

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 8, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 31

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Msgr. Michael Picard. He is the guest of Representative Santarsiero.

MSGR. MICHAEL PICARD, Guest Chaplain of the House of Representatives, offered the following prayer:

May I ask all to bow our heads in prayer.

Lord God Almighty, by Your divine providence, You have brought us to this new day. Bless us in this gathering. Form us by Your Word, and guide us by Your spirit. Give this House of Representatives an outpouring of Your spirit, that they may be wise in their judgments and serve freely the best interests of all the people of this Commonwealth. Broaden their personal concerns that they may seek the common good and always be attuned to the helpless size of the most vulnerable in our society. Clarify their vision as they work together in the search for the best ideas and strategies to meet the greatest needs of our times.

Bless all the members of this House, new and experienced. Bless their families as well. May their faith in You, Lord God, and in the destiny of this Commonwealth, keep them humble in Your service. May their families remain their deepest love and lasting joy. May all here who assist them in this chamber and in committee responsibilities in various offices be wise in their counsel and gracious in their service.

May this body be a sign of unity and confidence to this Commonwealth. May it be good news to the poor and an instrument of peace. Lord God, in You we trust. God eternal, creator of unending light, give that same kind of light to all who call upon You. May our minds and hearts be purified of all self-centered wishes and judgments. All of this work, we hope, will give You lasting glory both now and forever. Amen.

PLEDGE OF ALLEGIANCE

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome fifth grade students from Afton Elementary School in Lower Makefield Township. They are the guests of Representative Santarsiero. Will the guests please rise. Welcome to the hall of the House.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2300 By Representatives FAIRCHILD, EACHUS, S. H. SMITH, ADOLPH, BAKER, BELFANTI, BENNINGHOFF, BOBACK, BOYD, CALTAGIRONE, CASORIO, CREIGHTON, DALEY, DAY, DELOZIER, DERMODY, DIGIROLAMO, J. EVANS, EVERETT, FLECK, GABIG, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HANNA, HARHAI, HARRIS, HESS, KAUFFMAN, KNOWLES, MAJOR, MARKOSEK, MARSICO, McILVAINE SMITH, MELIO, MILLER, MOUL, MURT, O'NEILL, PERRY, PETRI, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, ROHRER, ROSS, SAINATO, SAYLOR, SCHRODER, SONNEY, STERN, STURLA, TALLMAN, TURZAI and YOUNGBLOOD

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

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 8, 2010.

No. 2559 By Representatives HOUGHTON, McILVAINE SMITH, CONKLIN, MURPHY, BURNS, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, D. COSTA, DALEY, DRUCKER, FAIRCHILD, GALLOWAY, GIBBONS, GRELL, HARHAI, HARKINS, HENNESSEY, HORNAMAN, KORTZ, LENTZ, MILLARD, MIRABITO, PASHINSKI, READSHAW, SANTONI, SIPTROTH, SOLOBAY, STABACK, STURLA, R. TAYLOR, WAGNER, YUDICHAK, BRADFORD, BELFANTI, DEASY and BARBIN

An Act establishing the Public Employee Pension Commission and providing for its powers and duties.

Referred to Committee on FINANCE, June 8, 2010.

No. 2560 By Representatives PAYTON, GIBBONS, GOODMAN, HORNAMAN, JOSEPHS, MOUL, READSHAW, SCAVELLO, SIPTROTH, STURLA and SWANGER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for definitions and for imposition of tax; in procedure and administration, further providing for definitions, for petition for reassessment and for petition procedure; repealing provisions relating to review by board and providing for review by Tax Review Tribunal; and establishing the Tax Review Tribunal and providing for its powers and duties.

Referred to Committee on FINANCE, June 8, 2010.

No. 2561 By Representatives EVERETT, BARRAR, DALEY, DeLUCA, DONATUCCI, HARHAI, HENNESSEY, LEVDANSKY, PAYTON, READSHAW, REICHLEY, SCHRODER, SIPTROTH, SOLOBAY, SONNEY, J. TAYLOR and VULAKOVICH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for distilleries.

Referred to Committee on LIQUOR CONTROL, June 8, 2010.

No. 2562 By Representatives BISHOP, PARKER, READSHAW, MILLARD, GOODMAN, YOUNGBLOOD, SIPTROTH, PAYTON, KORTZ, HENNESSEY, EVERETT, GRUCELA, MANN, COHEN, MAHONEY, KOTIK, DiGIROLAMO, DONATUCCI, VULAKOVICH, P. COSTA, PASHINSKI, PHILLIPS, PRESTON, HESS, MURT, MELIO, DALEY, HARPER, MATZIE, KULA, CONKLIN and BRADFORD

An Act designating March 24 as "Dorothy Height Day."

Referred to Committee on STATE GOVERNMENT, June 8, 2010.

No. 2563 By Representatives SAYLOR, STERN, TURZAI, BARRAR, DENLINGER, GINGRICH, METCALFE, MUSTIO, SONNEY, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CLYMER, CUTLER, EVERETT, FAIRCHILD, FARRY, GABLER, GEIST, GIBBONS, GRELL, GROVE, HARRIS, HENNESSEY, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER, KNOWLES, KRIEGER, MILLER, MOUL, MURT, OBERLANDER, PICKETT, RAPP, REED, REESE, REICHLEY, ROAE, ROCK, SCAVELLO, SCHRODER, STEVENSON, SWANGER, TALLMAN, TRUE, VULAKOVICH and WATSON

An Act providing for accountability in program performance; and prescribing powers and duties.

Referred to Committee on STATE GOVERNMENT, June 8, 2010.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1641, PN 2886**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 1641, PN 2886

An Act requiring a circulating nurse in certain operating rooms.

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, June 7, 2010, will be postponed until printed. The Chair hears no objection.

Members, please report to the floor.

GUESTS INTRODUCED

The SPEAKER. In the back of the House, the Chair would like to welcome Mr. and Mrs. Fred Ulmer. They are the guests of Representative Adolph. Will the guests please rise. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome Dick Beech, CEO (chief executive officer) of George Howe Company of Grove City. He is the guest of Representative Dick Stevenson. Will the guest please rise. Welcome to the hall of the House.

Also in the balcony, the Chair would like to welcome Patrick and Mary Tressler of Faith Learning Center, Uniontown. They are the guests of Representative Deb Kula. Will the guests please rise. Welcome to the hall of the House.

In the back of the House, the Chair would like to welcome members of the African Caribbean Education and Support program from Philadelphia. They are the guests of Representative Kenyatta Johnson. Welcome to the hall of the House.

LEAVES OF ABSENCE

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

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Cruz	Oliver	True
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LEAVES ADDED—1

Belfanti

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 2260, PN 3867 (Amended) By Rep. HANNA

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for the registration, licensing and use of a Pennsylvania Preferred trademark; establishing the Pennsylvania Preferred Trademark Licensing Fund; and providing for penalties and for enforcement.

AGRICULTURE AND RURAL AFFAIRS.

HB 2405, PN 3866 (Amended) By Rep. GEORGE

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions and for alternative energy portfolio standards; providing for solar photovoltaic and solar thermal energy system requirements; further providing for interagency responsibilities; providing for sequestration facility permitting and for title to carbon dioxide, immunity and transfer of liability; establishing the Carbon Dioxide Indemnification Fund; providing for carbon dioxide sequestration facility and transportation pipeline on Commonwealth State forest lands; and providing for application of the Public Utility Code to transporters of carbon dioxide.

ENVIRONMENTAL RESOURCES AND ENERGY.

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

SB 298, PN 2034 (Amended) By Rep. HANNA

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for general responsibilities of county assessors, for split-off, separation or transfer and for roll-back taxes and special circumstances.

AGRICULTURE AND RURAL AFFAIRS.

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. KAUFFMAN called up **HR 774, PN 3622**, entitled:

A Resolution recognizing with sadness the supreme sacrifice of Lance Corporal Michael L. Freeman, Jr., who died on February 1, 2010, from wounds sustained while supporting combat operations in Helmand province, Afghanistan.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question, the Chair recognizes the gentleman from Franklin County, Representative Kauffman.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer to the chamber HR 774 in honor of an outstanding Marine, a great son, brother, nephew,

newlywed husband, and most of all, a great American and son of the Commonwealth of Pennsylvania.

Today we honor the late LCpl. Michael Freeman, Jr., United States Marine Corps. He was a brave Marine who gave his life in defense of the Commonwealth and nation on February 1, 2010, while supporting combat operations in the Helmand Province of Afghanistan, a part of Operation Enduring Freedom.

GUESTS INTRODUCED

Mr. KAUFFMAN. Mr. Speaker, it is my great honor to introduce members and friends of Lance Corporal Freeman's family who are sharing this moment with us on the floor of the House. First of all, Lance Corporal Freeman's father, Michael Sr.; his mother, Christine Freeman; Lance Corporal Freeman's wife, Stephanie; his uncle, Terry Fahnestock; his mother-in-law, Tessa Short; father-in-law, Michael Wagaman; and a close family friend, Anna Cuff.

Thank you for being here today.

Mr. Speaker, LCpl. Michael Freeman, Jr.'s life and service has typified courage, honor, loyalty, and character. Everyone who knew him was able to see these traits early in life. He was a devoted man, whether as a student in the Chambersburg school system, a member of his community, or as a Marine. Lance Corporal Freeman joined the Corps immediately after graduating from high school. He was assigned to the 2d Battalion, 2d Marine Regiment, 2d Marine Division, II Marine Expeditionary Force, stationed at Camp Lejeune, North Carolina.

Lance Corporal Freeman's life became devoted to the defense of our Commonwealth and our nation, committed to keeping the threat of terrorism away from our shores. Sadly, a roadside bomb ended his brave service and took this incredible man from us. It is difficult to put into words what his loss means overall. Certainly, his family and friends miss him terribly, his fellow Marines miss him, and our nation loses a great defender of freedom, but in all of this, there is a shining light that shall never be extinguished. The light of Lance Corporal Freeman's example of bravery in the face of danger, courage in the face of war, and his love of family, friends, and country will remain visible for all to see.

Lance Corporal Freeman was, outside of uniform, a man of simple taste, who enjoyed the natural beauty of the outdoors in his love of hunting, spending time at Caledonia State Park, and enjoying his family and friends. Inside of the uniform, he loved his fellow Marines, he loved the Corps, and he loved his country. He loved it to the point of giving his life in defense of it. He has been awarded the Purple Heart, the Combat Action Ribbon, and the Afghanistan Campaign Medal. He made the ultimate sacrifice.

Mr. Speaker, HR 774 is but a small tribute to a great life. There are many in this great chamber who have worn the uniform of the United States Marine Corps. They understand and have lived the Marine Corps motto of "always faithful" that drove Lance Corporal Freeman as he gave everything for his country.

In memory of a great Pennsylvanian and a great American, LCpl. Michael Freeman, Jr., I ask for your unanimous support for HR 774, as we pay tribute to his sacrifice for all of us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Members and all guests will please rise as a sign of respect for the fallen soldier.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of LCpl. Michael Freeman, Jr.)

The SPEAKER. Members and guests may please be seated.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz Oliver True

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

STATEMENT BY MR. MAHER

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher, under unanimous consent. Without objection, unanimous consent is granted.

Mr. MAHER. Thank you, Mr. Speaker.

Legislators are pretty much like everybody else. We actually represent our neighbors, I hope. But we do know, through the trials and tribulations of trying to accomplish great things, that even when we all agree that something is a great idea, translating it into a practical reality is a challenge. The McGowan Institute for Regenerative Medicine takes ideas and translates them into practical realities in amazing ways. You may remember, just about a year ago, we were joined in this chamber by a little boy unlike any other little boy in the entire world, because after having accidentally amputated his fingertip in a church door, the miracle makers at McGowan regrew his finger and it is indistinguishable from the others. You may also remember that the McGowan Institute for Regenerative Medicine has led research that enables those without eyes to see. Just think about that; those without eyes can see. Perhaps not like you and me, not yet, but the work continues.

Today we are joined with more miracles and more miracle makers. But to put this in perspective, because we always hear about scientific research, and there is a lot of good scientific research, but going from the idea and a notion to actually delivering life-changing results is such a long path that somehow or another, McGowan has learned to manage this discovery into technology, into life improvements, in very short timeframes.

That is not always so in science. In fact, today is the anniversary of when the patent was issued for what many of us grew up knowing as IBM (International Business Machines Corp.) punch cards. Do you remember those? "Do not fold, staple, or mutilate." Do you remember when you first learned about computers, you would have decks and decks of these cards where you would write programs, and one typo, the whole thing went out the window? But that was the standard for so long. Take a guess when you think those punch cards were patented by the fellow who founded the company that became IBM. Just think. Could you believe that would be 1887? One hundred years later, that was pretty much still state of the art. The reason I mention this is that that chain of discovery and imagination to practical reality can be a very long road, but McGowan Institute of Regenerative Medicine has succeeded in making it happen in amazingly short times.

McGowan manufactures miracles, and quickly. We all remember Matt Ryan, our Speaker. Matt was stricken down with esophageal cancer, as was another one of my mentors, Terry Sanford, who had been Governor of North Carolina. Pretty much, pretty much the diagnosis of esophageal cancer

has been a death sentence for people, but with what McGowan has accomplished, that is not necessarily so anymore. In fact, Dr. Blair Jobe is here today, who had a notion of replacing the entire lining of the esophagus, and more than a notion, he has done it.

And with us today is a walking, talking, fully recovered miracle of esophageal cancer, Mr. Michael Wright. Michael, could you just stand and be recognized.

Now, if Matt Ryan got that same diagnosis today, thanks to the McGowan Institute for Regenerative Medicine, we might have had a different outcome. And think about that short interval. This has all happened that fast.

I am old enough that I can remember when Dr. Christiaan Barnard did the first heart transplant, and I would guess, looking around the room, that many of you are as well. Now, heart transplants have become somewhat ubiquitous, but there is always a limit. The limit is the number of organs that are available.

There was a young man, 2 years old, who had a weak heart, that had suffered some damage while trying to repair other damage, and was hoping for a transplant, but time was against him. Instead, he had a ventricular assist device used, external to his body, to give his heart a rest in hopes that it might strengthen him enough and maintain his life until the transplant was possible, but the outcome was even better: The heart healed. And that little boy is indistinguishable today from any other 3-year-old. He has completely recovered. He is with us today. Ethan Gradowski is over here on his mom's lap. Cindy, can you and Ethan stand up. And I hope you would agree with me that these miracles do matter. And what happens at McGowan can be replicated over and over.

Dr. Peter DeComo, who is here, leads a company called ALung, which has started to make artificial lungs available, artificial lungs that provide 50 percent of the capacity of a real lung. And just think about the implications. I was glad Dr. DeComo could be with us today – and I might mention he is a constituent of Jeff Pyle – to show that not only do these miracles help the patients and their families, but McGowan is actually an engine of economic development, because real companies come forward for these technological advances.

We are also joined in the back of the House today by others from McGowan, including Dr. Alan Russell, who is the director of the entire institute. I am not going to introduce all of those, but we have 15 people here today. And why did they come up? Because they want to say thank you to us, because the miracles that McGowan manufactures are not possible without our help. And so often when we are faced with decisions about what to do, it is a challenge to really appreciate that some very good things come about as a result of the decisions that you make.

McGowan manufactures miracles, and I hope you will join me in welcoming all those from McGowan and the miracles who are with us today, and saying thank you for being here to say thanks to the Legislature of Pennsylvania.

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome Marielle Gallante, a summer intern for Representative Cox. Will the guest please rise. Welcome to the hall of the House.

In the back of the House, the Chair would like to welcome John Klee, who is the guest of Representative Tim Solobay. Will John please rise. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome Brian Crowell, Angela Velez, Jerome Jordan, Christine McDevitt, Francis Monterosso, Brigid O'Neill, John Vassalotti, and Monique Pattilo. They are the guests of Representative Shapiro. Will the guests please rise. Welcome to the hall of the House.

The Speaker would also like to welcome, to the left of the Chair, Charlene and Suzanne Lynn – Charlene, stand up – Charles and Louise Frassinelli, and Siobahn O'Gurek. They are the Speaker's neighbors from Summit Hill. Welcome to the hall of the House.

RESOLUTION PURSUANT TO RULE 35

Mr. M. SMITH called up **HR 789, PN 3679**, entitled:

A Resolution recognizing the celebration of Green Tree Borough's 125th anniversary on July 14, 2010.

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 Dermody, the majority whip, who requests a leave of absence for the gentleman from Northumberland County, Representative BELFANTI, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HR 789 CONTINUED

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

- | | | | |
|----------|------|--------|------|
| Belfanti | Cruz | Oliver | True |
|----------|------|--------|------|

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

GUESTS INTRODUCED

The SPEAKER. Also, in the back of the floor of the House, by virtue of the resolution we just passed, the Chair would like to welcome the mayor of Green Tree Borough, Charles Hammer, and his wife, Mrs. Celine Hammer. They are here today to celebrate the 125th anniversary of Green Tree Borough, and they are the guests of Representative Matt Smith. Will the guests please rise. Welcome to the hall of the House.

RESOLUTION PURSUANT TO RULE 35

Mr. PYLE called up **HR 805, PN 3745**, entitled:

A Resolution designating the month of August 2010 as "Kidney Cancer Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti	Cruz	Oliver	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

STATEMENT BY MR. PYLE

The SPEAKER. Is the gentleman, Representative Pyle, seeking unanimous consent?

Mr. PYLE. I am, sir.

The SPEAKER. Without objection, the gentleman is recognized.

Mr. PYLE. Thank you, Mr. Speaker.

I would like to thank the House for that vote on HR 805.

As it is well known, I am a kidney cancer survivor. Every year over 36,000 people are diagnosed with kidney cancer, often unknown until it actually manifests itself as a life-threatening condition.

If this body's recognition of HR 805 does anything to encourage people to go get tested and talk to their doctors about the potential for kidney cancer, we have done good work.

And I thank this body for recognizing August 2010 as Kidney Cancer Awareness Month. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RESOLUTION PURSUANT TO RULE 35

Mr. WATERS called up **HR 825, PN 3807**, entitled:

A Resolution honoring the life and legacy of Lena Horne, famed actress, singer and dancer, who passed away May 9, 2010, at the age of 92.

On the question,

Will the House adopt the resolution?

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I indeed honor and I am proud and privileged to be able to offer HR 825, and if I could give some brief comments, Mr. Speaker?

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

Mr. WATERS. Thank you, Mr. Speaker.

To the members and all those who are present, Lena Horne was a celebrity— Excuse me, Mr. Speaker. Today we pause to honor the life and legacy of a paragon, Lena Calhoun Horne, who died in New York on May 9 at the age of 92.

Mr. Speaker, may I please have some order.

The SPEAKER. The House will come to order. The gentleman has a right to be heard. The House will come to order.

Mr. WATERS. I am certain that most of you know of Lena Horne, the entertainer. Many of you may not know that Lena Horne was the great-granddaughter of a freed slave.

Lena Horne was born in Brooklyn, New York, on June 30, 1917. Her parents were Edna and Edwin Horne. She was a descendant of John C. Calhoun, the seventh Vice President of the United States under John Quincy Adams and Andrew Jackson.

In 1919, at the age of 2, Lena Horne became the youngest member of the NAACP (National Association for the Advancement of Colored People). She was a champion of civil

rights who shattered the racial barriers by changing the way Hollywood presented women of color.

She was the first woman of color to sign a meaningful long-term movie contract with a major studio, MGM (Metro-Goldwyn-Mayer). Many of you would not know that a term of her MGM contract provided that she, Lena Horne, would never, never have to play the role of a maid.

You may also not know that Lena Horne, like many others during her time, was a victim of the Red Scare and was placed on Hollywood's blacklist for nearly 7 years because of her association with W.E.B. DuBois and Paul Robeson.

Although she was urged to become a good little symbol rather than an activist, Lena Horne was active in the civil rights movement and marched with kings.

You may not know that she appeared in the civil rights march on Washington. She met with then Attorney General Robert F. Kennedy to urge a more active approach to desegregation. Lena Horne used her celebrity status to rally civil rights activists in the South and raise money for the NAACP and the National Council of Negro Women and other civil rights groups.

She was a member of the Delta Sigma Theta Sorority.

She began her career as a performing artist in 1933 by starring in celebrity shows, and in 1934 she worked with Harlem's famous Cotton Club as a dancer.

In 1937 Lena Horne married Louis J. Jones and moved to Pittsburgh, Pennsylvania – all right? – where she lived for several years and she had two children.

Lena Horne's lucrative singing career began in the 1950s when she toured throughout the United States and Europe. The song "Stormy Weather" from the 1943 movie "Stormy Weather" became her signature song.

Lena Horne was blessed with a six-decade singing career on stage, television, and in films. She was awarded the Tony Award, a Grammy, and was honored at the Kennedy Center for her lifetime achievements in the performing arts.

Mr. Speaker, there is so much more about this lady's contributions and celebrity of Lena Horne that some do not know, but we do know that she was a true legend. She will be remembered as a paragon of grace, elegance, and dignity; a lady of inspiration.

We can all also remember Lena Horne was a Black woman who did not bow or submit to second-class status and used her celebrity status to advance civil rights so others would not have to do so either.

Mr. Speaker, I ask all of you to support HR 825. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Longiotti	Reed
Baker	Farry	Maher	Reese
Barbin	Fleck	Mahoney	Reichley
Barrar	Frankel	Major	Roae
Bear	Freeman	Manderino	Rock

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti	Cruz	Oliver	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

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The House proceeded to third 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—186

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

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

NAYS—9

Casorio	Hutchinson	Metcalfe	Swanger
Creighton	Keller, M.K.	Perry	Tallman
Gabig			

NOT VOTING—0

EXCUSED—4

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

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

* * *

The House proceeded to third consideration of **HB 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

On the question, shall the bill pass finally, the Chair recognizes the gentleman from Somerset County, Representative Metzgar.

Mr. METZGAR. Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The maker of the bill?

Mr. METZGAR. The maker of the bill, please.

The SPEAKER. The gentleman from Bucks County, Representative Galloway, indicates he will stand for interrogation. The gentleman, Mr. Metzgar, is in order and may proceed.

Mr. METZGAR. Thank you.

I noticed that there is a reference in the bill to "debarment." Can you explain "debarment"?

Mr. GALLOWAY. Debarment as it relates to State contracts, HB 1502?

Mr. METZGAR. That is correct. What is debarment?

Mr. GALLOWAY. The definition means that contractors cannot do business with the State anymore.

Mr. METZGAR. I am sorry?

Mr. GALLOWAY. It means that contractors cannot do business with the State any longer.

Mr. METZGAR. Okay. So that is not a licensing issue. That is a punishment or a sanction. Correct?

Mr. GALLOWAY. Yes.

Mr. METZGAR. It is. Are you familiar with the concept of Federal preemption?

Mr. GALLOWAY. Yes.

Mr. METZGAR. If I would have you reference the Immigration Reform and Control Act of 1986, a Federal bill under 8 U.S.C. 1101, section 274A(h)(2), that section says that "The provisions of this section preempt" – which deals with immigration – "preempt any State or local law imposing civil or criminal sanctions..." – which I think you will even acknowledge section 3955, section (d), regards this as a sanction – "...upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens."

I certainly support the thought behind the bill, but I was curious as to how you can make that jibe constitutionally with that provision in the Federal law.

Mr. GALLOWAY. The groups up here who oppose efforts at immigration reform, the groups that represent people who cheat, who use and abuse an illegal workforce, use all kinds of misinformation to try to defeat these measures. They have tried it in 14 other States, and they have been defeated every single time.

One of the newest tactics is preemption. Now, what preemption says is that we are not allowed to impose monetary sanctions. We understand that. So did the other 14 States in the Union that have enacted E-Verify. It is a Federal program, and you cannot impose a monetary sanction, which is why we went to licenses and other similar laws.

Mr. METZGAR. With all due respect—

Mr. GALLOWAY. Excuse me; I am not finished.

Mr. METZGAR. Oh; okay. Very good. Continue.

Mr. GALLOWAY. The IRCA clearly preempts any State or local law from imposing a civil or criminal sanction on an employer for violations of this Federal law. It also explicitly states at the very same clause that the preemption shall not extend to, quote, "...licensing and similar laws...."

These bills are on sound legal ground. The idea that was passed around this morning by the chamber of commerce that what we are trying to do is illegal is an opinion. They offered it as facts. That is a lie. It is not a fact. It is their opinion that what we are doing and what 14 other States in the Union are already doing is illegal. They offered it as fact. That is not true.

No court has ever ruled that what we are doing is illegal, ever. Nobody has ever ruled that going after licenses or similar laws is illegal. So when people put these out as facts, they are false.

Mr. METZGAR. I appreciate the emphatic response, and I assure you that I am on board with the feeling of the bill. But as I said, the first question I asked you today was, is this licensing or is it a sanction? And you said it was a sanction, a nonlicensing issue, and now you are talking about this not being a sanction but a licensing issue. Which is it?

Mr. GALLOWAY. It is a similar law.

Mr. METZGAR. I am not finished.

Mr. GALLOWAY. Okay.

Mr. METZGAR. So my question is, which way do you want it to be? Is it a licensing issue or a sanctioning issue? You have already said it is a sanction; it is a penalty, a punishment, and how do you make this— It is not misinformation. I am reading you the law: "The provisions of this section preempt any State or local law imposing civil or criminal sanctions...." It does not say monetary sanctions. It says "civil or criminal" ones. You are imposing a sanction. I just want to know, how can we make this constitutional? I want to pass this bill. I am confused as to how we can do it constitutionally.

Mr. GALLOWAY. I will explain this one more time. "The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than...licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens." It is there. I do not know how you are reading this or why you are reading it a certain way.

Again, it has never been— No court has ever ruled that what we are trying to do is unconstitutional or against the law.

Mr. METZGAR. I understand your position, but the first question I asked you was, is this a sanction or is it a licensing requirement? And you said it was a sanction or punishment. So how can you have it both ways?

Mr. GALLOWAY. It is a sanction. We are allowed to impose sanctions. It says what kind of sanctions. It says you cannot impose monetary sanctions.

Mr. METZGAR. No. It says, "...civil or criminal sanctions...."

Mr. GALLOWAY. Same thing.

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

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I would like to speak on the bill.

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

Mr. BARBIN. Thank you, Mr. Speaker.

Today we have a chance to do something that the Federal government is not doing, and that is to enforce the immigration laws that are on the books.

Yesterday we had an opportunity to amend the bill, but we failed to take up any amendments that would address the issue that was raised by the last speaker. The question is simply this: Will we today do something to help the construction industry, which is dealing with 35,000 people that are out of work, or will we stand by and say, this bill could be better; I do not want to support it today because it is not good enough? The answer is, this is one of those times where we just have to do something.

Fourteen other States and the Federal government use the E-Verify program. We are entitled to use this program. It will

allow honest American workers, Pennsylvania residents, to reclaim jobs that have been taken unlawfully by people who are not legally allowed to be in this State, this country, or in the jobs they currently provide. It is not a problem for an honest businessman because it requires the businessman to just uphold the law.

Mr. Speaker, I ask that all members of this body support the bill as a first step to regaining the rights to control our borders.

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

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the bill please stand for brief interrogation, further brief interrogation?

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

Mr. GABIG. Thank you, Mr. Speaker.

I have listened to the debate from yesterday – we had some debate on some amendments – and today's debate so far, and I am generally supportive of your idea, as the gentleman that just stood up before, but I just want to make sure I understand the legislative intent and purpose of your HB 1502. So if I could just ask some brief policy questions first and then maybe a couple more specific, less specific than you were just asked, but just general policy first, if I could?

What is the policy that you are trying to address? What is the problem that you are trying to cure here? What are you trying to fix, just generally in policy, in terms of the legislative intent? If you could just explain in general terms, what is it you are trying to fix?

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate it.

For instance, in HB 1502, which deals with State contracts, I guess the first thing I would say, the most important thing is to ensure that taxpayer money that is being spent to create American and Pennsylvania jobs actually goes to creating jobs for Americans and Pennsylvanians.

Mr. GABIG. Okay. Then what you want to do is you want to have Pennsylvanians have certain jobs that other people that are not Pennsylvanians are currently having. Is that right?

Mr. GALLOWAY. No; that is incorrect. What I said was, I want to ensure that taxpayer money being spent to create American and Pennsylvania jobs goes to create jobs for Americans and Pennsylvanians; taxpayer money.

Mr. GABIG. That is right. Instead of going to whom? They are currently going to somebody else, if I understood your argument.

Mr. GALLOWAY. Absolutely. There is taxpayer money being spent today, given to contractors who cheat, who use and abuse a cheap illegal workforce for profit.

Mr. GABIG. Okay. So it is the illegal workforce. There are certain employees right now that you are describing as an illegal workforce, and you would rather have law-abiding Pennsylvanians have those jobs than the employees that you have described as an illegal workforce. Is that correct? That is the general policy goal. Is that correct?

Mr. GALLOWAY. That is the general policy goal.

Mr. GABIG. Okay.

Mr. GALLOWAY. That is correct.

Mr. GABIG. So the illegal workforce, these are immigrants, I am taking it from following the policy, people from out of the country. Is that right?

Mr. GALLOWAY. Illegal immigrants.

Mr. GABIG. Illegal immigrants?

Mr. GALLOWAY. Yes.

Mr. GABIG. Undocumented aliens?

Mr. GALLOWAY. Correct.

Mr. GABIG. And they currently have jobs through this system where Pennsylvania, as a State government, spends money, that taxpayer money, and they have these jobs through these contractors. You would rather have Pennsylvanians having those jobs than the illegal immigrants. Is that correct?

Mr. GALLOWAY. Not just Pennsylvanians, Americans.

Mr. GABIG. Americans.

Mr. GALLOWAY. Yes.

Mr. GABIG. But certainly Pennsylvanians would be eligible. Right?

Mr. GALLOWAY. Absolutely.

Mr. GABIG. All right; good, because that is who we represent. You and I represent Pennsylvanians. So hopefully Pennsylvanians would have more of an opportunity than the illegal workforce, the illegal immigrant, the undocumented alien. Is that correct?

Mr. GALLOWAY. I am sorry. I did not hear that last—

Mr. GABIG. I am sorry. You were consulting with staff. I just wanted to make sure that Pennsylvanians would be eligible, the people that you and I represent in our districts, and they would have more job opportunities than under the current system where illegal immigrants, or some people call them undocumented aliens, et cetera, are currently holding those jobs. Right? That is your policy goal, legislative policy goal with this legislation. Right?

Mr. GALLOWAY. I would not characterize it that way; no. I would characterize it as preventing State tax dollars and, in some cases, Federal tax dollars that we get from the Federal government that are supposed to be spent to create American and Pennsylvania jobs, ensuring that they create jobs for Pennsylvanians and Americans. That is my stated policy goal.

Mr. GABIG. Right. All right. Now, the people that currently have these jobs, the illegal workforce, if yours is adopted, if this is adopted by the House, those people that currently have the jobs where there are these violations going on out there, they will lose their jobs and Pennsylvanians or Americans will have those jobs. That is how you and many of us would prefer it. Is that correct? There are currently violations going on. There is an illegal workforce going on, you told us, and that is the need for the bill. And instead of having this illegal workforce, we want to have a legal workforce. We want Americans and Pennsylvanians to have those jobs.

Mr. GALLOWAY. Yes.

Mr. GABIG. And so then the illegal workforce, they will not have those jobs if this is adopted. Is that correct?

Mr. GALLOWAY. Correct.

Mr. GABIG. Correct. Now, what is going to happen? Is there anything in the bill— I got the legislative intent. Now I am moving— I know it is a little loud here, but we are on the same page here. Now, here is my question: What is going to happen to that illegal workforce, those undocumented aliens, that lose their jobs under this system? What happens to them?

Mr. GALLOWAY. Thank you, Mr. Speaker.

Mr. GABIG. Is there a transition? Is there job training? Is there fast-tracking? Is there amnesty? Are there any of these things that we all hear all these big things about? Is there

anything in this bill to take care of this unlawful workforce that is going to lose their jobs when we pass this?

Mr. GALLOWAY. Mr. Speaker, if you would like to add an amendment or a bill to train and take care of illegal immigrants, perhaps we could speak about that at another time. I am not here to speak on what happens with illegal immigrants.

Mr. GABIG. Okay.

Mr. GALLOWAY. What has happened in other States, for example, is they have moved on to other States. For example, they have moved into Pennsylvania. Once they were not allowed to work in States like Arizona and Oklahoma, they moved in to other States, which is why our illegal immigration population is growing, because we allow this practice to occur.

Mr. GABIG. All right. So what we are doing is attracting illegal immigrants under the current system. You are trying to correct that, and you have a lot of support here with your general legislative intent, including from this member. I want to make that again clear.

But the question is, what happens with these sort of displaced workers now? Would they be eligible for unemployment? For welfare? For State health care? For CHIP (Children's Health Insurance Program)? Education? Are they going to be eligible for all our State services here in Pennsylvania when we pass this bill? That is my point.

Mr. GALLOWAY. Mr. Speaker, that does not pertain to my bill. I will answer questions on my bill. You want to speak on Federal services.

Mr. GABIG. Will this bill that we are going to vote for increase the rolls of the unemployment if we pass it, because they are not having jobs in the private sector but they will have access to all our public-sector services?

Mr. GALLOWAY. Mr. Speaker, no, it will not.

Mr. GABIG. Okay. I have heard complaints about similar things when we tried to do it with the undocumented aliens or the illegal aliens that it is called racist. Do you consider your bill to be racist?

Mr. GALLOWAY. No.

Mr. GABIG. So it is not racist to want to make sure that Pennsylvanians and Americans have access to jobs and that we do not rely on an illegal workforce? That is not racist, is it?

Mr. GALLOWAY. No, Mr. Speaker.

Mr. GABIG. Do you agree?

Mr. GALLOWAY. No.

Mr. GABIG. It is fair. Do you think it is fair what you are doing?

The SPEAKER. Will the gentleman yield.

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

The gentleman may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

So it is fair and not racist. We are dealing with a serious social issue. There are some impacts it is going to have that you said we need to deal with in a subsequent bill because of the impact on our public State services once we take them out of the private sector. Is that correct?

Mr. GALLOWAY. That is incorrect, Mr. Speaker. That is not what I said.

And, Mr. Speaker, could I ask that the questions be on the bill, not on general policy?

Mr. GABIG. Okay.

The SPEAKER. The gentleman will stay on final passage of HB 1502.

Mr. GABIG. All right. So I am talking about the impact of the bill to read – to go back, because I know it was a little loud before – but I am talking about the impact of the bill. If we take people— Approximately how many— Do we have any idea how big this illegal workforce is that is going to be impacted by the bill, approximately? I know it is hard to measure, but are we talking about 1,000? Are we talking about 100? Just a general— Do we have any idea how many? How large?

Mr. GALLOWAY. Mr. Speaker, I cannot speculate. However, in 2005 it was estimated there were 175,000 illegal workers in Pennsylvania. It is estimated that over 35,000 illegal workers are in the construction industry today, and that construction industry has an unemployment rate of some 37 percent.

Mr. GABIG. All right. Those were some good numbers. You said about 175,000 illegal, and that was in 2005, and you said it is growing, but in 2005, a 175,000 illegal workforce total. You said 35,000 in construction, which is what your bill is sort of targeted to. That would be all the construction, I am assuming, and then your bill was targeted to the State money for construction. So it would be a percentage of that, I suppose. Am I following you? Is that correct?

Mr. GALLOWAY. I am sorry. Restate that question.

Mr. GABIG. It would be a percentage of the 35,000. Your bill is going to impact a percentage of the 35,000—

Mr. GALLOWAY. Yes. HB 1502 deals with the State contracting portion of that. HB 1503 would deal with the rest.

Mr. GABIG. So just as a ballpark, do you have any idea? Is it 10 percent of the 35,000? Half?

Mr. GALLOWAY. Mr. Speaker, no, I do not.

Mr. GABIG. Okay. That is fair. Some of these are like, as you said, speculative.

But I want to thank the gentleman for his answers on this legislative intent.

If I could speak to the bill, Mr. Speaker?

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

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

And on behalf of my entire delegation in Cumberland County, I want to thank the Speaker for his letter that he wrote on behalf of his members in Carbon County. Our county agrees with your letter completely, although we are two different counties in a lot of ways. We completely support that, and I wish maybe we would sit around again and see how many people we can get to sign on to that.

All right. On the bill, though – that was unanimous consent, I guess; I went off a little bit – on the bill, I want to support the maker of this bill, but I want to clearly say his bill is going to have an impact on our economy and on the services we provide as a State, because if we go after, if we go after really what is bringing a lot, enticing a lot of this migration, this illegal immigration that we have talked about, this is one of the ways that we do it. But if we just take them out of the private sector and put them more into the public sector on welfare and unemployment and all these other things, have we done, really, anything to it? I do not think we did. So we need a broader approach and a more consistent approach.

And I agree with the gentleman that when people get up and they are trying to do the things that he is supposed to do and people are attacked – they are called racist and un-American

and xenophobic – for trying to deal with this very important socioeconomic issue that we are facing today, I think that is wrong, and I think it would be wrong to tag this bill with that or the next bill. And if we move later on to handle some of the issues on welfare and unemployment, et cetera, that we need to address, I think that would be equally wrong.

So those would be my comments on the bill. Thank you very much, Mr. Speaker.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the maker of the bill please stand for brief interrogation?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Just for clarification, two amendments were introduced yesterday, one to cover all workers and employers in Pennsylvania and the other one was introduced to require anybody that receives public services to be a documented citizen.

The question I have is, did I understand that correctly that you believe there are 175,000 undocumented workers in Pennsylvania right now?

Mr. GALLOWAY. Mr. Speaker, they were not my estimates. They were from the Center for Immigration Studies from 2005.

Mr. FAIRCHILD. But that is the number that we are using here?

Mr. GALLOWAY. Yes; that is correct.

Mr. FAIRCHILD. And did you take into account the state of the economy, especially the state of the construction economy, when you estimated 35,000 instant new jobs – instant legal jobs would be created?

Mr. GALLOWAY. Take into account, Mr. Speaker, in what context?

Mr. FAIRCHILD. The state of the economy. We are still in a depression. The construction industry is suffering now, like a lot of industries are, and unemployment is very high. Did you factor in any of those areas when you estimated that an immediate 35,000 American, Pennsylvania citizen jobs, U.S. citizen jobs—

Mr. GALLOWAY. But that number, again, was not my estimate, Mr. Speaker. That was from the Center for Immigration Studies, I believe. They are not my figures.

Mr. FAIRCHILD. Okay.

Yesterday it was pointed out that 19 percent of the jobs in Pennsylvania were construction jobs. So we eliminated 89 percent of other jobs that undocumented workers do.

Mr. GALLOWAY. Mr. Speaker, no, I did not. I do not recall saying that. You may have. I did not.

Mr. FAIRCHILD. No. I said it; I said it.

Mr. GALLOWAY. Oh; okay.

Mr. FAIRCHILD. This is from a Pew Center report. But my question is— Well, they stated that 81 percent of the jobs in Pennsylvania are undocumented—

Mr. GALLOWAY. With all due respect—

Mr. FAIRCHILD. —and 19 percent are construction undocumented jobs.

Mr. GALLOWAY. —with all due respect, Mr. Speaker, and I do have a great deal of respect for you, you are dealing with your numbers. I really have no idea. If you have a question on my bill, I would gladly answer it. I cannot answer questions on numbers that you brought up yesterday—

Mr. FAIRCHILD. Well, okay. I am getting—

Mr. GALLOWAY. —with all due respect.

The SPEAKER. Will the gentleman yield.

One at a time; one at a time.

Mr. FAIRCHILD. I am getting to that.

Mr. GALLOWAY. Okay.

Mr. FAIRCHILD. If you used your figures for this bill, where are the undocumented employees in Pennsylvania? Where are they?

Mr. GALLOWAY. I have no idea. That is the whole point. They are undocumented.

Mr. FAIRCHILD. Well, then how did you choose the construction jobs if you do not know they are there?

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate that question.

How did we come to the construction industry? Really, that deals with HB 1503, and maybe we could deal with that under HB 1503. It really does not deal with HB 1502. So perhaps we could ask that question and I could answer that question under HB 1503.

Mr. FAIRCHILD. I just as soon get it over with now, if everyone is okay with it.

The SPEAKER. Well, the question before the House is final passage of HB 1502, and your questions should be relevant to final passage of that legislation and the bill before us.

Mr. FAIRCHILD. Okay.

With that said, other than construction jobs, you do not know where the other 81 percent of the undocumented workers are, what job professions they do?

Mr. GALLOWAY. Mr. Speaker, you are asking me to draw conclusions. Again, this bill deals with State-related contracts.

Mr. FAIRCHILD. Well, what I am getting at is – and it was spoken to on the floor before – whether we do this piecemeal or we do it altogether. We are going to do this and affect about 19 percent. We are going to have 81 percent, and it was pointed out yesterday—

The SPEAKER. Mr. Fairchild, you have to address your remarks to HB 1502.

Mr. FAIRCHILD. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Lehigh County, Representative Reichley, wish to be recognized?

The Chair recognizes the gentleman from Lehigh County, Representative Reichley, on final passage.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for, hopefully, brief interrogation?

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

Mr. GALLOWAY. If he promises that it is brief.

Mr. REICHLEY. I am going to do my best. I will do my best here.

The SPEAKER. The Speaker heard that.

Mr. REICHLEY. Mr. Speaker, I would like to take the gentleman back to some of the line of conversation we had yesterday regarding the provisions on I believe it is page 8 of

the bill of HB 1502. Specifically with reference initially— Mr. Speaker, may we have some order in the chamber?

The SPEAKER. The gentleman is correct.

The House will come to order.

The gentleman may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, on page 8 of the bill – I do not have the line numbers anymore – but section (b) for "Actions," that is meant as a protection for an employee who would report the actions of an employer who ostensibly hires illegal immigrants. Is that correct?

Mr. GALLOWAY. Mr. Speaker, that is correct.

Mr. REICHLEY. Okay. And under subsection (2) of section (b), your bill would allow that retaliated-against employee to bring an action within 3 years from the date the employee knew of the retaliation. Is that correct?

Mr. GALLOWAY. Mr. Speaker, that is correct.

Mr. REICHLEY. Mr. Speaker, under the Whistleblower Act of Pennsylvania, which I believe is Act 169 of 1986, are you able to describe for the members what the relevant time provisions are for a retaliated employee to report such actions?

Mr. GALLOWAY. Mr. Speaker, no, I do not.

Mr. REICHLEY. Mr. Speaker, now, Attorney Winkelman is standing right next to you. She is a very learned counsel. I am sure she would be able to advise that under section 4 of the Whistleblower Act, "A person who alleges a violation of this act may bring a civil action in a court of competent jurisdiction...within 180 days after the occurrence of the alleged violation." Would that be correct, Mr. Speaker?

Mr. GALLOWAY. Mr. Speaker, if you say so. You are reading from the act.

Mr. REICHLEY. Mr. Speaker, can you inform us under any other provision of State law where a whistleblower is provided the opportunity to bring an action against another party for such a long period of time as you have described under your bill?

Mr. GALLOWAY. Mr. Speaker, it does not matter. We made a policy decision that under this circumstance, they should have a longer period of time.

Mr. REICHLEY. And I appreciate that answer, Mr. Speaker—

Mr. COHEN. Point of order.

Mr. REICHLEY. —and you and I share a common concern about this issue which is affecting not only Pennsylvania but the entire nation.

But again, my question is, can you tell the members of the House of any other provision under a whistleblower statute in Pennsylvania which provides the opportunity for a retaliated employee to bring a civil action for the period of time that you have described in your bill, 3 years from when the employee knew the violation occurred?

The SPEAKER. Will the gentleman yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Philadelphia, Representative Cohen, rise?

Mr. COHEN. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. COHEN. Mr. Speaker, the only question here is HB 1503. Mr. Galloway does not pretend to be an expert on the Whistleblower Act. HB 1502; I am sorry, Mr. Speaker.

HB 1502 is the only thing before us. People should be limiting their questions to the provisions of HB 1502.

And also, if people know the answers to their own questions, they should be citing those answers in debate. The question is not what Mr. Galloway knows; the question is what the facts are. If people have facts that they think are relevant to the debate, they should share those facts with the members of the House.

The SPEAKER. The gentleman, Mr. Cohen, is correct.

Mr. REICHLEY. In what regard, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Reichley, will interrogate the gentleman, Mr. Galloway, to the confines of HB 1502. However, the Speaker will grant him leeway in asking a question of the Whistleblower Act and how it pertains to HB 1502. It is in order.

Mr. REICHLEY. I think I was doing that, Mr. Speaker. This is not a question I know the answer to. I am asking for the prime sponsor of this legislation to tell us if there is any other provision under any other whistleblower statute under State law that provides a time period of up to 3 years to file an action against the employer.

Mr. GALLOWAY. There is only one whistleblower statute in this State, and it covers State employees, and you have already referenced it.

Mr. REICHLEY. Okay. So the only relevant provision under State law is 180 days, more or less the language of the amendment that I submitted to the House yesterday.

Let me move on now to lower on page 8 under "Relief," subsection (c). And again, Mr. Speaker, am I correct that this would apply to the employee who alleges that he has been retaliated against for reporting an employer who ostensibly has hired illegal immigrants. Is that correct?

Mr. GALLOWAY. That is correct.

Mr. REICHLEY. And under subsection (2) of section (c), you provide that relief could encompass "Restitution equal to three times the amount of the employee's wages and fringe benefits calculated from the date of the violation or discrimination." Is that correct?

Mr. GALLOWAY. Mr. Speaker, that was a policy decision in which we discerned that if an employer retaliated against an employee for blowing the whistle, there must be some penalty, there must be some penalty for doing that, and the penalty we came up with was three times the amount of wages that they would have earned.

Mr. REICHLEY. And I agree, Mr. Speaker, with the prime sponsor that something has to be addressed against employers who continuously utilize the labor of illegal immigrants for lower labor cost purposes.

My question is – and I think this is pretty straightforward; I am not trying to pull anything on you – that the relief you are offering in your bill at that subsection says, you are entitled to pursue "Restitution equal to three times the amount of the employee's wages and fringe benefits..." that being the employee who was retaliated against. Is that correct?

Mr. GALLOWAY. Mr. Speaker, you are talking about somebody who, first of all, cheated, who used and abused a cheap illegal workforce for profit. Then one of his employees blew the whistle on him, and he retaliated on them. That is who we are talking about here. Right? Is that correct, Mr. Speaker?

May I ask you a question on that one? That is who we are talking about, because you misstated it to begin with. This is about retaliation, not about the first offense.

Mr. REICHLEY. Right.

Mr. GALLOWAY. This is about the second offense as well, and in response to that retaliation, the penalty is three times the amount of wages. Your amendment yesterday said, just give them what they were going to be paid to begin with. I disagree. I think there should have been more. That is the disagreement we have.

Mr. REICHLEY. Mr. Speaker, in relation to the current whistleblower statute, can you inform the members of what is allowed under the whistleblower statute for recovery by an employee who successfully presents a case that he or she has been retaliated against by an employer who engaged in discriminatory behavior?

Mr. GALLOWAY. Mr. Speaker, you are answering your own question again.

Mr. REICHLEY. No. I am asking the question, actually.

Mr. GALLOWAY. You know the answer.

Mr. REICHLEY. Well, Mr. Speaker, again relying upon Attorney Winkelman, would you agree that under section 5 of the Whistleblower Act, it states that "A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies," but not treble damages as you have described in your bill. Is that correct?

Mr. GALLOWAY. Mr. Speaker, we did not pattern it after the Whistleblower Act.

Mr. REICHLEY. Pardon me?

Mr. GALLOWAY. We did not pattern it after the Whistleblower Act. We made a policy decision.

Mr. REICHLEY. So your provisions for whistleblower protection are different than what we have under current law because of this particular situation you are trying to address with illegal immigration. Is that correct?

Mr. GALLOWAY. That is correct, Mr. Speaker.

Mr. REICHLEY. Okay. Now, Mr. Speaker, and again it may— Well, let me rephrase the question. Mr. Speaker, are you able to describe for the members if any other State allows for treble damages for whistleblower protection?

Mr. GALLOWAY. Mr. Speaker, I do not.

Mr. REICHLEY. Okay. And, Mr. Speaker, are you able to describe for the members of any other State that allows a period of time of 3 years to file an action by a retaliated-against employee against an employer?

Mr. GALLOWAY. I am sorry, Mr. Speaker. I missed the first half of that.

Mr. REICHLEY. Are you able to describe for the members if any other State provides a window for the commencement of litigation by a retaliated-against employee similar to the 3-year period you have articulated under your bill?

Mr. GALLOWAY. Mr. Speaker, my concern is for Pennsylvanians.

Mr. REICHLEY. So I take it the answer is no. Is that right?

Mr. GALLOWAY. Mr. Speaker, my concern is for Pennsylvania and Pennsylvanians.

Mr. REICHLEY. Mr. Speaker, under the Human Relations Act of Pennsylvania, are you able to describe what the penalties would be on an employer who engages in discriminatory behavior?

The SPEAKER. The gentleman, Mr. Reichley, you are going far afield. We understand the points that you are trying to make,

but we would appreciate your staying on the confines of HB 1502.

Mr. REICHLEY. Okay. Mr. Speaker, I will do that.

Let me do it this way. Mr. Speaker, if in the public work sector, which this bill addresses, as an employer I discriminated against an employee based upon religious grounds, if I deliberately did not hire people because they are of the Jewish faith, the Catholic faith, Muslim faith, what would be the penalty that could be imposed upon me as the employer if the retaliated employee is successful?

Mr. GALLOWAY. Mr. Speaker, my bill does not deal with race—

The SPEAKER. Mr. Reichley, the Speaker agrees. That question does not relate to HB 1502 and the language of HB 1502.

Mr. REICHLEY. Well, with all due respect, Mr. Speaker, since this bill deals specifically with the issue of public works contracts, my question was, if a contractor in that situation engages in discriminatory behavior based upon religious grounds and an employee reports that behavior to the Human Relations Commission and again is retaliated against by the employer, what the possible penalty is that can be recovered by the retaliated-against employee under that scenario as compared to what is provided under HB 1502?

The SPEAKER. Mr. Reichley, HB 1502 deals with public works contracts and employment eligibility.

Mr. REICHLEY. Right.

The SPEAKER. The scope and duties of the Human Relations Commission are not under the confines of this legislation, and the decisions made by the Human Relations Commission would be based on the laws that govern the Human Relations Commission and does not fall into the purview of HB 1502.

And I would further advise Mr. Reichley that he ask questions that he does not know the answers to. It is against the rules of the House to ask questions that you already know the answers to.

The gentleman may proceed with his interrogation.

Mr. REICHLEY. Okay. Mr. Speaker, then let me ask this one final question before I speak on the bill.

Mr. Speaker, would you inform the members of other provisions under State law that allow for the recovery of treble damages?

Mr. GALLOWAY. Not off the top of my head, Mr. Speaker.

Mr. REICHLEY. On the bill then, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. REICHLEY. May I have a little bit of order, Mr. Speaker? May I have a little bit of order?

The SPEAKER. The House will come to order. The gentleman has a right to be heard. The House will come to order.

Mr. REICHLEY. Thank you, Mr. Speaker.

And again, to echo what I said yesterday, I share the concerns of the gentleman, all members, in fact, who voted against my amendment yesterday, that the issue of the constant hiring of illegal immigrants has to be dealt with and is legally dealt with as a State matter. However, I have concerns about the mechanism which is provided within this bill, and let me try to address that for the members.

Currently under this legislation, under HB 1502, if an employee reports behavior of an employer hiring illegal immigrants and that employee is retaliated against, under this legislation you have 3 years from the point at which the employee knew to bring action against that employer. That is unprecedented under Pennsylvania State law. In fact, it is almost unprecedented throughout the country. Only Rhode Island provides such a lengthy period in which an employee can step forward. Most of the 48 other States say you have got 6 months or 180 days to bring such an action, because they believe that it is unfair for an employer to be kept at such an adverse position for such a lengthy period of time.

In addition, on the issue of treble damages, only one State, Louisiana, provides for the recovery of treble damages by a whistleblower.

Now, let me address specifically for the members here in Pennsylvania that in Pennsylvania you can recover treble damages for a violation of the Unfair Trade Practices Act; you can recover it for a violation of the wiretap act, for the Landlord and Tenant Act, but nothing with regard to the Whistleblower Act or an employment relations act.

And let me further reference the members, for the ladies in the chamber, or not just the ladies in the chamber but all Pennsylvanians, if a public works contractor engages in discriminatory practices against a female employee and an employer reports that, the recovery of damages is restricted to actual lost pay, not treble damages. If I discriminate against an employee because of racial grounds, that employee who reports me for the racially discriminatory behavior is limited to recovery of actual pay and damages, not treble damages.

Now, I see Representative Beyer and others gesturing and gesticulating about their discomfort with me bringing this to bear, to the knowledge of the chamber, but the fact is that the issue of reporting illegal immigration hiring carries a greater penalty than if I reported racially discriminatory behavior or gender-based discrimination behavior as a public contractor. And I question whether the members want to endorse the idea—

The SPEAKER. Will the gentleman yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Allegheny County rise?

Mr. PRESTON. A point of order relative to the rules of our House, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. PRESTON. It is very difficult for me to even say this, but I have listened to the gentleman's statement intently for about the last minute and a half, and on his interrogation and along with our rules of the House, he is stating now questions that he was intentionally pushing. Now he is answering those same questions. So I do not think this whole statement, in a sense, should even be put in the record because of the inaccuracy that he is misleading us on the rules and the questions that he raised during interrogation.

I think it is just a violation. I understand about people allowed to make a statement, but the statement is refuting what he already asked because he knew the answers, and I do not think that under the rules of our House that the statement should be allowed.

The SPEAKER. The Chair thanks the gentleman.

We are listening carefully to the gentleman, Mr. Reichley's debate. The gentleman may proceed.

Mr. REICHLEY. And I appreciate the comments from the gentleman from Allegheny. I was asking the prime sponsor if he was able to relate to the members. Now in the course of my speech, I am trying to inform the members.

Let me get back to the point, though, and it may be uncomfortable for folks.

Again, under the language of this bill, if I engage in racially discriminatory behavior, the damage award provided as a recovery to me, the employee who reports that behavior, would be less than if I report the hiring of illegal immigrants. If I engage against discriminatory behavior based upon gender or ethnicity or religion, the penalty I can recover for reporting that violation is less than what I will recover if I report this kind of activity, and I think that is something for the members to consider in the overall evaluation.

If you believe, as I do, this issue has to be addressed, it should be, but it has to be done with respect and observation as to what we regard as the sufficient penalty for reporting other kinds of illegal and impermissible behavior. And if that is not rectified within this legislation now, I am hopeful the State Senate will try to take up that effort when this bill is over there.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentelady from Northampton County, Representative Beyer.

Mrs. BEYER. Would the maker stand for just a brief interrogation, Mr. Speaker?

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

Mrs. BEYER. Just very quickly, there has been a lot of debate. I am very highly supportive of this bill, and I just want to be clear. As I was reading through it, there is an immunity clause for employers who use the E-Verify system and the other, and if there is a mistake made, could you just briefly discuss the immunity clause for the employer?

Mr. GALLOWAY. Mr. Speaker, the immunity clause is in HB 1503, not in HB 1502.

Mrs. BEYER. Just a brief moment, Mr. Speaker.

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

Mrs. BEYER. Actually, I was looking at the bill summary on HB 1502. I am sorry; it is on page 8. I just want to be clear, because there has been a lot of rhetoric, there have been a lot of comments on the floor this morning, especially as it is unfair, supposedly unfair to employers, and I just wanted to verify for my own purposes and reassurance that there is, in fact, an immunity clause on page 8.

Mr. GALLOWAY. I apologize; yes, it is. We see it.

Mrs. BEYER. And if you could just briefly tell me what that is, just to ensure that I am reading it properly, Mr. Speaker.

Mr. GALLOWAY. If the contractor, employer, gets incorrect information from the employee, he is immune from sanctions.

Mrs. BEYER. On the bill, Mr. Speaker. Thank you.

The SPEAKER. The gentelady may proceed.

Mrs. BEYER. Very simply put, HB 1502 is important for the future of Pennsylvania. As a Republican who represents an urban area in this Commonwealth, we see over and over again an infusion of illegals into areas to work specifically on projects, and it is wrong. It is important for when an employer

or an employee acts in good faith, there is an immunity clause related to this bill, but it is the right thing to do for the future of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady and recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1502. One of the earlier interrogations included some comments by the gentleman from Lehigh that the actions being taken in this legislation to protect whistleblowers who would turn in an employer who has hired an illegal alien and for ensuring that there is no action taken by the employer against that whistleblower who is blowing the whistle on the employer who hired an illegal alien, that what is going to be given back to the employee if there is retribution from his employer was unprecedented in other legislation.

Well, Mr. Speaker, I think with the issue that is facing our State and nation with the illegal alien invasion, it is important that we take unprecedented actions to protect American lives, liberty, and property, Mr. Speaker. I think this legislation and the bill that will follow both are good steps forward on this issue of the illegal alien invasion to try and shut down access to illegal jobs that illegal aliens are coming in the United States and attaining. It is the illegal jobs that are attracting illegal aliens into our State. It is the illegal public benefits that they are tapping into that are attracting illegal aliens into our State. Mr. Speaker, we have to shut the faucet off that is attracting illegal aliens here. This bill takes us in the step of doing that, takes us in the right step, right direction; takes us a step forward in actually trying to shut off access to some of the illegal jobs that are being tapped into that are attracting illegal aliens to Pennsylvania.

So I do support HB 1502 and will be looking forward to its passage. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—188

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

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

NAYS—6

Josephs	O'Brien, M.	Roebuck	Vitali
Manderino	Payton		

NOT VOTING—1

Thomas

EXCUSED—4

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

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

The SPEAKER. The Speaker is going to digress and move to a resolution quickly. We have guests here that need to get on the road.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. MIRABITO called up **HR 829, PN 3855**, entitled:

A Resolution recognizing June 14, 2010, as "National Flag Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lycoming County, Representative Mirabito.

Will the gentleman yield.

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

The Chair recognizes the gentleman from Lycoming County, Representative Mirabito.

Mr. MIRABITO. Thank you, Mr. Speaker.

I rise today to ask you to support HR 829 recognizing June 14 as "National Flag Day" in Pennsylvania. As stated in the resolution, Flag Day was first celebrated in 1877.

GUESTS INTRODUCED

Mr. MIRABITO. I have today with me two special guests who have worked hard to make Flag Day a living reality in Pennsylvania.

The first is Mr. Jon Brennan in the back of the chamber, the Scout Executive for the Susquehanna Council of the Boy Scouts of America. Mr. Brennan is responsible for overseeing 2,700 Boy Scouts in five counties, including Lycoming, Clinton, Union, Snyder, and Northumberland. We know that the Boy Scouts of America work hard to preserve the American tradition of honoring National Flag Day.

Mr. Speaker, I would ask my colleagues to thank Mr. Brennan and the Boy Scouts for the work they do in promoting Flag Day by giving him a warm welcome.

Colleagues, my second guest is Mr. Anthony "Tony" DiSalvo. Tony was born on April 8, 1929, to parents from Italy. Tony's father immigrated to this country in 1898. Tony is now 81.

As I said, in every community there are people who make Flag Day happen. In Williamsport and Lycoming County, Tony has been the go-to man for Flag Day for decades.

Let me tell you how it all began; listen up. Tony was sitting on the curb watching a parade in 1942 with his father. The Army was passing by with the American flag. Tony's father noticed that Tony was still sitting on the curb. Tony's father grabbed him by the neck, held him up, and told him, "You are supposed to stand when the flag comes by." Tony stood up. Once the Army passed, Tony sat back down on the curb. He could see the Boy Scouts coming up behind the Army with the flag. Before his father could say anything, Tony jumped to his feet, like a good Italian boy, and saluted the flag. His father noticed it and said, "That's a nice boy. You should join the Boy Scouts," and Tony did. That was 1942, and he has been an active leader in Scouting, and still is, for 68 years.

Tony became an Eagle Scout at the age of 16, and he was appointed a Distinguished Eagle Scout by the Boy Scouts of America in 1982.

He organized the first Flag Day march in Williamsport with 125 participants. That was 1983, 27 years ago. Since that day, every June 14 Tony has organized a Flag Day march in our community. Today the marches attract over 1,000 people. He has organized and raised over \$80,000 to purchase a 30-foot-by-60-foot flag that stands in Williamsport. It is quite remarkable when you consider that he has done this for 27 years on his own initiative.

Listen to this, colleagues. Tony told me that he organized the first Flag Day march because some individuals approached him about changing the Constitution to make it illegal to burn the flag. Tony told them, you do not have to change the Constitution or pass laws. You have to educate the youth. For 68 years as a Boy Scout leader, for 27 years as a community leader, Tony has kept the tradition of Flag Day alive. He has educated the youth.

Tony, on behalf of the flag and all of Pennsylvania, we say thank you, and we salute you for what you have done.
Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti	Cruz	Oliver	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

STATEMENT BY MR. JOHNSON

GUESTS INTRODUCED

The SPEAKER. For what purpose does the gentleman from Philadelphia, Representative Johnson, rise?

Mr. JOHNSON. Unanimous consent, Mr. Speaker.

The SPEAKER. The Chair grants the gentleman unanimous consent, without objection.

Mr. JOHNSON. Thank you.

Mr. Speaker, thank you for just giving me this opportunity to personally acknowledge my guests who are here today.

In the back of the gallery, I have representatives from the African Caribbean Education and Support program, which is now called the African Center for Education and Sustainability.

I want to personally thank all members of the House, Democrat and Republican, for yesterday voting and approving HR 816, which was a noncontroversial resolution under rule 35, designating June 7, 2010, as the "Day of African and Caribbean Children" in the State of Pennsylvania.

I worked very closely with the representatives who are here today, and I am honored to have been given the opportunity to carry forth the resolution. So I just wanted to publicly acknowledge all members of the House for supporting this resolution on behalf of the African Caribbean Education and Support program.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—188

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

NAYS—7

Josephs	O'Brien, M.	Roebuck	Vitali
Manderino	Payton	Thomas	

NOT VOTING—0

EXCUSED—4

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

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

RESOLUTION PURSUANT TO RULE 35

Mr. BOYLE called up **HR 832, PN 3840**, entitled:

A Resolution designating the week of June 13 through 19, 2010, as "State Veterans' Home Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti	Cruz	Oliver	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER. The Chair recognizes the majority leader, who moves, pursuant to rule 24, that members have had sufficient time to review the language and that the House proceed with consideration of HB 1926, PN 3854.

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

The following roll call was recorded:

YEAS—180

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

NAYS—15

Creighton	Grell	Milne	Samuelson
Cutler	Hutchinson	Perry	Schroder
Delozier	Metcalfe	Rapp	Swanger
Gabler	Metzgar	Roae	

NOT VOTING—0

EXCUSED—4

Belfanti Cruz Oliver True

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1926, PN 3854**, 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1246, PN 1703**, entitled:

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.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Keller. Is the gentleman withdrawing his amendments? The Chair thanks the gentleman.

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

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House.

RESOLUTION PURSUANT TO RULE 35

Mr. DALEY called up **HR 834, PN 3842**, entitled:

A Resolution extending condolences on the death of Sergeant Nathan P. Kennedy of Claysville, who was killed in action on April 27, 2010, in Afghanistan.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Washington County, Representative Daley, on the resolution.

Mr. DALEY. Thank you, Mr. Speaker.

I think one of the most humbling experiences I have ever had was driving into Gene DePasquale's district, going down North George Street by Prospect Hill Cemetery, seeing the hundreds of flags that a guy named Jack Summer places. Those flags represent a fallen Pennsylvanian that has died in the Iraq or Afghanistan battles.

Today I am here asking you to join with me in honoring the memory of a young man named Sgt. Nathan P. Kennedy with this HR 834.

As I stand before you, and to my rear and in front of you, is "The Apotheosis." It shows General Meade leading soldiers into battle, the Battle of Gettysburg. It shows Gen. "Mad" Anthony Wayne. It shows patriots. And in the rear of the House, probably the most famous and the most valuable painting we have is General von Steuben training Pennsylvanians at Valley Forge before they went on to attack the British. Those are Pennsylvania faces. And today, like Representative Kauffman in the memory of Lance Cpl. Michael L. Freeman, Jr., I want to talk to you about a Pennsylvanian, one of us.

To date, if you count the people in this room, all of us, including staff, Speaker, all of us, there are about 250 Pennsylvanians in this room, and to date, 241 Pennsylvanians have given their lives, men and women, defending our freedoms, just like the men and the women on "The Apotheosis" and on the very famous painting in the back.

Nathan was 24 years old, a great kid – I met him as chairman of the House Agriculture Committee – from Claysville, a little town on Route 40 on the National Pike, the furthestmost point in Washington County. Two miles and you go into West Virginia. He was killed in action on April 27, 2010, near Quarando Village in Afghanistan, of wounds sustained when enemy forces attacked him using small-arms fire.

To date, over 4,400 Americans have died. A thousand of those have been in Afghanistan. Sergeant Kennedy was assigned to the 2d Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, Colorado.

He graduated in 2004, like all our neighbors, just a young kid, from McGuffey High School, and he would have turned 25 on May 5 – too young, too young to die.

Sergeant Kennedy was like the kid that we all know. He was a standout wrestler at McGuffey High School. He earned the third Section 5 championship in the 135-pound weight class of the WPIAL/Southwest Region Class AAA during his 2002-2003 year. He was unable to defend his championship because he suffered an injury in practice.

Army Sgt. Nathan Kennedy was proud. He was a third-generation soldier, and he was trained as a sniper, an Army Ranger. He enlisted 4 years ago, saw combat operations in Iraq, and had just reenlisted for another 4-year term.

He was highly decorated: two Army Achievement Medals, Army Good Conduct Medal, National Defense Service Medal, two Army Commendation Medals, Afghan Campaign Medal with Campaign Star, Iraq Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, NATO (North Atlantic Treaty

Organization) Medal, Ranger Tab, Combat Infantry Badge, Expert Infantry Badge, and the family was presented on the day they buried Nathan with the Purple Heart and the Bronze Star.

His father, if you look to the right, there are no seats with his family here today. His family is very, very, very shy, they love their privacy, but we are doing this today to honor Nathan. His father, Joseph Kennedy, I asked him if he wanted to be here. He said no. He said, "I'm doing this very privately." His grandmother, Mary Lou Kennedy; his aunt, Jane Kennedy; his twin sister, Noelle, who just had a little baby – they wanted their privacy, and we respect that privacy.

His mom, Penelope, died 9 years ago of cancer. April 27 was her birthday. April 27 is the same day his family was informed that he died in Afghanistan. They buried Nathan along the National Pike in Claysville along with Revolutionary War soldiers and Civil War soldiers, World War I, II, Korea, Vietnam – all that have fought. They buried him next to his mom, Penelope. They buried him on Mother's Day.

God bless the memory of Nathan Kennedy. God bless and protect all our young men and women in harm's way. God bless America. Thank you very much.

The SPEAKER. Members and guests will please rise as a sign of respect for the fallen soldier.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Sgt. Nathan P. Kennedy.)

The SPEAKER. Members and guests may please be seated. The Sergeants at Arms may open the doors of the House.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Belfanti Cruz Oliver True

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

GUESTS INTRODUCED

The SPEAKER. I think this group has exited the balcony already, but I will read their visit into the record.

The Chair would like to welcome the Alpha Kappa Alpha Sorority, Inc., Epsilon Sigma Omega Chapter. They are the guests of Representatives Ron Waters and Joe Preston. Welcome to the hall of the House.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 2432, PN 3571

By Rep. GERGELY

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for salary of corrections managers.

LABOR RELATIONS.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 761, PN 3598

By Rep. GERGELY

A Resolution offering the support and recommendation of the House of Representatives for the use of project labor agreements for all publicly funded or guaranteed public works construction, alteration, renovation, demolition, excavating and paving projects in this Commonwealth.

LABOR RELATIONS.

The SPEAKER. The resolution will go to the House calendar.

RESOLUTION

Mr. EACHUS called up **HR 380, PN 2300**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and to issue a report on the status of and any disparities found in dental care for Pennsylvanians with disabilities.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 380 be removed from the active calendar and placed on the tabled bill calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 380 be removed from the tabled bill calendar and placed on the active calendar.

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

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
June 7, 2010

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

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

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

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

INSURANCE COMMITTEE MEETING

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

Mr. DeLUCA. Thank you, Mr. Speaker.

At the recess the Insurance Committee will have a voting meeting in 205, the Ryan Building – 205 Ryan Building – at the call of the recess.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Insurance will meet in 205 Ryan at the call of the recess.

JUDICIARY COMMITTEE MEETING

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

The House Judiciary Committee will meet in 60 East Wing with a piece of legislation at the call of the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet in 60 East Wing at the break.

STATEMENT BY MRS. BROOKS

The SPEAKER. For what purpose does the gentledady from Mercer County, Representative Brooks, rise?

Mrs. BROOKS. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentledady is granted unanimous consent, without objection.

Mrs. BROOKS. Thank you, Mr. Speaker.

On behalf of the residents of the 17th Legislative District, I would like to thank you, Mr. Speaker, for your very pointed letter in helping to try and resolve a situation that could negatively impact thousands of residents of this great State.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Northampton County, Representative Freeman. For what purpose does the gentleman rise?

Mr. FREEMAN. Thank you, Mr. Speaker.

For an announcement.

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

Mr. FREEMAN. I would like to announce an immediate meeting of the House Local Government Committee in room

G-50 of the Irvis Building upon the break. And I wish to inquire of the Speaker whether he intends to leave the desk open to receive reports from committee.

The SPEAKER. Will the gentleman come to the dais.

Mr. FREEMAN. Sure.

Again, just announcing that the Local Government Committee will meet in room G-50 of the Irvis Building immediately upon the break.

The SPEAKER. Local Government will meet in room G-50 of the Irvis Building immediately upon the break.

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. For the information of the members, the Speaker is about to adjourn regular session and will be gaveling in for special session at 1:35 p.m.

So on the motion to adjourn, the Chair recognizes Representative Bradford from Montgomery County, who moves that this House do now adjourn until Wednesday, June 9, 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 1:34 p.m., e.d.t., the House adjourned.