doing well. But as I understand this bill and the related bill that hopefully will be coming to the floor soon, this is just a local option. And I think each county is different, and welcoming remarks might be better handled by, say, the president judge, they could be handled. And so I would encourage the leadership, Mr. Speaker, if they could move the other bill, the companion bill, 2000, which would apply, as soon as we can in this process so that we could have a vote on that.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—141

Adolph	Eachus	Killion	Perzel
Barrar	Evans, D.	Kirkland	Petri
Bear	Evans, J.	Knowles	Preston
Belfanti	Everett	Kortz	Quinn
Benninghoff	Fabrizio	Kotik	Rapp
Bishop	Fairchild	Krieger	Readshaw
Boyd	Farry	Lentz	Reese
Boyle	Fleck	Levdansky	Rock
Bradford	Frankel	Maher	Rohrer
Brennan	Freeman	Mahoney	Ross
Brown	Gabig	Manderino	Samuelson
Buxton	Gabler	Mann	Santarsiero
Caltagirone	Galloway	Markosek	Santoni
Carroll	Gerber	Marshall	Saylor
Casorio	Gergely	Marsico	Seip
Causar	Gibbons	Matzie	Smith, K.
Christiana	Gillespie	McI. Smith	Smith, M.
Clymer	Gingrich	Metcalfe	Smith, S.
Costa, D.	Goodman	Metzgar	Solobay
Costa, P.	Grell	Miccarelli	Staback
Cox	Grove	Miller	Sturla
Creighton	Gruclera	Mirabito	Swanger
Cruz	Hanna	Moul	Tallman
Curry	Harhart	Mundy	Taylor, J.
Cutler	Harkins	Murphy	Taylor, R.
Daley	Harris	Mustio	True
Day	Helm	Myers	Turzai
Deasy	Hickernell	O'Brien, D.	Vitali
Delozier	Hornaman	O'Brien, M.	Vulakovich
DeLuca	Houghton	O'Neill	Wagner
Denlinger	Johnson	Parker	Watson
DePasquale	Kauffman	Pashinski	Wheatley
Dermody	Keller, M.K.	Payne	White
DiGirolamo	Keller, W.	Payton	Williams
Donatucci	Kessler	Perry	Yudichak
Drucker			

NAYS—48

Baker	Harhai	Oberlander	Scavello
Barbin	Harper	Peifer	Schroder
Boback	Hennessey	Petrarca	Shapiro
Briggs	Hess	Phillips	Siptroth
Brooks	Hutchinson	Pickett	Sonney
Burns	Kula	Pyle	Stern
Conklin	Longietti	Quigley	Stevenson
DeWeese	Major	Reed	Vereb
Ellis	McGeehan	Reichley	Waters
Geist	Melio	Roae	
George	Millard	Sabatina	McCall,
Godshall	Milne	Sainato	Speaker
Haluska	Murt		

NOT VOTING—0

EXCUSED—10

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone		

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 well of the House, the Chair would like to welcome Matthew Causer. He is the son of Representative Marty Causer. I take it he is serving as a guest page today. Will the guest please rise. Welcome to the hall of the House.

Also in the well of the House, serving as a guest page, is Robbie Estep. He is the guest of Representative Seth Grove. Will Robbie please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Richard and Maryann Schaftlein. They are the guests of Representative Barrar. Will the guests please rise. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome Mel and Ruth Mae Lapp, Jeff and Dorothy Burkhart. They are the guests of Representative Tom Houghton. Will the guests please rise. Welcome to the hall of the House.

Also in the balcony, Julie Schakra and Joe Schakra, with Kyle Jorstad. The boys are from Troop 100 of the Boy Scouts of America. They are the guests of Representative John Siptroth. Welcome to the hall of the House.

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Andrew John Blemings.

Whereas, Andrew John Blemings earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Andrew is a member of Troop 230.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Andrew John Blemings.

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests a leave of absence for the gentlelady from Lancaster County, Representative TRUE, for the remainder of the day. Without objection, the leave will be granted.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. HARKINS called up **HR 835, PN 3845**, entitled:

A Resolution congratulating the Erie Police Department Motorcycle Unit on its 100th anniversary and for its dedicated service to the citizens of the City of Erie.

On the question,

Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Erie County, Representative Harkins.

The gentleman will yield. The gentleman will yield.

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

Mr. HARKINS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield.

Mr. HARKINS. Thank you, Mr. Speaker.

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Erie County, Representative Harkins.

Mr. HARKINS. It is a great honor for me to recognize the city of Erie motorcycle police on their 100-year anniversary.

In the summer of 1910 the City of Erie Police Department rented a motorcycle to test the effectiveness in enforcing traffic law, and in that 1 year, it proved its effectiveness after 1 year with 83 arrests, utilizing only 1 motorcycle.

The duties of the motorcycle unit are numerous and ever-changing and include traffic control, dignitary motorcades, abandoned vehicles, parades, school zone enforcements, special events, any vehicle complaints from citizens, speed enforcement, and general patrol duties as needed.

The unit has always supported the American manufacturing base by purchasing and utilizing motorcycles built by Harley-Davidson right here in York, Pennsylvania.

GUESTS INTRODUCED

Mr. HARKINS. Thank God for Mayor Mike Libel's forward thinking, and please help me welcome the five members of the Erie Police Department Motorcycle Unit who were able to join us today on the actual anniversary date of 100 years in service. The officers that are here today are Lt. Patrick Durkin, Sgt. Aaron Wassell, Patrolman Gary Taccone, Patrolman Robert Wierbinski – and I might point out that Rob and I attended Sacred Heart grade school together, and any of the nuns that may be around still I am sure are quaking in their shoes to even see he and I in the same room together in the House chamber. Also, Thomas Dunmire, Jr., patrolman. Those that could not attend but also are members of the unit are Tom Pietras, Scott Kornetz, and Tim Sweeney. If you would please join me in a round of applause for them.

Thank you, and I gave them Representative Joe Brennan's license plate number and I warned them on how he drives around the Capitol. 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—188

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone	True	

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Ms. MAJOR called up **HR 705, PN 3432**, entitled:

A Resolution commemorating the 200th anniversary of the creation of Susquehanna County.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—0

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

The SPEAKER. Congratulations.

EXCUSED—11

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone	True	

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

* * *

Mr. GOODMAN called up **HR 809, PN 3769**, entitled:

A Resolution designating the month of June 2010 as "Corrections Officers and Employees Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone	True	

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

CONSIDERATION OF HB 2493 CONTINUED

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

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

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

Sir, I would like to speak on the bill. Thank you.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. TURZAI. Mr. Speaker, HB 2493 is arguably a technical bill that some have contended is necessary to bring our pension system into compliance based on another bill, HB 1828, that was passed with considerable opposition in this General Assembly. That vote was taken on August 5 of 2009, in this session – HB 1828, PN 2521 – and at the time 85 of the members of this General Assembly voted against HB 1828.

HB 1828 was a bill that dealt with pensions, primarily the Philadelphia pension whereby an additional tax was sought. But it also, in that particular bill, dealt with the city of Pittsburgh by giving them an extension to come into 50-percent compliance. Just as an aside, that pension is right now at 29-percent fundedness.

But one of the items in HB 1828 that was not discussed on the floor or even really brought to anybody's attention – now, I voted against HB 1828 – was this language: The bill mandated, established that the Pennsylvania Municipal Retirement Board "shall" establish a DROP, D-R-O-P, deferred retirement option plan, for local government defined benefit pension plans that have joined the Pennsylvania Municipal Retirement System.

Now, I know that some people indicate that DROP plans can be good or bad. My contention is that the establishment of a DROP plan is bad for taxpayers – period. And I want to cite as an example a deferred retirement option plan that was in existence for the Port Authority of Allegheny County, which handles our public transportation in my area.

The Auditor General, Jack Wagner, in his report – and this was a summary of his report from his office – said that the Port Authority permitted 44 top managers to begin amassing large sums by "retiring," quote, unquote, without actually vacating their jobs. All 44 officials, quote, unquote, "retired" but were permitted to keep working for up to 5 years after their, quote, unquote, "retirement." Why? They were able to retire at young

ages after 25 years of service, and 11 of those 44 left before serving the 5 years and received payouts while they were receiving their salaries, pensions to the tune of \$1.8 million. The remaining 33 who were still working at the Port Authority were eligible, if they completed the 5 years, to receive \$7.4 million in retirement while still collecting their salaries. This is double-dipping.

The Auditor General said that the audit findings illustrated "a lack of leadership and an absence of direction that have no place in a public authority that relies heavily on tax dollars to meet its financial obligations." The fact of the matter is, HB 1828 was completely misguided in mandating deferred retirement option plans. We should be eliminating deferred retirement option plans.

This particular bill, HB 2493, does not – let me make clear; understand, I want to be direct about this – does not implement, does not direct, does not establish the deferred retirement option plans. That got done in HB 1828. But HB 2493 does set requirements to meet IRS (Internal Revenue Service) guidelines for these deferred retirement option plans.

Now, it has been contended that if we do not do HB 2493, that all municipal plans and the payments out of those municipal plans constitute taxable income. I have to tell you, that just seems very far afield to me. Arguably, you could say that the income that would come from the deferred retirement option plan, that that income might be subject to taxable income, but it is a far stretch to say that all municipal pension payouts would be subject to taxability by virtue of the fact that we did not implement specifics with respect to how this DROP plan would be put into effect.

That is the contention. People indicate this is a technical bill, but I will tell you, as a matter of course – and listen, I absolutely concede; this bill does not establish the deferred retirement option plans. That happened in HB 1828. So I recognize that people should vote as they wish. But I think that argument is a stretch that because we do not provide the technical implementation for the IRS, that somehow if that is not done, that means all municipal payouts are subject to taxation. That just does not pass the smell test. And I would reiterate that we are making a mistake moving in the direction of expanding the use of deferred retirement option plans. We need to be looking in a completely different direction in terms of our public sector and how we handle retirement pensions.

But at a minimum, it seems wrong to me that you can collect a salary and a pension at the same time. It actually, to me, almost is a slap in the face to taxpayers. And I think the underlying bill, HB 1828, was misguided. I myself, I am not going to continue to push, provide additional impetus for that kind of policy to be maintained, and I will vote "no." I do recognize that people will be voting "yes" because they feel that there is a technical basis for having to get this done, but I cannot condone what was done in HB 1828 with respect to mandating deferred retirement option plans.

I speak for myself; I am not speaking for the caucus, but I do want to get that on record. Thank you.

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

Mr. KILLION. Thank you, Mr. Speaker, and I will be brief.

I agree with my colleague from Allegheny County, whom I respect greatly. There have been a lot of abuses in the DROP program. But this bill is needed in order to keep the PMRS (Pennsylvania Municipal Retirement System) tax qualifications.

We can address the abuses you saw with Philadelphia and the Port of Allegheny, but there are many cases where DROP programs work. This bill, what we need to do, it brings in the Federal IRS regulations and makes the legislation we passed previously, HB 1828, be able to continue, and also protects the tax qualification status of the PMRS programs that we currently have. So I would encourage a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—103

Adolph	Evans, D.	Maher	Ross
Barbin	Evans, J.	Mahoney	Sabatina
Bishop	Fabrizio	Manderino	Samuelson
Boyle	Farry	Mann	Santarsiero
Bradford	Frankel	Markosek	Santoni
Brennan	Freeman	McGeehan	Seip
Briggs	Galloway	McI. Smith	Shapiro
Brown	George	Melio	Siptroth
Burns	Gerber	Miccarelli	Smith, K.
Buxton	Gergely	Milne	Smith, M.
Caltagirone	Gibbons	Mirabito	Smith, S.
Carroll	Goodman	Moul	Solobay
Conklin	Grucela	Mundy	Staback
Costa, D.	Hanna	Murphy	Sturla
Costa, P.	Harkins	Mustio	Taylor, J.
Cruz	Hennessey	Myers	Taylor, R.
Curry	Houghton	O'Brien, M.	Vitali
Daley	Johnson	O'Neill	Wagner
Deasy	Keller, W.	Parker	Waters
DeLuca	Kessler	Pashinski	Wheatley
DePasquale	Killion	Payton	White
Dermody	Kirkland	Perzel	Williams
DeWeese	Knowles	Petri	Yudichak
DiGirolamo	Kortz	Preston	
Donatucci	Lentz	Readshaw	McCall,
Drucker	Levdansky	Reichley	Speaker
Eachus			

NAYS—85

Baker	Gabig	Krieger	Quigley
Barrar	Gabler	Kula	Quinn
Bear	Geist	Longietti	Rapp
Belfanti	Gillespie	Major	Reed
Benninghoff	Gingrich	Marshall	Reese
Boback	Godshall	Marsico	Roae
Boyd	Grell	Matzie	Rock
Brooks	Grove	Metcalfe	Rohrer
Casorio	Haluska	Metzgar	Sainato
Causar	Harhai	Millard	Saylor
Christiana	Harhart	Miller	Scavello
Clymer	Harper	Murt	Schroder
Cox	Harris	O'Brien, D.	Sonney
Creighton	Helm	Oberlander	Stern
Cutler	Hess	Payne	Stevenson
Day	Hickernell	Peifer	Swanger
Delozier	Hornaman	Perry	Tallman
Denlinger	Hutchinson	Petrarca	Turzai
Ellis	Kauffman	Phillips	Vereb
Everett	Keller, M.K.	Pickett	Vulakovich
Fairchild	Kotik	Pyle	Watson
Fleck			

NOT VOTING—0

EXCUSED—11

Beyer	Micozzie	Roebuck	Wansacz
Cohen	Oliver	Thomas	Youngblood
Josephs	Pallone	True	

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

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome students, teachers, and parents from the Neil Armstrong Elementary School in Scranton. They are the guests of Representative Murphy. Will the guests please rise. Welcome to the hall of the House.

APPROPRIATIONS COMMITTEE MEETING**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, there will be a 2:45 Democratic caucus meeting. Immediately before that caucus meeting, there will be an Appropriations Committee meeting in the majority caucus room. So immediately on the break, Appropriations; 2:45, Democratic caucus; back to the floor at 3:30. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet immediately 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 2:45. I would ask all our members to please report to our caucus room at 2:45. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

STATEMENT BY MS. MANDERINO**VOTE CORRECTION**

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia County, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

A correction of the record.

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

Ms. MANDERINO. Thank you.

On March 16, 2010, in the House Judiciary Committee, on HB 2189, my vote was recorded in the affirmative. I had voted in the negative. I wish that correction to be spread across the record. Thank you.

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

LEAVE OF ABSENCE CANCELED

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

Immediate meeting of the House Appropriations Committee in the majority caucus room. Both caucuses meeting at 2:45.

RECESS

The SPEAKER. This House stands in recess until 3:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 3:45 p.m.; further extended until 4 p.m.

AFTER RECESS

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

LEAVES OF ABSENCE CANCELED

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

The Chair also notes the presence of the gentlelady from Northampton County, Representative Beyer, on the House floor. Her name will be added to the master roll.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests a leave of absence for: the gentleman from Philadelphia County, Representative DONATUCCI, for the day; Representative WILLIAMS from Philadelphia County for the day; Representative PARKER from Philadelphia County for the day; Representative BROWN from Philadelphia County for the day; Representative WATERS from Philadelphia County for the day; Representative CRUZ from Philadelphia County for the day; Representative McGEEHAN from Philadelphia County for the day; Representative BISHOP from Philadelphia County for the day. Without objection, the leaves will be granted.

BILLS REREPORTED FROM COMMITTEE**HB 1926, PN 3800**

By Rep. D. EVANS

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for registration of sexual offenders.

APPROPRIATIONS.

HB 2364, PN 3426

By Rep. D. EVANS

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Stewart Township and Fayette County, separately, certain lands situate in Stewart Township, Fayette County, in exchange for Stewart Township and Fayette County, separately, granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park.

APPROPRIATIONS.

HB 2504, PN 3803

By Rep. D. EVANS

An Act permitting supervised children to observe polling places.

APPROPRIATIONS.

SB 1246, PN 1703

By Rep. D. EVANS

An Act authorizing Horsham Township, Montgomery County, to convey and transfer a fee interest in certain Project 70 land free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township.

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEE**HB 1322, PN 3851 (Amended)**

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation relating to claims of adverse possession under certain circumstances; and providing for uniform notice, for mesne profits and for reimbursement.

APPROPRIATIONS.

HB 2240, PN 3852 (Amended)

By Rep. D. EVANS

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

APPROPRIATIONS.

SB 1180, PN 1910

By Rep. D. EVANS

An Act designating the Donora-Webster Bridge in Donora, Washington County, as the Lieutenant Governor Ernest P. Kline Memorial Bridge.

APPROPRIATIONS.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 2497, PN 3853 (Amended)**

By Rep. D. EVANS

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for contributions by the Commonwealth, for payments by employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for administrative duties of board and for payments to school entities by Commonwealth; in Title 71, providing for definitions; further providing for rights and duties of State employees and members, for contributions by the Commonwealth and other employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for special supplemental postretirement adjustment of 2002, for administrative duties of the board, for State accumulation account and for supplemental annuity account; and providing for recertification to the Secretary of the Budget and for holding certain public officials harmless.

APPROPRIATIONS.

COMMUNICATIONS

The SPEAKER. The Speaker is in receipt of the following communications, which the clerk will read.

The following communications were read:

A communication dated May 19, 2010, from the Public Employee Retirement Commission, regarding amendment No. 06959 to HB 2493, PN 3722, stating that the amendment will have no actuarial cost impact and that an actuarial note is not required.

A communication dated May 28, 2010, from the Public Employee Retirement Commission, transmitting an actuarial note for HB 2324, PN 3349.

A communication dated May 28, 2010, from the Public Employee Retirement Commission, transmitting an actuarial note for SB 1185, PN 1672.

A communication dated May 28, 2010, from the Public Employee Retirement Commission, transmitting an actuarial note for HB 2497, PN 3730.

A communication dated May 28, 2010, from the Public Employee Retirement Commission, regarding amendment No. 06939 to HB 2497, PN 3730, stating that the amendment will have no actuarial cost impact and that an actuarial note is not required.

A communication dated May 28, 2010, from the Public Employee Retirement Commission, transmitting an actuarial note for HB 2325, PN 3350.

(Copies of communications are on file with the Journal clerk.)

SUPPLEMENTAL CALENDAR A CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. JOHNSON called up **HR 816, PN 3822**, entitled:

A Resolution designating June 7, 2010, as "Day of African and Caribbean Children" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—183

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

NAYS—0

NOT VOTING—0

EXCUSED—16

Bishop	Donatucci	Oliver	True
Brown	Josephs	Parker	Waters
Cohen	McGeehan	Roebuck	Williams
Cruz	Micozzie	Thomas	Youngblood

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

* * *

Mr. BOYLE called up **HR 831, PN 3830**, entitled:

A Resolution honoring Cardinal Dougherty High School of Philadelphia.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests a leave for the gentleman from Philadelphia County, Representative Dennis O'BRIEN, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HR 831 CONTINUED

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

The following roll call was recorded:

YEAS—182

Adolph	Fabrizio	Kula	Rapp
Baker	Fairchild	Lentz	Readshaw
Barbin	Farry	Levdansky	Reed
Barrar	Fleck	Longietti	Reese
Bear	Frankel	Maher	Reichley
Belfanti	Freeman	Mahoney	Roae
Benninghoff	Gabig	Major	Rock
Beyer	Gabler	Manderino	Rohrer
Boback	Galloway	Mann	Ross
Boyd	Geist	Markosek	Sabatina
Boyle	George	Marshall	Sainato
Bradford	Gerber	Marsico	Samuelson
Brennan	Gergely	Matzie	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni
Brooks	Gillespie	Melio	Saylor
Burns	Gingrich	Metcalfe	Scavello
Buxton	Godshall	Metzgar	Schroder
Caltagirone	Goodman	Miccarelli	Seip
Carroll	Grell	Millard	Shapiro
Casorio	Grove	Miller	Siptroth

Causer	Grucela	Milne	Smith, K.
Christiana	Haluska	Mirabito	Smith, M.
Clymer	Hanna	Moul	Smith, S.
Conklin	Harhai	Mundy	Solobay
Costa, D.	Harhart	Murphy	Sonney
Costa, P.	Harkins	Murt	Staback
Cox	Harper	Mustio	Stern
Creighton	Harris	Myers	Stevenson
Curry	Helm	O'Brien, M.	Sturla
Cutler	Hennessey	O'Neill	Swanger
Daley	Hess	Oberlander	Tallman
Day	Hickernell	Pallone	Taylor, J.
Deasy	Hornaman	Pashinski	Taylor, R.
Delozier	Houghton	Payne	Turzai
DeLuca	Hutchinson	Payton	Vereb
Denlinger	Johnson	Peifer	Vitali
DePasquale	Kauffman	Perry	Vulakovich
Dermody	Keller, M.K.	Perzel	Wagner
DeWeese	Keller, W.	Petrarca	Wansacz
DiGirolamo	Kessler	Petri	Watson
Drucker	Killion	Phillips	Wheatley
Eachus	Kirkland	Pickett	White
Ellis	Knowles	Preston	Yudichak
Evans, D.	Kortz	Pyle	
Evans, J.	Kotik	Quigley	McCall,
Everett	Krieger	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—17

Bishop	Josephs	Oliver	True
Brown	McGeehan	Parker	Waters
Cohen	Micozzie	Roebuck	Williams
Cruz	O'Brien, D.	Thomas	Youngblood
Donatucci			

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

* * *

Ms. QUINN called up **HR 838, PN 3846**, entitled:

A Resolution designating the month of June 2010 as "Twilight Wish Foundation Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—182

Adolph	Fabrizio	Kula	Rapp
Baker	Fairchild	Lentz	Readshaw
Barbin	Farry	Levdansky	Reed
Barrar	Fleck	Longietti	Reese
Bear	Frankel	Maher	Reichley
Belfanti	Freeman	Mahoney	Roae
Benninghoff	Gabig	Major	Rock
Beyer	Gabler	Manderino	Rohrer
Boback	Galloway	Mann	Ross
Boyd	Geist	Markosek	Sabatina
Boyle	George	Marshall	Sainato
Bradford	Gerber	Marsico	Samuelson
Brennan	Gergely	Matzie	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni

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

NAYS—0

NOT VOTING—0

EXCUSED—17

Bishop	Josephs	Oliver	True
Brown	McGeehan	Parker	Waters
Cohen	Micozzie	Roebuck	Williams
Cruz	O'Brien, D.	Thomas	Youngblood
Donatucci			

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Ms. McILVAINE SMITH called up **HR 823, PN 3805**, entitled:

A Resolution recognizing the month of May as "Wetlands Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—179

Adolph	Fabrizio	Kula	Readshaw
Baker	Fairchild	Lentz	Reed
Barbin	Farry	Levdansky	Reese
Barrar	Fleck	Longietti	Reichley

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

NAYS—3

Hutchinson	Metcalf	Rapp
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NOT VOTING—0

EXCUSED—17

Bishop	Josephs	Oliver	True
Brown	McGeehan	Parker	Waters
Cohen	Micozzie	Roebuck	Williams
Cruz	O'Brien, D.	Thomas	Youngblood
Donatucci			

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

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2504**, **PN 3803**, entitled:

An Act permitting supervised children to observe polling places.

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 2364**, **PN 3426**, entitled:

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Stewart Township and Fayette County, separately, certain lands situate in Stewart Township, Fayette County, in exchange for Stewart Township and Fayette County, separately, granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park.

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

The SPEAKER. It is the Chair's understanding the gentleman from Philadelphia County, Representative Bill Keller, is withdrawing the amendments to this bill?

The Chair thanks the gentleman.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, as of June 1, the "Three Bears" have turned into the "Four Bears." Congratulations to our own Representative John Bear on the birth of his daughter, Brynn Elisabeth. Congratulations, John.

THE SPEAKER PRO TEMPORE
(JAMES E. CASORIO, JR.) PRESIDING

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests leave for the remainder of the day for Representative DENLINGER of Lancaster County. So granted.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1926**, **PN 3800**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for registration of sexual offenders.

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

Mrs. **HARHART** offered the following amendment
No. **A07247**:

Amend Bill, page 31, line 9, by inserting after "THE"
street address.

Amend Bill, page 31, line 9, by inserting a bracket before "AND"

Amend Bill, page 31, line 9, by inserting after "AND"
1.

Amend Bill, page 31, line 9, by inserting after "CODE"
and name

Amend Bill, page 31, line 10, by inserting after "AND"
the municipality, county and zip code

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Harhart.

Mrs. HARHART. Thank you, Mr. Speaker.

At this time I will be withdrawing this amendment because we need to work on it and change some of the language. So I will be withdrawing it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

The SPEAKER pro tempore. The Chair is in receipt of two late-filed amendments. Representative Grove's amendment, A07361; the Chair understands that the gentleman is withdrawing that amendment. Is that correct? The Chair thanks the gentleman.

Late-filed amendment, Representative Rick Taylor, A07447; the Chair is under the understanding the gentleman will offer that amendment. Is that correct? Thank you.

We will need a motion to suspend. Thank you.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Representative Rick Taylor, who makes a motion to suspend the rules for the purpose of offering amendment A07447, which the clerk will now read.

The clerk read the following amendment No. **A07447**:

Amend Bill, page 31, line 10, by inserting after "AND"
, in the case of a transient,

Amend Bill, page 34, line 25, by inserting after "OFFICE]"
Pennsylvania

Amend Bill, page 34, line 25, by inserting after "BOARD"
of Probation and Parole

Amend Bill, page 34, lines 27 and 28, by striking out "PAROLE"
in line 27 and "OFFICE" in line 28 and inserting
Pennsylvania Board of Probation and Parole

Amend Bill, page 34, lines 29 and 30, by striking out "PAROLE"
in line 29 and "OFFICE" in line 30 and inserting
Pennsylvania Board of Probation and Parole

Amend Bill, page 35, lines 25 through 30; page 36, lines 1
through 3, by striking out all of said lines on said pages

Amend Bill, page 36, by inserting between lines 8 and 9

(2) The amendment of 42 Pa.C.S. § 9798.1(c)(1)(v) shall
take effect in 180 days.

Amend Bill, page 36, line 9, by striking out "(2)" and inserting
(3)

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Taylor, for a brief description of his amendment.

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

This amendment has four parts. It is an agreed-to amendment. It first of all clarifies the definition of "habitual locale" for transients. It defines for "sexually violent predators," who will pay for their counseling if they are transient. It removes section 9 from the bill that is not in compliance with the Federal definition of the Adam Walsh Act. Finally, it gives the State Police more time to set up the Internet that they will need once the bill is passed.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—167

Adolph	Fairchild	Levdansky	Reed
Baker	Farry	Longietti	Reese
Barbin	Fleck	Maher	Reichley
Barrar	Frankel	Mahoney	Rock
Bear	Freeman	Major	Rohrer
Belfanti	Gabig	Manderino	Ross
Benninghoff	Galloway	Mann	Sabatina
Beyer	Geist	Markosek	Sainato
Boback	George	Marshall	Samuelson
Boyd	Gerber	Marsico	Santarsiero
Boyle	Gergely	Matzie	Santoni
Bradford	Gibbons	McI. Smith	Saylor
Brennan	Gingrich	Melio	Scavello
Briggs	Godshall	Miccarelli	Schroder
Burns	Goodman	Millard	Seip
Buxton	Grove	Miller	Shapiro
Caltagirone	Gruclera	Milne	Siptroth
Carroll	Haluska	Mirabito	Smith, K.
Casorio	Hanna	Moul	Smith, M.
Causer	Harhai	Mundy	Smith, S.
Christiana	Harhart	Murphy	Solobay
Clymer	Harkins	Murt	Sonney
Conklin	Harper	Mustio	Staback
Costa, D.	Harris	Myers	Stern
Costa, P.	Helm	O'Brien, M.	Stevenson
Cox	Hennessey	O'Neill	Sturla
Curry	Hess	Pallone	Tallman
Daley	Hickernell	Pashinski	Taylor, J.
Day	Hornaman	Payne	Taylor, R.
Deasy	Houghton	Payton	Turzai
Delozier	Johnson	Peifer	Vereb
DeLuca	Keller, M.K.	Perzel	Vitali
DePasquale	Keller, W.	Petrarca	Vulakovich
Dermody	Kessler	Petri	Wagner
DeWeese	Killion	Phillips	Wansacz
DiGirolamo	Kirkland	Pickett	Watson
Drucker	Knowles	Preston	Wheatley
Eachus	Kortz	Pyle	White
Ellis	Kotik	Quigley	Yudichak

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

NAYS—14

Brooks	Gillespie	Metcalf	Perry
Creighton	Grell	Metzgar	Roae
Cutler	Hutchinson	Oberlander	Swanger
Gabler	Kauffman		

NOT VOTING—0

EXCUSED—18

Bishop	Donatucci	Oliver	True
Brown	Josephs	Parker	Waters
Cohen	McGeehan	Roebuck	Williams
Cruz	Micozzie	Thomas	Youngblood
Denlinger	O'Brien, D.		

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

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

Mr. **R. TAYLOR** offered the following amendment
No. **A07447**:

Amend Bill, page 31, line 10, by inserting after "AND"
 in the case of a transient.

Amend Bill, page 34, line 25, by inserting after "OFFICE]"
 Pennsylvania

Amend Bill, page 34, line 25, by inserting after "BOARD"
 of Probation and Parole

Amend Bill, page 34, lines 27 and 28, by striking out "PAROLE"
in line 27 and "OFFICE" in line 28 and inserting
 Pennsylvania Board of Probation and Parole

Amend Bill, page 34, lines 29 and 30, by striking out "PAROLE"
in line 29 and "OFFICE" in line 30 and inserting
 Pennsylvania Board of Probation and Parole

Amend Bill, page 35, lines 25 through 30; page 36, lines 1
through 3, by striking out all of said lines on said pages

Amend Bill, page 36, by inserting between lines 8 and 9

(2) The amendment of 42 Pa.C.S. § 9798.1(c)(1)(v) shall
take effect in 180 days.

Amend Bill, page 36, line 9, by striking out "(2)" and inserting
(3)

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

The SPEAKER pro tempore. On the amendment, the Chair
recognizes the gentleman, Representative Taylor. The
gentleman waives off.

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

The following roll call was recorded:

YEAS—179

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

NAYS—2

Brooks	Reichley
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NOT VOTING—0

EXCUSED—18

Bishop	Donatucci	Oliver	True
Brown	Josephs	Parker	Waters
Cohen	McGeehan	Roebuck	Williams
Cruz	Micozzie	Thomas	Youngblood
Denlinger	O'Brien, D.		

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1502, PN 3556**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the Social Security numbers of all employees for purposes of wage reporting and employment eligibility; prescribing penalties; and establishing good faith immunity under certain circumstances.

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

Ms. **JOSEPHS** offered the following amendment No. **A06689**:

Amend Bill, page 5, by inserting between lines 2 and 3

(f) Notice requirements.—Public works contractors and subcontractors shall post the following notices in a prominent place that is clearly visible to both prospective and current employees:

(1) The notice from the Department of Homeland Security advising that the employer is enrolled in the EVP, and the antidiscrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices, Civil Rights Division, United States Department of Justice.

(2) A notice advising that the employer is verifying Social Security numbers of existing employees through NVS.

(3) A notice advising employees of their rights, and the obligations of the employer, under this subsection and subsections (d), (g), (h) and (i) and sections 3954 (relating to violations) and 3956 (relating to protection from retaliation).

The secretary shall develop and provide to all public works contractors and subcontractors the notices required by paragraphs (2) and (3).

(g) Opportunity to contest EVP nonconfirmation.—With respect to any employee for whom the public works contractor or subcontractor receives a tentative nonconfirmation from EVP, the employer shall:

(1) Within three days of the employer's receipt from the Department of Homeland Security of notice of the tentative nonconfirmation:

(i) provide the employee written notice of the tentative nonconfirmation;

(ii) advise the employee of the right to contest the tentative nonconfirmation; and

(iii) provide the contact information of the relevant Department of Homeland Security office the employee must contact to resolve the tentative nonconfirmation.

(2) Pay the reasonable costs incurred by the employee in resolving the tentative nonconfirmation.

(h) Opportunity to contest NVS failed verification.—With respect to any employee for whom the public works contractor or subcontractor is unable to verify a Social Security number through NVS, the employer shall:

(1) Within three days of the employer's receipt from the

Social Security Administration of notice of the failed verification:

(i) provide the employee written notice of the failed verification;

(ii) advise the employee of the right to contest the failed verification; and

(iii) provide the contact information of the relevant Social Security Administration office the employee must contact to resolve the failed verification.

(2) Pay the reasonable costs incurred by the employee in resolving the failed verification.

(3) In the event the employee is unable to resolve the failed verification, document efforts to resolve the failed verification and maintain the documentation for three years.

(i) Limitations and prohibited practices.—

(1) A public works contractor or subcontractor shall not use the EVP or NVS to screen individuals prior to hiring or prior to the completion of a Form I-9.

(2) A public works contractor or subcontractor shall only use the EVP for newly hired employees.

(3) A public works contractor or subcontractor shall not take adverse employment action against employees who receive a tentative nonconfirmation through EVP or a failed verification through the NVS.

Amend Bill, page 5, by inserting between lines 22 and 23

(5) Violating the requirements set forth in section 3953(d), (e), (f), (g) and (h) (relating to verification) or 3956 (relating to protection from retaliation).

Amend Bill, page 8, lines 7 through 9, by striking out "who suffers retaliation or" in line 7, all of line 8 and "action" in line 9 and inserting
of a public works contractor or subcontractor, or the collective bargaining representative of such employee, may bring an action for any violation of section 3953(d), (f), (g), (h) or (i) (relating to verification)

Amend Bill, page 8, lines 12 and 13, by striking out "retaliation or" in line 12 and "discrimination" in line 13 and inserting
violation

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. It is the understanding of the Chair that the amendment is not being offered.

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

Mr. **WHEATLEY** offered the following amendment No. **A06775**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in small and disadvantaged businesses, further defining "small business"; further providing for bonding and progress payments; providing for mentor-protégé program, for small business reserve, for reciprocity of certifications, for agency oversight and responsibility and for prime contractors' performance;

Amend Bill, page 1, line 2, by inserting after "works," further providing for contractors' and subcontractors' payment obligations;

Amend Bill, page 1, line 5, by striking out "and"

Amend Bill, page 1, line 6, by inserting after "circumstances" ; and making an appropriation

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. The definition of "small business" in section 2102 of Title 62 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2102. Definitions.

Subject to section 2103 (relating to regulations), the following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Small business." A business in the United States which is independently owned, is not dominant in its field of operation and employs [100] 250 or fewer employees with up to \$45,000,000 in gross revenue.

Section 2. Section 2105 of Title 62 is amended by adding a subsection to read:

§ 2105. Bonding and progress payments.

* * *

(a.1) Statewide bonding program.—The department shall establish the criteria and structure for a Statewide bonding program based on best practices to enable small businesses and disadvantaged businesses to build capacity and to competitively bid on State and other public contracts.

* * *

Section 3. Title 62 is amended by adding sections to read:

§ 2109. Mentor-protégé program.

(a) General rule.—Commonwealth agencies shall adopt and institute, with the department's assistance, a mentor-protégé program to assist, support and enable small businesses to successfully compete for prime and subcontract awards by partnering with large companies, which shall serve as mentors, in State contracts.

(b) Factor to be considered.—The mentor-protégé arrangement between a prime contractor and a minority-owned, women-owned or disadvantaged subcontractor shall be an important factor to be considered or weighed by the Commonwealth agency in awarding a contract.

(c) Guidelines.—The department shall establish the appropriate and applicable guidelines and criteria for firms to participate in a mentor-protégé program.

§ 2110. Small business reserve.

(a) Small business reserve.—Commonwealth agencies shall establish a small business reserve for the purpose of increasing economic opportunities for small and disadvantaged businesses and affording small and disadvantaged businesses the opportunity to bid on State government contracts without competing with larger businesses.

(b) Set-aside.—Pursuant to section 2101 (relating to policy), each Commonwealth agency shall set 10% of its moneys available for procurement into a small business reserve for award to qualified small and disadvantaged businesses. The amount set aside shall be a minimum of \$25,000 up to a maximum of \$5,000,000.

(c) Self-certification.—Bidders shall self-certify that they are qualified small or disadvantaged businesses, and verification of status shall be confirmed by the awarding agency prior to award.

(d) Categories.—The following tiers are established:

(1) Tier 1: 0 to 100 employees with gross revenues not exceeding \$25,000,000. Small businesses in this tier may bid on any small business reserve contract.

(2) Tier 2: 100 to 200 employees with gross revenues not exceeding \$35,000,000. Small businesses in this tier may only compete for contracts valued at \$100,000 or more.

(3) Tier 3: 200 to 250 employees with gross revenues not exceeding \$45,000,000. Small businesses in this tier may only compete for contracts valued at \$250,000 or more.

§ 2111. Reciprocity of certifications.

(a) Certification process.—In order to create greater uniformity and consistency in the Commonwealth's certification process, the department shall accept the certification of the Pennsylvania Unified Certification Program. Certification of any minority-owned, women-owned or disadvantaged business enterprise by the department may be accepted by any governmental or public entity as being adequate

certification for the purpose of bidding or participating on any governmental or public bid, contract or award.

(b) Diversity program.—Any governmental or public entity, including colleges and universities, receiving Commonwealth funds of any amount shall implement a minority-owned, women-owned and disadvantaged business enterprise diversity program that is subject to review by the department. If a governmental or public entity, including colleges and universities, does not have a minority-owned, women-owned or disadvantaged business enterprise program, the Commonwealth's program under the Bureau of Minority and Women Business Opportunities within the department shall be applied to any contract, grant or project funded with State moneys to ensure compliance with all requirements.

§ 2112. Agency oversight and responsibility.

Each Commonwealth agency shall identify best practices to significantly increase contracting opportunities for disadvantaged businesses. A Commonwealth agency awarding contracts or grant funding shall develop and implement uniform templates, best practices and procedures to increase oversight, transparency and accountability in overseeing, administering, monitoring and enforcing requirements to ensure increased and sustained contracting opportunities for disadvantaged businesses and shall include the following:

(1) Aspirational targets. Commonwealth agencies shall establish an overall aspirational target of 25% of procurement and construction moneys to be dedicated to disadvantaged businesses in State contracts and grants, including, but not limited to, procurement of goods and services, construction, professional services, consulting, insurance, investment brokers and managers, bond work, real estate transactions and energy savings contracts. This paragraph shall also apply to sole source contracts. Contracts with optional renewal clauses that lacked initial disadvantaged business requirements at award time shall be subject to disadvantaged business review and inclusion requirements prior to the renewal of the contract. An agency shall monitor, track, enforce and report on the award of any contract or grant quarterly and annually on its utilization and spend with disadvantaged businesses to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(2) Best practices. The department shall:

(i) Ensure that disadvantaged business participation is included as part of agencies' strategic priorities through identification of measurable goals and objectives.

(ii) Develop a best practices manual for uniform implementation of policies, practices, programs and participation goals for disadvantaged businesses.

(iii) Establish a comprehensive quarterly and annual reporting process, which includes award amount and actual spending, for contractors, subcontractors and suppliers.

(iv) Designate single point of contact to implement, monitor and report work force utilization and agency contractor participation.

(v) Create a coordinated cross-agency, integrated small business support services system to provide training, consulting information management, business management and technical assistance to disadvantaged businesses to acquire the proficiency to compete on an equal basis with majority contractors, vendors and consultants.

(vi) Identify uniform monitoring, enforcement, tracking and reporting and guideline practices.

(vii) Expand ability to quantify and measure the effectiveness of agency programs.

(viii) Review the department's e-marketplace system for potential expansion to all Commonwealth agencies.

(ix) Continue to connect disadvantaged businesses to other entities, such as the Small Business Development Centers, Minority Business Enterprise Centers and Professional Technical Assistance Centers for financial and technical assistance.

(3) Monitoring and enforcement. The following apply:

(i) Pursuant to its authority under State contract compliance laws, policies and requirements, the department and other Commonwealth agencies shall institute and implement all necessary monitoring and enforcement of provisions of this section as to the Commonwealth's disadvantaged business program and shall implement and follow all contract compliance requirements, policies, guidelines and regulations and applicable laws pertaining to minority-owned, women-owned, small and disadvantaged businesses.

(ii) Each Commonwealth agency shall provide mandatory quarterly and annual reports on utilization of disadvantaged businesses on contracts. An evaluation of the prime contractor's performance on contracts shall include a review of good faith efforts in the oversight, timely payment as provided under Ch. 39, Subch. D (relating to prompt payment schedules) and continued commitment to disadvantaged subcontractors. Sanctions for failure to demonstrate good faith efforts in the oversight, timely payment and commitment to disadvantaged subcontractors shall include withholding of payments to the prime contractor and suspension or debarment from doing work for the Commonwealth for no less than 12 months and up to 36 months. The department and any other Commonwealth agency may also institute any appropriate and necessary administrative, legal, judicial and other proceedings after inquiry, review or investigation, if it finds that any person, contractor or grantee has failed to comply with or has violated any requirement or action set forth in this section.

§ 2113. Prime contractors' performance.

The department shall develop concise and detailed good faith effort requirements for its prime contractors to ensure their genuine attempt at meeting the State's disadvantaged business subcontractor participation requirements. Contractors and grantees doing business with the Commonwealth shall make reasonable and good faith efforts to provide maximum practicable opportunities for small disadvantaged businesses to participate as contractors, professional service providers, subcontractors and suppliers and to keep the contractual commitment made to disadvantaged business subcontractors. Documentation of a good faith effort shall include, but is not limited to, the following:

(1) Attendance at prebid or preproposal conferences.

(2) Copies of written notification sent to all disadvantaged businesses that perform the type of work to be subcontracted in sufficient time to allow the businesses to participate effectively.

(3) Advisement to the disadvantaged businesses of the specific work the prime contractor intends to subcontract, that their interest in the project is being solicited and how to obtain information for the review and inspection of the plans, specifications and requirements of the bid.

(4) A written statement that economically feasible portions of work were selected to be performed by disadvantaged businesses, including, where appropriate, segmenting or combining elements of work into economically feasible units.

(5) A statement of the efforts made to negotiate with disadvantaged businesses, including the name, address and telephone number of any disadvantaged business that was contacted; the date the negotiations took place; and a description of the information provided to the disadvantaged businesses regarding the plans, specifications and requirements for the

portion of the work to be performed.

(6) Consulting with the Bureau of Minority and Women Business Opportunities to ensure significant contracting, professional service, subcontracting and purchasing opportunities for disadvantaged businesses unless the department agrees that contractor or grantee participation in outreach activities will satisfy this requirement.

(7) Participating in outreach activities and events to increase small and disadvantaged business interest and participation in contracting, professional service, subcontracting and purchasing opportunities. The extent of the contractor's or grantee's commitment to participate in outreach participation shall be a consideration in the award of any contract or grant.

(8) Using the department's Internet website to identify certified disadvantaged businesses as potential sources for professional service, subcontracting, purchasing, construction, equipment, services and supplies.

(9) Soliciting certified disadvantaged businesses for all contracting, professional service agreements, subcontracting and purchasing opportunities.

(10) Including certified disadvantaged businesses on solicitation lists.

(11) Preparing and retaining records of solicitations, including a bid tabulation, showing names of all firms solicited and the dollar amount of the bid, quote or proposal, as well as copies of all bids, quotes and proposals received.

(12) Providing quarterly reports to the Bureau of Minority and Women Business Opportunities on small disadvantaged business utilization.

(13) Demonstrating good faith efforts in the oversight and timely payment, as provided under Ch. 39, Subch. D (relating to prompt payment schedules), to disadvantaged businesses and commitment to maintain the disadvantaged subcontractor commitment made at the time of the award or thereafter.

Section 4. Section 3933(c) of Title 62 is amended to read:

§ 3933. Contractors' and subcontractors' payment obligations.

(c) Payment.—When a subcontractor has performed in accordance with the provisions of the contract, a contractor shall pay to the subcontractor, and each subcontractor shall in turn pay to its subcontractors, the full or proportional amount received for each such subcontractor's work and material, based on work completed or services provided under the subcontract, [14] five days after receipt of a progress payment. Payment shall be made under this section unless it is being withheld under section 3934 (relating to withholding of payment for good faith claims).

Section 5. Chapter 39 of Title 62 is amended by adding a subchapter to read:

Amend Bill, page 9, lines 3 and 4, by striking out all of said lines and inserting

Section 6. The sum of \$6,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of General Services for the fiscal year July 1, 2009, to June 30, 2010, to be allocated as follows:

(1) The sum of \$5,000,000 to carry out the purposes of 62 Pa.C.S. § 2105(a.1).

(2) The sum of \$1,000,000 to obtain a customized software program for monitoring, tracking and reporting on disadvantaged business participation levels, including, but not limited to, percentages, dollar amount, ethnicity, gender and geographical representation under 62 Pa.C.S. § 2112(3).

Section 7. This act shall take effect as follows:

(1) The addition of 62 Pa.C.S. Ch. 39 Subch. F shall take effect July 1, 2011.

(2) The remainder of this act shall take effect immediately.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair understands the gentleman is withdrawing the amendment. Is that correct? The Chair thanks the gentleman.

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

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman from Philadelphia County, Representative Mike O'Brien, is withdrawing amendment A07219. Is that correct? The Chair thanks the gentleman.

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

Mr. **REICHLEY** offered the following amendment No. **A07241**:

Amend Bill, page 7, line 9, by inserting after "for"
up to

Amend Bill, page 8, line 11, by striking out "three years" and inserting

six months

Amend Bill, page 8, line 18, by striking out "three times"

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, let me begin my explanation for the amendment in that I think this is a very worthy piece of legislation, but I believe that in our efforts to curtail the inappropriate employment of illegal immigrants, that a measured response is more appropriate in this situation. That is why I have offered this particular amendment.

The amendment does not seek to eliminate debarment at all of contractors or subcontractors that willfully would violate this act but alters the language; instead of a debarment being a mandatory 3 years, it provides discretion to the Secretary of Labor and Industry to impose debarment for up to 3 years. So there is certainly a full opportunity for the Secretary to utilize that provision to penalize employers who engage in flagrant violations, but it also grants the Secretary some discretion, where debarment could be imposed for 2 years, 2 1/2 years, whatever the case may be.

The second part of the amendment would change the time period in which an employee who believes that they have been the victim of a claim of retaliation, that they must bring notice of that within 6 months instead of 3 years. I think that if it was any other employment litigation situation, we would think that allowing an employee to come in 3 years after the fact would be excessive. So they are trying to put some reasonable limitations upon an employee stepping forward and saying, I was the victim of retaliation, within 6 months as a more reasonable response.

And finally, the restitution element for employees who succeed in a case against an employer for retaliation, the amendment seeks to change that damage award from being equal to three times the amount of the employee's wages and fringe benefits to the amount of lost compensation the employee actually suffered in wages and lost fringe benefits.

So once again I compliment the prime sponsor of the legislation. I think this is long overdue. For those who feel this is an important element in what Pennsylvania can respond to in the issue of illegal immigration, I am not trying to coddle employers or trying to provide some sort of a way out. We want to continue enforcement and continue punishments of employers who engage in this behavior, but this is a measured and reasonable response in the situation. I would ask for an affirmative vote. Thank you, Mr. Speaker.

THE SPEAKER (KEITH R. McCALL) PRESIDING

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks County, Representative Galloway.

Mr. GALLOWAY. Thank you, Mr. Speaker.

I thank the gentleman from Lehigh for his comments and for the debate on this subject, and I understand where he is coming from. After 4 years of going through this, we have heard the pros and cons of all sides on this issue. And I do have a great deal of respect for the gentleman from Lehigh. I just want to give the case against the amendment.

Basically, for me, this amendment, the bottom-line question about this amendment is: Whom does it benefit? That is the question. Whom does this amendment benefit? And it is obvious: It benefits people who cheat; it benefits contractors that use and abuse a cheap illegal workforce for profit.

Now, how does it do that? Well, first of all, these are not people who just made a mistake. These are not hardworking, honest, decent people who just made a mistake. They not only were caught once, they not only were caught twice, they were caught three times. And it says, you know what? We know that other States in the Union have far worse penalties, but here in Pennsylvania, we want to take it easy on these people. We really do not want to make it too difficult for them. In fact, in the amendment it states, the amendment would provide flexibility for a contractor or subcontractor by diminishing the period of debarment by allowing debarment to be up to 3 years. It could be a day. It could be 2 days.

These are people who were caught not only once, and after the first violation, they were given nothing. One strike, nothing; two strikes, 90 days. They were caught once; they were caught twice; they were caught three times. After the third time, they are debarred for 3 years. That is pretty much in line with the other States. Reducing it down to 1 year is watering down the bill and stands up for people who cheat. It does not stand up for the decent, honest, hardworking people who are playing by the rules. So the first part of the amendment that deals with debarment, whom does it stand up for? It stands up for people who cheat, who use and abuse a cheap illegal workforce for profit.

The second part of the amendment, whom does it hurt? The second part of the amendment deals with whistleblowers — employees who work for a company who cheats, employees

who work for a company who uses and abuses a cheap illegal workforce for profit.

Mr. Speaker?

The SPEAKER. The House will come to order.

Mr. GALLOWAY. It says if you are a whistleblower and you find out something is going on in your company, this amendment does not stand up for you. This amendment says that if you do that, you really do not receive anything, if you are discriminated against. My bill says you receive three times your back wages. It is the only penalty in the bill for an employer that discriminates against an employee. The only penalty gives him three times wages. This amendment says, no, we are not standing up for the employee; we are going to stand up for the employer who cheated, who is now discriminating. So he not only cheated, now he is discriminating, and says, no, no, no, we are not going to give you three times wages; we are just going to give you one time, the same amount of wage you were to going to get. What incentive is that? Whom does that stand up for?

And it says, you know what? We are going to limit the amount of time that you can contest this. We are not going to give you time to even figure out that it even happened to you. We are not going to give you time to get a lawyer. We are going to reduce the amount of time from 3 years – which is standard, by the way, which is reasonable. It gives you time to figure out what happened to you. It gives you time to get a lawyer. It gives you time to get your case together. We are going to take it down to 6 months.

So whom does this amendment help? This amendment helps people who cheat, who use and abuse a cheap illegal workforce for profit. Whom does it hurt? It hurts whistleblowers, employees in the field. This is how we are going to know this is happening. It is going to be on random basis and audit basis, and it is going to be done from whistleblowers, people in the field, guys that are on the field, on the ground, who see this happening. They are the ones who are going to report this. That is how this is going to work. If they are discriminated against, this amendment says, we are not going to stand up for you; we are going to stand up for the employer who cheated and is now discriminating against you.

With all due respect, this is a reasonable approach. Just giving the case for it, that is all, and the case against it. I understand and respect the gentleman from Lehigh, but I ask the members to vote "no" on this amendment. Thank you.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the prime sponsor of this legislation's opposition to this amendment. Mr. Speaker, amendment 7241 dilutes the effectiveness of this legislation as drafted, of which I worked with the prime sponsor very closely on, worked with attorneys from his side and my side on the issue, trying to find good language that we can move forward together on. Mr. Speaker, if I talked to the majority of my constituents on this issue of the illegal alien invasion and the employment of illegal aliens – which is drawing more into our country, supplying illegal jobs to illegal aliens – the majority of my constituents would want to put those employers in jail, Mr. Speaker, in jail.

We are preempted by Federal law from imposing criminal or monetary penalties against an employer who has employed illegal aliens, Mr. Speaker, but we are allowed to go after the

business licenses, which is what this legislation is doing. For the sponsor of this amendment to propose that we actually leave it up to the discretion of a bureaucrat to impose a penalty, a penalty which could be as short as 1 day, Mr. Speaker, as short as 1 day.

This legislation passing with those types of penalties would be a slap in the face to everybody who wants to see this issue actually worked on and addressed, Mr. Speaker. Mr. Speaker, I have been battling on this issue for many years now. I have been working with other State legislators across the country. As was said, many have taken some very tough stands trying to protect American lives, liberty, and property. This legislation is a step in the right direction, but with this amendment, it is significantly diluted, and the majority of my constituents would not agree with this type of amendment that is going to dilute the penalties. As the prime sponsor had argued, Mr. Speaker, the penalty here, the final penalty being proposed to be diluted is after a third violation of somebody knowingly and willfully employing an illegal alien.

If they have knowingly and willfully employed an illegal alien, I would like them to go to jail. My constituents, the majority of them, would like to see them go to jail; at the very least, to take away their license and debar them from the contracts with the State for 3 years. It is not near strong enough. It is as strong as we are going to get in this legislation, but we certainly should not dilute it, Mr. Speaker.

I ask for a "no" vote on this amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

As usual, I agree with my colleague, Representative Metcalfe, and that might continue through the budget process unless he does something really nutty.

In any case, Mr. Speaker, I rise to oppose the Reichley amendment. In fact, I do not even like the legislation and the penalties that we are looking at now. In the case of felons in this State, it is three strikes and you are out, because we feel that if someone is that hard-core of a criminal that he committed a crime that is a felony and another crime and he knows that he is going to go to jail for life if he commits one more felony, that is what we imposed in this State.

Now, we are not talking about murder here, but we are talking about many Pennsylvania families that are really hurting and suffering because of the contractors in this State that have knowingly and willfully, knowingly and willfully used illegal labor, including children.

At the raid conducted in Northumberland County, which I brought up on the floor, 3 years ago, we could not get any help from the Federal government. They told us it would take about 2 weeks to get any agents up to collect these people that did not speak English, did not have any papers whatsoever, did not know who their foreman was. They kept pointing to this guy and that guy and no habla English.

Then we found out that some of these employees were subcontractors of subcontractors. They were building a cement wall with all of them on the inside of the wall away from the highway. They had the entire front done and ICE (Immigration and Customs Enforcement) was telling us in 2 weeks they would have agents up there. Mr. Speaker, in 2 weeks that shopping center, the outside wall would have been built. The windows would have been installed, the tile floor, everything

out of sight and out of mind because of the way they build them. They build them away from traffic.

And it was another contractor, a nonunion contractor, who contacted me and said, Bob, you know, I do not mind losing work to these guys all the time because I am paying workers' comp and I am paying unemployment comp and I am paying the 1-percent wage tax, my employees are paying the 1-percent wage tax. If it is a prevailing wage job, I am paying prevailing wage. I do not mind competition, but these people are going to put me out of business. Again, I repeat, a nonunion ABC (Associated Builders and Contractors) contractor who went in the newspaper and stated these facts before I rose on the floor to state them.

What part of illegal does Mr. Reichley's amendment not understand? The third strike, in my opinion, ought to be permanent debarment in this State, total and permanent debarment. That ought to be a three-strikes rule. I think the second offense ought to be 7 years. I think the first offense ought to be 3 years, but I am willing to go along with the language of the prime sponsor to get the legislation through and at least get something done to level the playing field, not only for the employees, but primarily for contractors – our contractors, be they union or nonunion – to be able to compete in a free and fair trade democracy. We all talk about NAFTA (North American Free Trade Agreement) and we talk about GATT (General Agreement on Tariffs and Trade) and we talk about all of those other unfair things. This is one of the most unfair things that is occurring in the Northeast.

This used to be a Southwest problem. If there was not work in the Northeast, if these people, these illegals, did not know that they could find a job in Pennsylvania and New York and Maine and Connecticut and Massachusetts, the problem would still be in the Southwest and in Florida. They are coming up here because they know taxes are low compared to many other States. Benefits are very good if you can forge some documents. They know there is work here.

The way to end that, the only way to end that is to make the contractors realize – and I actually wish we could put them in jail – but realize that they are blatantly breaking the law. And they are hurting their own citizens and they are debunking our entire process by using children, in my case and Representative Goodman's case, kids as young as 12 years old were carrying wheelbarrows full of mortar – 12 years old. And they were renting a motel and they would have eight people in the motel and two people in the van that they owned. There would be 3 vans and 3 rooms rented and there would be 30 people. While they were trying to get away, when we finally got my district attorney to raid the place because of the Child Labor Act, he found that he had jurisdiction, and when the place was raided, one of them, one of the illegals, unfortunately, was killed running across the highway trying to get away.

I am sure that most of you have stories that mirror mine or Representative Goodman's, but the Reichley amendment waters this legislation down, again as Mr. Metcalfe indicated. The judge or the Secretary could lower this penalty, should he or she desire, for a third offense down to 1 day. That is ridiculous. Three years is ridiculous, in my opinion. So I am asking everyone to vote against the Reichley amendment.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

May I question the maker of the bill?

The SPEAKER. The gentleman would like to interrogate the gentleman, Mr. Galloway, on the amendment?

Mr. REICHLEY. It affects the amendment; yes, Mr. Speaker.

The SPEAKER. The gentleman, Representative Galloway, indicates he will stand for interrogation.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of commentary about how the penalty should be appropriate for three-time violators. Looking at page 5, beginning at line 6 of the bill, which refers to a violation constituting "Employment by a public works contractor or subcontractor of an employee whose Social Security number has not been verified by the NVS or EVP as required by this subchapter...." Are you familiar with that section, Mr. Speaker?

Mr. GALLOWAY. Mr. Speaker, you want me to comment on the bill or your amendment?

Mr. REICHLEY. I am asking if you are familiar with that section of the bill, which is affected by the amendment.

Mr. GALLOWAY. I am sorry. I apologize; I was trying to get a copy of the bill. Could you restate the question?

Mr. REICHLEY. Sure. My question was, on page 5—

Mr. GALLOWAY. Yes.

Mr. REICHLEY. —of the bill, beginning at line 6, does it not state, "Employment by a public works contractor or subcontractor whose Social Security number has not been verified by the NVS or EVP as required by this subchapter..."? That would constitute a violation. Is that correct?

Mr. GALLOWAY. That is correct.

Mr. REICHLEY. Now, Mr. Speaker—

Mr. GALLOWAY. It goes on to state— That is not the full context of the sentence.

Mr. REICHLEY. Well, you can use the full context of that subsection, I have no problem with that. But, Mr. Speaker, does this in any way identify if a third violation must occur over three separate incidents, or can three violations be based upon an employer having three illegal employees?

Mr. GALLOWAY. Mr. Speaker, you are dealing with sanctions now, right? You are talking about, first, the violation, and then your question is specifically on page 6, I would imagine, on sanctions. And your question was – please restate the question.

Mr. REICHLEY. Sure. My question dealt with the fact that your description, Mr. Speaker, of what constitutes a violation, is it not true that the language of your bill affected by my amendment does not distinguish when determining if a violation has occurred for the third time, if that is three separate temporal incidents or if in fact an employer could be cited for the third violation resulting in 3-year debarment for having three illegal employees all discovered at the same time?

Mr. GALLOWAY. The answer is yes.

Mr. REICHLEY. I am sorry, Mr. Speaker; the answer is yes to what?

Mr. GALLOWAY. To your question.

Mr. REICHLEY. Is it that three separate temporal incidents are required, or can an employer be found to have committed a third violation from being found to have three illegal employees at the same time?

Mr. GALLOWAY. Yes to the latter, Mr. Speaker.

Mr. REICHLEY. So when you were citing the fact that you go through a necessary gradation to reach three violations, in fact, Mr. Speaker, as you have just mentioned, an employer

could be confronted on the first and only occasion, but if found to have had three illegal employees, you have moved immediately from step one of penalties to step three of the 3-year debarment. Is that not correct?

Mr. GALLOWAY. Mr. Speaker, you are absolutely correct. That is a scenario that could occur. Your amendment does not change that.

Mr. REICHLEY. Is that a situation in which the Secretary would have discretion over whether to determine if that merits the third-violation penalty, or would the Secretary be able to say, no, this is a separate, this was one incident; we are going to not impose the third-violation penalty but the first-violation penalty?

Mr. GALLOWAY. Mr. Speaker, if it is found to be nonwillful, it is at the discretion of the Secretary for a violation of, perhaps, up to 30 days.

When you talk about automatic debarment, that is under willful, that is under the willful section of the bill.

Mr. REICHLEY. But the Secretary has the determination, has the ability to exercise his or her discretion whether it was a willful violation to have had three employees illegally employed at the same incident or whether the Secretary can utilize his or her discretion and say, this is the first incident; I am only applying the first-violation penalty?

Mr. GALLOWAY. Mr. Speaker, the definition of "willful" is in this bill, and we are guiding the Secretary with the definition of "willful."

Mr. REICHLEY. But, Mr. Speaker, the interpretation of that definition is at the discretion of the Secretary, is it not?

Mr. GALLOWAY. In the first instance, you are absolutely correct. But at the end of the day, if the employer does not like it, they can appeal it.

Mr. REICHLEY. I am sorry; I could not hear the last part, Mr. Speaker. I could not hear the last sentence.

Mr. GALLOWAY. If the employer does not like it, they can appeal it to a court.

Mr. REICHLEY. All right. That concludes my interrogation, Mr. Speaker. May I now speak on the amendment for the second time?

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

Mr. REICHLEY. Mr. Speaker, I think the dialogue that we just had with the gentleman from Bucks County, the prime sponsor of the underlying legislation, demonstrates that while he criticizes my amendment for providing discretion to the Secretary for imposing a penalty up to 3 years for a third willful violation of this law, his own bill provides discretionary applications of this law to the Secretary.

And if in fact he has correctly answered the question that the Labor and Industry Department, who bursts in upon an employer, let us say it is a construction industry business, and says, you have three illegal employees here. We are now subjecting you to the third-violation penalty for debarment. This is exactly why you may want to provide the Secretary for that discretion, because the Secretary may say, this in fact is the first incident in which we have found, with this particular employer, where they do have illegal immigrant employees here – a violation; it is bad; acknowledge it from the very beginning – but are you going to now have the Secretary with no discretion at all to impose nothing but a 3-year debarment for a violation of the first time, in essence?

The problem is the language in the bill is so unclear, that is why you need to provide the Secretary of Labor and Industry this kind of discretion. I heard a lot of rhetoric, and to some degree, overheated rhetoric from some of my colleagues here on the floor. This is a problem that is both affecting Pennsylvania and the national scene; I do not deny that one bit. But I think when we are encountering such a divisive issue as this, it requires some reflection and thought about what is truly the appropriate way of handling this. And I would suggest to my colleagues that if you take a look at the language of the amendment and compare it to the language of the underlying bill, there is not any way that this can be conceived as being a dilution of penalty. It is like in any courtroom situation where we say we are allowing the judge to have discretion to impose a penalty up to the maximum amount for that particular offense. It does not mean that there is going to be a mandated lesser penalty.

As far as affecting whistleblowers, I think it would be more appropriate to look at the language of the bill, which says that "Any employee who suffers retaliation" – this is on page 8 of the bill, under subsection (b), starting at line 7 – "Any employee who suffers retaliation or discrimination in violation of this section may bring an action in a court of common pleas..." to pursue the retaliation action.

My amendment does not limit that; it does not impede that; it does not prevent that. All it does is says that you have to act "...within 6 months from the date the employee knew of the retaliation..." Otherwise, you are putting employers in a situation where 3 years from now someone can come in on the very last day to toll the statute to say, now I am going to bring an action retaliation, that you retaliated against me. I am going to bring civil litigation now.

If we take those operative words out of this discussion, "illegal immigration," there is no conceivable situation in which members of the House would condone imposing this kind of obligation on an employer, that 3 years down the road from now you would allow a disgruntled employee to come in to sue you. But because we are using the very controversial language and situation here about illegal immigration, it is clouding the issue and what the true legal obligations and rights are of both employers and employees.

The last comment was that somehow I am affecting the ability for employees who have been retaliated against to recover. Again, that is just not true. If you take a look at page 8 of the bill, it still retains the ability of employees who have been the victim of retaliation to pursue damages – restitution; excuse me – "restitution equal to...the amount of the employee's wages and fringe benefits calculated from the date of the violation or discrimination." So going back to the point of the violation of discrimination, moving forward, that employee who was the victim of retaliation would be able to seek to recover all those damages, not three times the amount but the amount that was owed to them. And again I would challenge the members to think of any other civil situation in which we would award three times the damages in a similar employment violation situation.

This is a true problem we have here in Pennsylvania and throughout the country, but that does not mean we resort to the other end of the spectrum by imposing exorbitantly onerous penalties upon employers who may have very well not done so

in a willful fashion. So I would urge the members, let us use a little bit of discretion and caution here before we go down the slippery slope of saying everybody involved in a certain industry, whether it is construction, landscaping, whatever it might be, this bill affecting only construction trades, you are forcing employers to go through a process, which is going to make it adverse for them to be operating.

So I would ask the members to please carefully consider what you are doing here and vote "yes" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—42

Adolph	Fleck	Maher	Quinn
Baker	Frankel	Major	Reichley
Barrar	Geist	Manderino	Ross
Bear	Gillespie	Miccarelli	Saylor
Brooks	Grell	Milne	Smith, S.
Christiana	Grove	Myers	Stern
Cutler	Harris	Payton	Tallman
Day	Hennessey	Phillips	Turzai
Delozier	Hess	Pickett	Vitali
Everett	Hickernell	Preston	Wheatley
Fairchild	Killion		

NAYS—139

Barbin	Farry	Levdansky	Reed
Belfanti	Freeman	Longiotti	Reese
Benninghoff	Gabig	Mahoney	Roae
Beyer	Gabler	Mann	Rock
Boback	Galloway	Markosek	Rohrer
Boyd	George	Marshall	Sabatina
Boyle	Gerber	Marsico	Sainato
Bradford	Gergely	Matzie	Samuelson
Brennan	Gibbons	McI. Smith	Santarsiero
Briggs	Gingrich	Melio	Santoni
Burns	Godshall	Metcalfe	Scavello
Buxton	Goodman	Metzgar	Schroder
Caltagirone	Gruclera	Millard	Seip
Carroll	Haluska	Miller	Shapiro
Casorio	Hanna	Mirabito	Siptroth
Causar	Harhai	Moul	Smith, K.
Clymer	Harhart	Mundy	Smith, M.
Conklin	Harkins	Murphy	Solobay
Costa, D.	Harper	Murt	Sonney
Costa, P.	Helm	Mustio	Staback
Cox	Hornaman	O'Brien, M.	Stevenson
Creighton	Houghton	O'Neill	Sturla
Curry	Hutchinson	Oberlander	Swanger
Daley	Johnson	Pallone	Taylor, J.
Deasy	Kauffman	Pashinski	Taylor, R.
DeLuca	Keller, M.K.	Payne	Vereb
DePasquale	Keller, W.	Peifer	Vulakovich
Dermody	Kessler	Perry	Wagner
DeWeese	Kirkland	Perzel	Wansacz
DiGirolamo	Knowles	Petrarca	Watson
Drucker	Kortz	Petri	White
Eachus	Kotik	Pyle	Yudichak
Ellis	Krieger	Quigley	
Evans, D.	Kula	Rapp	McCall,
Evans, J.	Lentz	Readshaw	Speaker
Fabrizio			

NOT VOTING—0

EXCUSED—18

Bishop	Donatucci	Oliver	True
Brown	Josephs	Parker	Waters
Cohen	McGeehan	Roebuck	Williams
Cruz	Micozzie	Thomas	Youngblood
Denlinger	O'Brien, D.		

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

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

The SPEAKER. Is the gentleman from Lehigh County, Representative Reichley, offering amendment 07242? The gentleman is withdrawing the amendment.

There are a number of late-filed amendments. Is the gentleman, Mr. Ross, withdrawing? Is the gentleman, Mr. Reichley, withdrawing his late-filed amendment? Is the gentelady, Representative Josephs, withdrawing her amendment?

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

* * *

The House proceeded to second consideration of **HB 1503, PN 3557**, entitled:

An Act requiring construction industry employers to verify the Social Security numbers of all employees for purposes of wage reporting and employment eligibility; providing for the powers and duties of the Department of Labor and Industry; prescribing sanctions; and establishing good faith immunity under certain circumstances.

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

The SPEAKER. It is the Chair's understanding Representative Josephs is not offering her amendment.

The gentleman from Allegheny, Representative Wheatley, is withdrawing his amendment. Is the gentleman from Allegheny, Representative Wheatley, withdrawing his amendment? The Chair thanks the gentleman.

The gentleman from Philadelphia County has a late-filed—Representative Mike O'Brien withdrawing? The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh County, Representative Reichley, who offers amendment A07231, which the clerk will read. The gentleman is withdrawing his amendments? The Chair thanks the gentleman.

Is the gentleman, Mr. Schroder, withdrawing his amendments? The Chair thanks the gentleman.

The gentleman, Mr. Ross, has a late-filed amendment. He is withdrawing?

The gentleman, Mr. Fairchild, has a late-filed amendment. Withdrawing it or offering it? The gentleman would need to make a motion to suspend the rules.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Union County, Representative Fairchild, who moves that the House do now suspend its rules for the immediate consideration of amendment A07378.

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

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

My amendment is a very simple one and what it does is—

The SPEAKER. The gentleman, Mr. Fairchild, you would need to make the motion to suspend the rules to offer the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to move that we suspend the rules to offer amendment 7378.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Representative Eachus, on the motion to suspend the rules.

Mr. EACHUS. Thank you, Mr. Speaker.

I respectfully rise to oppose the gentleman's suspension. Thank you, Mr. Speaker.

The SPEAKER. On the suspension of the rules, the Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The reason I am offering to suspend the rules is to make this legislation fair to every worker in Pennsylvania and every employer in Pennsylvania. It is a simple amendment. It has been offered before by others. It has been advocated by others, and without doing so, we will miss over 80 percent of the undocumented workers in Pennsylvania.

We have an opportunity tonight to be very fair to everyone, to set a precedent in the Northeast, Pennsylvania, and we can do it. It is pretty simple. Let us be fair.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

LEAVE 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 the gentleman from Greene County, Representative DeWEESE, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1503 CONTINUED

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

The following roll call was recorded:

YEAS—79

Adolph	Geist	Miccarelli	Reichley
Baker	Gingrich	Millard	Roae
Barrar	Godshall	Miller	Rock
Bear	Grove	Milne	Rohrer
Boback	Harhart	Moul	Ross
Boyd	Harper	Murt	Saylor
Causer	Harris	O'Neill	Scavello
Christiana	Helm	Oberlander	Schroder
Clymer	Hennessey	Pallone	Smith, S.
Day	Hess	Payne	Sonney
Delozier	Hickernell	Peifer	Stern
DiGirolamo	Kauffman	Petri	Stevenson
Ellis	Keller, M.K.	Phillips	Swanger
Evans, J.	Killion	Pickett	Tallman
Everett	Knowles	Pyle	Taylor, J.
Fairchild	Krieger	Quigley	Turzai
Farry	Maher	Quinn	Vereb
Fleck	Major	Readshaw	Vulakovich
Freeman	Marshall	Reed	Watson
Gabig	Marsico	Reese	

NAYS—101

Barbin	Drucker	Kortz	Preston
Belfanti	Eachus	Kotik	Rapp
Benninghoff	Evans, D.	Kula	Sabatina
Beyer	Fabrizio	Lentz	Sainato
Boyle	Frankel	Levdansky	Samuelson
Bradford	Gabler	Longietti	Santarsiero
Brennan	Galloway	Mahoney	Santoni
Briggs	George	Manderino	Seip
Brooks	Gerber	Mann	Shapiro
Burns	Gergely	Markosek	Siptroth
Buxton	Gibbons	Matzie	Smith, K.
Caltagirone	Gillespie	McI. Smith	Smith, M.
Carroll	Goodman	Melio	Solobay
Casorio	Grell	Metcalfe	Staback
Conklin	Grucela	Metzgar	Sturla
Costa, D.	Haluska	Mirabito	Taylor, R.
Costa, P.	Hanna	Mundy	Vitali
Cox	Harhai	Murphy	Wagner
Creighton	Harkins	Mustio	Wansacz
Curry	Hornaman	Myers	Wheatley
Cutler	Houghton	O'Brien, M.	White
Daley	Hutchinson	Pashinski	Yudichak
Deasy	Johnson	Payton	
DeLuca	Keller, W.	Perry	McCall,
DePasquale	Kessler	Perzel	Speaker
Dermody	Kirkland	Petrarca	

NOT VOTING—0**EXCUSED—19**

Bishop	DeWeese	O'Brien, D.	True
Brown	Donatucci	Oliver	Waters
Cohen	Josephs	Parker	Williams
Cruz	McGeehan	Roebuck	Youngblood
Denlinger	Micozzie	Thomas	

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

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

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman from Tioga County, Representative Baker, has an amendment that would require a suspension of the rules. The gentleman from Tioga County, Representative Baker, is recognized for the purpose of that motion.

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

Mr. Speaker, I would like to make a motion to suspend the rules for consideration of my amendment.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the Chair recognizes the majority leader, on the motion.

Mr. EACHUS. Thank you, Mr. Speaker.

Once again, I rise to oppose the gentleman's motion. Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension of the rules, those voting to suspend the rules will vote "aye"; those opposed, "nay."

The Speaker rescinds and recognizes the gentleman from Tioga County, Representative Baker, on the motion to suspend the rules.

Mr. BAKER. Very quickly, Mr. Speaker, I am asking for suspension for consideration of my amendment. It very simply would put into place basically what Federal law already requires, and that is it prohibits illegal aliens from receiving State or local public benefits.

Right now, according to the Auditor General's report, we are paying out nearly \$300 million per year to illegal aliens, and it is estimated to be nearly \$1 billion by 2020. And this would just make it very, very similar to current Federal law, which is currently being unenforced.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—86

Adolph	Gabig	Major	Readshaw
Baker	Gabler	Marshall	Reed
Barrar	Geist	Marsico	Reese
Bear	Gingrich	Metzgar	Reichley
Benninghoff	Godshall	Miccarelli	Rock
Beyer	Grove	Millard	Rohrer
Boback	Hanna	Miller	Ross
Boyd	Harhart	Milne	Saylor
Brooks	Harper	Moul	Scavello
Causar	Harris	Murt	Schroder
Christiana	Helm	O'Neill	Smith, S.
Clymer	Hennessey	Oberlander	Sonney
Cox	Hess	Pallone	Stern
Day	Hickernell	Payne	Stevenson
Delozier	Kauffman	Peifer	Swanger
DiGirolamo	Keller, M.K.	Petri	Tallman
Ellis	Kessler	Phillips	Taylor, J.
Evans, J.	Killion	Pickett	Turzai
Everett	Knowles	Pyle	Vereb

Fairchild
Farry
Fleck

Kotik
Krieger
Maher

Quigley
Quinn

Vulakovich
Watson

NAYS—94

Barbin	Evans, D.	Lentz	Roae
Belfanti	Fabrizio	Levdansky	Sabatina
Boyle	Frankel	Longietti	Sainato
Bradford	Freeman	Mahoney	Samuelson
Brennan	Galloway	Manderino	Santarsiero
Briggs	George	Mann	Santoni
Burns	Gerber	Markosek	Seip
Buxton	Gergely	Matzie	Shapiro
Caltagirone	Gibbons	McI. Smith	Siptroth
Carroll	Gillespie	Melio	Smith, K.
Casorio	Goodman	Metcalfe	Smith, M.
Conklin	Grell	Mirabito	Solobay
Costa, D.	Grucela	Mundy	Staback
Costa, P.	Haluska	Murphy	Sturla
Creighton	Harhai	Mustio	Taylor, R.
Curry	Harkins	Myers	Vitali
Cutler	Hornaman	O'Brien, M.	Wagner
Daley	Houghton	Pashinski	Wansacz
Deasy	Hutchinson	Payton	Wheatley
DeLuca	Johnson	Perry	White
DePasquale	Keller, W.	Perzel	Yudichak
Dermody	Kirkland	Petrarca	
Drucker	Kortz	Preston	McCall,
Eachus	Kula	Rapp	Speaker

NOT VOTING—0**EXCUSED—19**

Bishop	DeWeese	O'Brien, D.	True
Brown	Donatucci	Oliver	Waters
Cohen	Josephs	Parker	Williams
Cruz	McGeehan	Roebuck	Youngblood
Denlinger	Micozzie	Thomas	

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

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

The SPEAKER. There will be no further votes today.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 325, PN 3781**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales tax and for exemption certificates, for incidence and rate of tax, for floor tax and for commissions on sales; providing for the taxation of tobacco products; imposing a tax on the extraction of natural gas; providing for natural gas severance registration certificate, for duties of the Department of Revenue, for tax assessments and tax liens; imposing penalties; providing for service of process, for rulemaking, for cooperation with other governments and for bonds; and making an appropriation.

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 325 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 bill calendar:

HB 1349;
HB 1547;
HB 1860; and
SB 174.

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 1349;
HB 1547;
HB 1860; and
SB 174.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Reese, who moves that this House do now adjourn until Tuesday, June 8, 2010, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:52 p.m., e.d.t., the House adjourned.