

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 9, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 32

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us bow our heads and humble our hearts in prayer:

Dear Lord, we thank You for this day. We thank You for being able to see and to hear this morning. We are blessed because You are forgiving and an understanding God. You have done so much for us, and You keep on blessing us.

We ask now for Your forgiveness for everything we have done, said, or thought that was not pleasing to You. Please keep us safe from all danger and harm. Help us to start this day with a new attitude and plenty of gratitude. Let us make the best of each and every day to clear our minds so that we can hear from You.

Please broaden our minds so that we can accept and understand Your will for our lives and as a nation and State. Let us not complain or be anxious about things over which we have no control.

Let us continue to see sin through Your eyes and acknowledge it is evil, and let us be reminded of Your Scripture that says, "Woe to those who call evil good and good evil." And when we sin, let us repent and confess our wrongdoings with our mouths until we receive Your forgiveness.

And when this world closes in on us, let us remember Your example to slip away and find a quiet place to pray. It is the best response when we have been pushed beyond our limits, when we know that when we do pray, You listen to our hearts. Continue to use us to do Your will. Restore a right spirit within us.

Continue to bless us that we may be a blessing to others. Keep us strong that we may help the weak. Keep us uplifted that we may have words of encouragement for others. We pray for those who are lost and cannot find their way. We pray for those who are misjudged and misunderstood. We pray for those who do not know You intimately, and we pray for those who do not believe. We thank You that we believe.

We believe that You change people and change things. We pray for our government and elected officials as well as the judiciary and their staff. May they be faithful and obedient to You in their service and leadership.

We pray in thanksgiving that there is no problem, circumstance, or situation greater than You. Every battle is in Your hands for You to fight. Be with our troops and protect them from harm.

This we pray in the name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

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

The SPEAKER. Members, please report to the floor.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, June 8, 2010, will be postponed until printed. The Chair hears no objection.

SPECIAL ORDER OF BUSINESS

SWEARING-IN OF NEW MEMBERS

The SPEAKER. The House will come to order. Members and guests will please take their seats. We are about to swear in three new members to the General Assembly.

Members will please take their seats.

ELECTION RETURNS PRESENTED

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, Mr. Thomas Weaver, Executive Deputy Secretary of the Pennsylvania Department of State.

The SPEAKER. The Chair recognizes the gentleman, Mr. Weaver.

Mr. WEAVER. Thank you, Mr. Speaker.

Mr. Speaker, I have the privilege and honor of presenting the returns for the special elections held on May 18, 2010, in the legislative districts the 20th, the 138th, and the 147th and the certificate of election expenses.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. The Chair extends the thanks of the House to the gentleman.

The clerk will proceed with the reading of the returns and certification.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the twentieth Legislative District, as the same have been certified to and filed with my office by the Allegheny County Board of Elections. Adam J. Ravenstahl, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this seventh day of June in the year of our Lord two thousand ten and of the Commonwealth the two hundred thirty-fourth.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

OFFICIAL

RESULTS

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
20th Legislative District

May 18, 2010

| | <u>Votes</u> |
|------------------------------------------------------------------|--------------|
| <u>DEMOCRATIC</u> | |
| Adam J. Ravenstahl 4455 Highridge St. Pittsburgh, PA 15214 | 5,789 |

| | |
|----------------------------------------------------------|-------|
| <u>REPUBLICAN</u> | |
| Alex Dubart 346 Kohlman Drive Pittsburgh, PA 15214 | 2,533 |

| | |
|----------------------------------------------------------|-----|
| <u>LIBERTARIAN</u> | |
| Daryl Putman 4416 Milgate St. Pittsburgh, PA 15224 | 888 |

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
June 7, 2010

* * *

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the one hundred forty-seventh Legislative District, as the same have been certified to and filed with my office by the Montgomery County Board of Elections. Marcy Toepel, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this seventh day of June in the year of our Lord two thousand ten and of the Commonwealth the two hundred thirty-fourth.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

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OFFICIAL

RESULTS

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
147th Legislative District

May 18, 2010

| | <u>Votes</u> |
|---------------------------------------------------------------|--------------|
| <u>DEMOCRATIC</u> | |
| Robert Dodge 206 Hampton Circle Gilbertsville, PA 19525 | 1,955 |

| | |
|---------------------------------------------------------------|-------|
| <u>REPUBLICAN</u> | |
| Marcy Toepel 307 Hampton Circle Gilbertsville, PA 19525 | 3,829 |

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
June 7, 2010

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COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the one hundred thirty-eighth Legislative District, as the same have been certified to and filed with my office by the Northampton County Board of Elections. Marcia Hahn, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this seventh day of June in the year of our Lord two thousand ten and of the Commonwealth the two hundred thirty-fourth.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

OFFICIAL

RESULTS

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
138th Legislative District

May 18, 2010

| | <u>Votes</u> |
|------------------------------------------------------------|--------------|
| <u>DEMOCRATIC</u> | |
| Cory D. Miller 326 Hillview Drive Nazareth, PA 18064 | 1,181 |

| | |
|--------------------------------------------------------------|-------|
| <u>REPUBLICAN</u> | |
| Marcia Hahn 136 East Northampton Street Bath, PA 18014 | 4,119 |

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
June 7, 2010

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 20th District in the Special Election held May 18, 2010, Adam J. Ravenstahl, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of the Secretary of the Commonwealth this seventh day of June, 2010.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 147th District in the Special Election held May 18, 2010, Marcy Toepel, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of the Secretary of the Commonwealth this seventh day of June, 2010.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 138th District in the Special Election held May 18, 2010, Marcia Hahn, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of the Secretary of the Commonwealth this seventh day of June, 2010.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

The SPEAKER. The election returns and the certifications will be printed in full in today's Journal.

COMMITTEE APPOINTED TO ESCORT MEMBERS-ELECT

The SPEAKER. The Chair appoints the gentleman from Luzerne County, Mr. Eachus, and the gentleman from Jefferson County, Mr. Smith, as a committee to escort the members-elect to the rostrum as their turn arrives.

The oath of office will be administered to the Representatives-elect in the following order: Representative-elect Adam Ravenstahl, the 20th District; Representative-elect Marcy Toepel, the 147th District; Representative-elect Marcia Hahn, the 138th District.

The escort committee will proceed with the performance of its duties and escort Representative-elect Adam Ravenstahl to the rostrum.

OATHS OF OFFICE ADMINISTERED

The SPEAKER. The Chair recognizes the chairman of the committee, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I have the honor and distinct pleasure of presenting Representative-elect Adam Ravenstahl.

The SPEAKER. The oath of office will now be administered to Representative-elect Ravenstahl by the Honorable Robert Ravenstahl, Jr., magisterial district justice.

JUDGE RAVENSTAHL. All right. Raise your right hand and repeat after me, please: I, Adam Ravenstahl, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE RAVENSTAHL. Congratulations.

The SPEAKER. The gentleman from Allegheny County may take your seat and prepare to cast your first vote.

* * *

The SPEAKER. The escort committee will now escort Representative-elect Marcy Toepel to the rostrum, and the Chair recognizes the chairman of the committee, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I have the honor and the distinct pleasure of presenting Representative-elect Marcy Toepel. Marcy.

The SPEAKER. The oath of office will now be administered to Representative-elect Toepel by the Honorable Maurice Saylor, magisterial district justice. Judge.

JUDGE SAYLOR. Marcy, raise your right hand and repeat after me: I, Marcy Toepel, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE SAYLOR. Congratulations.

The SPEAKER. The gentlelady from Montgomery County may take her seat and prepare to cast her first vote.

* * *

The SPEAKER. The escort committee will now escort Representative-elect Marcia Hahn to the rostrum.

The Chair recognizes the chairman of the committee, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I have the honor and distinct pleasure of presenting Representative-elect Marcia Hahn. Marcia.

The SPEAKER. The oath of office will now be administered to Representative-elect Hahn by the Honorable Judge Craig Dally, Northampton County judge, Court of Common Pleas. Welcome to the House, Judge.

JUDGE DALLY. Thank you for that. That was nice.

If you would raise your right hand, please, and repeat after me: I, Marcia Hahn, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE DALLY. Congratulations.

The SPEAKER. The gentlelady from Northampton County may take her seat and prepare to cast her first vote.

REMARKS BY SPEAKER

The SPEAKER. The Speaker would like to offer a most sincere welcome on the beginning of a great journey to our three newly sworn-in members. This probably is the first time in the history of the House – it is a history-making day – that we have sworn in three members to the House of Representatives as the result of a special election. And while the circumstances may be unique for the swearing-in today, the people coming to serve are even more distinctive.

Adam Ravenstahl comes from a very proud political family in the great city of Pittsburgh and will fill the seat once held by his grandfather, and his grandfather is here, Robert Ravenstahl. Robert, will you please rise? A former member of this House. We all recall that the seat was recently vacated by Don Walko, who is now a common pleas judge as well.

His father swore him in. What a special, special tribute and a special feeling his father must have swearing his son in to the House of Representatives. He is a district magistrate, and if you look at him you can tell he is also a high school football coach. His brother, of course, we all know his brother, Luke Ravenstahl, mayor of the second largest city in Pennsylvania – Pittsburgh, Pennsylvania. Mayor, welcome to the hall of the House.

Adam graduated from North Catholic High School in Pittsburgh and went on to Robert Morris University in Pittsburgh and worked for the University of Pittsburgh Medical Center. We are glad to finally get him east of the Squirrel Hill Tunnel and here in Harrisburg. Welcome to the hall of the House.

Marcia Hahn – no stranger to the General Assembly. She fills the shoes of her former boss, Craig Dally, and we are delighted to have Judge Dally here with us.

She brings nearly three decades of experience from Northampton County as a legislative assistant to Craig Dally. And certainly for many of the members here, the legendary Len Gruppo, she worked for Lenny Gruppo as well, and Lenny is in the back. Welcome to the hall of the House, Len. All of us, every single member on this floor, certainly know that the legislative assistants are really the ones that get the work done for all of us.

And Marcy Toepel – she brings a lot of experience as well in public service in replacing Bob Mensch from two different arenas, both the Montgomery County Courthouse and her time serving on the Boyertown School Board. But the thing that struck me the most is that she has five children, so the Speaker is going to be counting on her to help keep order in this House, as I am sure she has been good at doing that in her own house.

To the three members, let me just say that it is easy to be awed by the 327-year history of the Pennsylvania General Assembly. And to be very candid with you, it is easy to be overwhelmed by this spectacular chamber and the most beautiful Capitol Building in the nation. In my 28 years serving in the General Assembly, there has not been a day where I am still not in awe of this magnificent building and room that we serve.

You will be joining us in honoring the past and the rules of civility laid down by men like William Penn and Benjamin Franklin, who both served in this august body. You will all three be ascending a grand stage, but never forget the people that sent you here. You are the face of State government for people who are intimidated by State government, for people who are not sure as to where to turn for help, oftentimes, and may not know that help is available to them. It is for those regular working folks back home that you are here and the reason that we are all here – not the special interest groups but for the one person back home who needs help and does not know where to turn; not the giant organizations but the working family back home that is depending on you to do the best for them.

You were sent here to make the right decisions, not the easy decisions. You stand for more than 60,000 men, women, and children that elected you, that depend on you to make those tough decisions. You are three very different people, but you must share one common goal with your 200 new colleagues: to do the very best for the people that granted you their trust in you to serve them.

You are joining us at a very historic time, a very difficult time, one of the toughest budget years in the history of the legislature. Your very first substantive vote could very well be the State's multibillion-dollar budget. So with that being said, I am sure you understand you are going to be hitting the ground running. And if I could coin a phrase from the Navy Seals, they have a very apropos motto: "The only easy day was yesterday."

So on behalf of all of your colleagues, I proudly welcome you and your ideas and your energy and your dedication to this House of Representatives. Congratulations on your new journey.

GUESTS WELCOMED

The SPEAKER. The Chair would also like to welcome all of the family and guests of all the members sworn in today. 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, the majority whip, Representative Dermody, who requests a leave of absence for: Representative OLIVER from Philadelphia County for the day; Representative DeLUCA from Allegheny County for the day; Representative CRUZ from Philadelphia County for the day; Representative GERBER from Montgomery County for the day; Representative PASHINSKI from Luzerne County for the day. Without objection, the leaves will be granted.

The Chair notes there are no leave requests for the Republicans.

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—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|--------|--------|-----------|
| Cruz | Gerber | Oliver | Pashinski |
| DeLuca | | | |

LEAVES ADDED—5

| | | | |
|-------------|--------|---------|---------|
| Benninghoff | Harper | Killion | Pallone |
| Creighton | | | |

LEAVES CANCELED—1

Gerber

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

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. HOUGHTON called up **HR 839, PN 3856**, entitled:

A Resolution designating the month of June 2010 as "Dairy Farmers Appreciation Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

| | | | |
|--------|-----------|-----------|----------|
| Adolph | Fairchild | Maher | Reichley |
| Baker | Farry | Mahoney | Roae |
| Barbin | Fleck | Major | Rock |
| Barrar | Frankel | Manderino | Roebuck |
| Beer | Freeman | Mann | Rohrer |

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

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|--------|--------|-----------|
| Cruz | Gerber | Oliver | Pashinski |
| DeLuca | | | |

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

* * *

Mr. BRIGGS called up **HR 840, PN 3857**, entitled:

A Resolution designating June 13, 2010, as "Alex's Lemonade Stand Day" in Pennsylvania and encouraging all citizens to contribute to the Alex's Lemonade Stand Foundation and other pediatric cancer research programs.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|--------|--------|-----------|
| Cruz | Gerber | Oliver | Pashinski |
| DeLuca | | | |

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

* * *

Ms. BOBACK called up **HR 842, PN 3859**, entitled:

A Resolution designating the month of June 2010 as "Pennsylvania Animal Shelter Appreciation Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|--------|--------|-----------|
| Cruz | Gerber | Oliver | Pashinski |
| DeLuca | | | |

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

GUESTS INTRODUCED

The SPEAKER. In the well of the House, the Chair would like to welcome Brianda Freistat, serving as a guest page today. She is the guest of Representative Tom Murt. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome Tom Collins, Sylvia Decker, and Margaret Hunsicker, who are volunteers in Representative Bradford's district office. Will the guests please rise. They are the guests of Representative Bradford. Welcome to the hall of the House.

Also in the balcony, the Chair would like to welcome Darrell Roberts. He is the director of the national Helmets to Hardhats program, which facilitates the employment of wounded veterans returning from Iraq and Afghanistan. He is the guest of Representative Nick Miccarelli. Will the guest please rise. Welcome to the hall of the House.

Also in the balcony, the Chair would like to welcome Charles Meeker II, a student of Lincoln Junior/Senior High School in Ellwood City, and his parents, Charles Meeker, Sr. and Lori Tillia-Meeker, and his sister, Elenor Meeker. They are the guests of Representative Jaret Gibbons and Representative Harry Readshaw. Will the guests please rise. Welcome to the hall of the House.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2240, PN 3852**, entitled:

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome Ken and Pat Kessler, who are the guests of Representative Killion. Where are they seated, Representative? In the balcony? Will the guests please rise. Welcome to the hall of the House.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative John Myers, for the purpose of announcing a committee meeting.

Mr. MYERS. Thank you, Mr. Speaker.

I would like to announce that at the break there will be an immediate meeting of the Health and Human Services

Committee in room 205, Ryan Office Building – room 205, Ryan Office Building; Health and Human Services.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Health and Human Services will meet in room 205 of the Ryan Building at the break.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman from Montgomery County, Representative Briggs, rise?

Mr. BRIGGS. Just to add some written remarks to the record.

The SPEAKER. The gentleman is in order. Present the remarks to the clerk.

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

Thank you, Mr. Speaker. I rise to ask my colleagues to join me in paying tribute to a wonderful young lady, Alexandra "Alex" Scott, who resided in my legislative district with her parents and brothers. HR 840 is a resolution designating June 13, 2010, "Alex's Lemonade Stand Day" in Pennsylvania.

Alex was diagnosed with a childhood cancer just before her first birthday in 1997. After enduring extensive chemotherapy, surgery to eliminate her tumor, a stem cell transplant, and experimental treatment, Alex thought only about others. She selflessly decided she wanted to set up a lemonade stand and give the money raised to her doctors for research in an effort to help other children also fighting cancer.

Alex's first stand raised \$2,000, which she donated to pediatric cancer research efforts at Children's Hospital of Philadelphia. Alex's goal was to raise \$1 million, and thus she inspired others to join her cause. Since Alex set up that first stand, there have been thousands more held across the nation, resulting in over \$30 million being raised for the Alex's Lemonade Stand Foundation, which was formed in 2005 in tribute to carrying on Alex's goal. Alex passed away in 2004 at the age of eight.

Today cancer is the leading cause of death by disease for children under 15 years of age. However, due to advances in oncological research, the cure rate has risen to an impressive 80 percent. The establishment of "Alex's Lemonade Stand Day" will allow this trend to continue by encouraging Pennsylvanians to support the Alex's Lemonade Stand Foundation. Thank you.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have several announcements.

The Appropriations Committee will meet at 12 noon in the majority caucus room, Democrats will convene in the majority caucus room at 12:15, and our goal is to return to the floor at 1:30.

The SPEAKER. The Appropriations Committee will meet in the majority caucus room at 12 noon.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 12:15. I would ask Republican members to please report to our caucus room for a very important caucus. We will have some budget discussions. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

VOTE CORRECTION

The SPEAKER. Any further announcements?

For what purpose does the gentleman from Lehigh, Representative Reichley, rise?

Mr. REICHLEY. Mr. Speaker, to correct the record from yesterday.

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

Mr. REICHLEY. On HB 1502 on final passage, I was recorded in the affirmative. I wish to be recorded in the negative, Mr. Speaker.

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

Appropriations at 12 noon in the majority caucus room; caucus at 12:15; back to the floor at 1:30.

Any further announcements?

RECESS

The SPEAKER. This House stands in recess until 1:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2 p.m.; further extended until 2:30 p.m.

AFTER RECESS

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

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2564 By Representatives SAYLOR, CALTAGIRONE, MARSICO, BELFANTI, MILLER, PICKETT, REICHLEY and SWANGER

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, amending the heading of Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive revisions to The Private Detective Act of 1953; codifying the Lethal Weapons Training Act; further providing for the definition of "privately employed agents"; providing for the continuation of certain licenses; making an appropriation; and making related repeals.

Referred to Committee on PROFESSIONAL LICENSURE, June 9, 2010.

No. 2565 By Representatives HORNAMAN, BOBACK, BROOKS, DeLUCA, GOODMAN, HOUGHTON, KORTZ, LENTZ, MURT, SWANGER, VULAKOVICH and WANSACZ

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for the compensation of members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, June 9, 2010.

No. 2566 By Representatives CHRISTIANA, BARRAR, BELFANTI, CREIGHTON, GEIST, GINGRICH, HARKINS, O'NEILL, RAPP and VULAKOVICH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, providing for power to advertise schools.

Referred to Committee on EDUCATION, June 9, 2010.

No. 2567 By Representatives BRENNAN, BENNINGHOFF, CALTAGIRONE, D. COSTA, DONATUCCI, FAIRCHILD, FARRY, FREEMAN, GRUCELA, HARKINS, HOUGHTON, MARSHALL, MURPHY, MYERS, PALLONE, PARKER, PYLE, STABACK, WHEATLEY, FLECK and K. SMITH

An Act authorizing leave of absence from employment for veterans on Veterans Day.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 9, 2010.

No. 2568 By Representatives VULAKOVICH, BOYD, BRADFORD, CALTAGIRONE, CLYMER, D. COSTA, CUTLER, EVERETT, GROVE, KAUFFMAN, METCALFE, MURT, PICKETT, RAPP, REESE, REICHLEY, ROAE, ROSS, SAYLOR, SCAVELLO, SIPTROTH, STEVENSON, SWANGER and TURZAI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an individual health insurance tax credit.

Referred to Committee on FINANCE, June 9, 2010.

No. 2569 By Representatives R. TAYLOR, BRIGGS, BRADFORD, BRENNAN, CARROLL, CASORIO, DALEY, DONATUCCI, FRANKEL, GIBBONS, GINGRICH, GRUCELA, LENTZ, McGEEHAN, McILVAINE SMITH, MELIO, MURT, M. O'BRIEN, PAYTON, ROCK, SANTARSIERO, SIPTROTH, WAGNER and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in safe schools, further providing for policy relating to bullying; and providing for Department of Education requirements and responsibilities.

Referred to Committee on EDUCATION, June 9, 2010.

SENATE BILLS FOR CONCURRENCE

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

SB 1145, PN 1522

Referred to Committee on JUDICIARY, June 9, 2010.

SB 1161, PN 2030

Referred to Committee on JUDICIARY, June 9, 2010.

SB 1275, PN 1764

Referred to Committee on JUDICIARY, June 9, 2010.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **HB 48, PN 3850**.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 904, PN 2029**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 987, PN 1756**.

BILL SIGNED BY SPEAKER

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

SB 987, PN 1756

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Washington County Authority, certain lands situate in Cecil Township, Washington County.

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

BILLS REREPORTED FROM COMMITTEE**HB 708, PN 787**

By Rep. D. EVANS

An Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; and prescribing penalties.

APPROPRIATIONS.

HB 726, PN 3797

By Rep. D. EVANS

An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for Pennsylvania Amber Alert System established, for prohibited use, for coordination with other jurisdictions and for immunity; and creating the Missing Endangered Person Advisory System.

APPROPRIATIONS.

HB 907, PN 1026

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

APPROPRIATIONS.

HB 1639, PN 3705

By Rep. D. EVANS

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

APPROPRIATIONS.

HB 1865, PN 3590

By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for oncology benefit design.

APPROPRIATIONS.

HB 2234, PN 3795

By Rep. D. EVANS

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

APPROPRIATIONS.

HB 2305, PN 3632

By Rep. D. EVANS

An Act designating the bridge that connects South Williamsport to Williamsport, known as the Market Street Bridge, carrying U.S. Route 15 over the Susquehanna River in Loyalsock Township, Lycoming County, as the Carl E. Stotz Memorial Little League Bridge.

APPROPRIATIONS.

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****SB 301, PN 300**

By Rep. STABACK

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for license fee for deployed Pennsylvania National Guard members and for resident license and fee exemptions.

GAME AND FISHERIES.

SB 535, PN 542

By Rep. STABACK

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license requirements.

GAME AND FISHERIES.

SB 1155, PN 1922

By Rep. FREEMAN

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

LOCAL GOVERNMENT.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 1764, PN 3881 (Amended)** By Rep. McGEEHAN

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for medical diagnosis; and providing for liability insurance.

PROFESSIONAL LICENSURE.

HB 2175, PN 3880 (Amended) By Rep. CALTAGIRONE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for suspension of operating privilege.

JUDICIARY.

HB 2363, PN 3425

By Rep. DALEY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, in officers, directors and members relating to nonprofit corporations, further providing for manner of giving notice.

COMMERCE.

HB 2477, PN 3882 (Amended) By Rep. FREEMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of the convention center authority.

LOCAL GOVERNMENT.

HB 2521, PN 3753

By Rep. FRANKEL

An Act providing for anatomic pathology service disclosure.

INSURANCE.

HB 2547, PN 3826

By Rep. DALEY

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

COMMERCE.

HB 2556, PN 3837

By Rep. FREEMAN

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

LOCAL GOVERNMENT.

LEAVES OF ABSENCE

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

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests a leave of absence for Representative HARPER from Montgomery County for the remainder of the day and Representative CREIGHTON from Lancaster County for the remainder of the day. Without objection, the leaves will be granted.

SUPPLEMENTAL CALENDAR A**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2305, PN 3632**, entitled:

An Act designating the bridge that connects South Williamsport to Williamsport, known as the Market Street Bridge, carrying U.S. Route 15 over the Susquehanna River in Loyalsock Township, Lycoming County, as the Carl E. Stotz Memorial Little League Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 907, PN 1026**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

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

Mr. **BENNINGHOFF** offered the following amendment No. **A07481**:

Amend Bill, page 1, line 7, by striking out "a paragraph" and inserting

paragraphs

Amend Bill, page 1, by inserting between lines 15 and 16
(20) The defendant perpetrated a sexually violent offense as defined in section 9792 (relating to definitions) against the victim and, at the time of the killing, the defendant was required to register pursuant to Subchapter H (relating to registration of sexual offenders).

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

BILL AND AMENDMENT
PASSED OVER TEMPORARILY

The SPEAKER. We will go over the bill and the amendment temporarily.

* * *

The House proceeded to second consideration of **HB 1639, PN 3705**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

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

Ms. **MANDERINO** offered the following amendment No. **A07500**:

Amend Bill, page 21, line 17, by striking out "**AN ORDER OF CUSTODY, PARTIAL CUSTODY OR VISITATION**" and inserting any order of custody

Amend Bill, page 25, lines 26 and 27, by striking out all of said lines and inserting

(c) Form.—If the court orders the parties to propose a parenting plan, it shall be submitted to the court in substantially the following form:

CAPTION
PARENTING PLAN

This parenting plan involves the following child/children:

| Child's Name | Age | Where does this child live? |
|--------------|-------|-----------------------------|
| 1..... | | |
| 2..... | | |
| 3..... | | |

If you have children not addressed by this parenting plan, name here:

| Child's Name | Age | Where does this child live? |
|--------------|-------|-----------------------------|
| 1..... | | |
| 2..... | | |
| 3..... | | |

Legal Custody (who makes decisions about certain things):

Circle one

- Diet..... Both parties decide together / Plaintiff / Defendant
- Religion..... Both parties decide together / Plaintiff / Defendant
- Medical Care... Both parties decide together / Plaintiff / Defendant
- Mental Health Care... Both parties decide together / Plaintiff / Defendant
- Discipline..... Both parents decide together / Plaintiff / Defendant
- Choice of School.... Both parents decide together / Plaintiff / Defendant
- Choice of Study.... Both parents decide together / Plaintiff / Defendant
- School Activities... Both parents decide together / Plaintiff / Defendant
- Sports Activities... Both parents decide together / Plaintiff / Defendant
- ADDITIONAL ITEMS... Both parents decide together / Plaintiff / Defendant

Explain what process you will use to make decisions?
(For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline)

PHYSICAL CUSTODY (where the child/children live)

The child's/children's residence is with.....
Describe which days and which times of the day the child/children will be with each person:

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY
FRIDAY SATURDAY

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

DROP-OFF
WHERE.....
WHEN.....

PICK-UP
WHERE.....
WHEN.....

If one of you doesn't show up, how long will the other wait?.....
If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

HOLIDAYS
Where will the child/children stay?

| HOLIDAY | YEAR A | YEAR B | EVERY YEAR |
|-----------------------------|--------|--------|------------|
| Martin Luther King Day | | | |
| President's Day | | | |
| Easter | | | |
| Memorial Day | | | |
| Fourth of July | | | |
| Labor Day | | | |
| Yom Kippur | | | |
| Rosh Hashanah | | | |
| Thanksgiving | | | |
| Vacation after Thanksgiving | | | |
| Christmas Vacation | | | |
| Kwanzaa | | | |
| New Year's Eve/Day | | | |
| Spring Vacation | | | |
| Easter Sunday | | | |
| Child's Birthday | | | |

Mother's Day
 Father's Day
 Other
 Other
 Other
 Summer Vacation Plans

Special Activities or School Activities

| | | |
|--------------|----------|-----------------------------------|
| | | Will both of you attend? |
| Child's Name | Activity | If not, which of you will attend? |
| | | |
| | | |
| | | |

TEMPORARY CHANGES TO THIS PARENTING SCHEDULE

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask.....in person.....by letter/mail.....by phone

No later than

....12 hours..... 24 hours.... 1 week..... 1 month

The parent being asked for a change will reply

.... in person..... by letter/mail..... by phone

No later than

.... 12 hours..... 24 hours..... 1 week..... 1 month

May parents contact one another?.....

When the child/children is/are with one of you, how may they contact the other parent?.....

When and how maycontact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

OTHER (Anything else you want to agree on)

Date.....

Signature of Mother

Date.....

Signature of Father

Date.....

Signature of Witness

Amend Bill, page 26, lines 18 through 24, by striking out all of said lines and inserting

(a) Appointment.—The court may on its own motion or the motion of a party appoint a guardian ad litem to represent the child in the action. The court may assess the cost upon the parties or any of them or as otherwise provided by law. The guardian ad litem must be an attorney at law.

(b) Powers and duties.—The guardian ad litem shall be charged with representation of the legal interests and the best interests of the child during the proceedings and shall do all of the following:

(1) Meet with the child as soon as possible following the appointment, and on a regular basis thereafter in a manner appropriate to the child's age and maturity.

(2) On a timely basis, be given access to relevant court and county agency records, reports of examination of the parents

or other custodian of the child and medical, psychological and school records.

(3) Participate in all proceedings.

(4) Conduct such further investigation necessary to ascertain the facts.

(5) Interview potential witnesses, including the child's parents, caretakers and foster parents, if any, examine and cross-examine witnesses and present witnesses and evidence necessary to protect the best interests of the child.

(6) Make specific recommendations to the court relating to the best interests of the child, including any services necessary to address the child's needs and safety.

(7) Explain the proceedings to the child to the extent appropriate given the child's age, mental condition and emotional condition.

(8) Advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes. When appropriate because of the age or mental and emotional condition of the child, determine to the fullest extent possible the wishes of the child and communicate this information to the court. A difference between the child's wishes under this paragraph and the recommendations under paragraph (6) shall not be considered a conflict of interest for the guardian ad litem.

Amend Bill, page 27, lines 5 and 6, by striking out all of line 5 and "(1) A LAWYER APPOINTED AS" in line 6 and inserting

(d) Evidence subject to examination.—A

Amend Bill, page 27, lines 11 through 14, by striking out all of said lines

Amend Bill, page 27, line 21, by inserting after "proceeding."

If a child has legal counsel and a guardian ad litem, counsel shall represent the legal interests of the child and the guardian ad litem shall represent the best interests of the child.

Amend Bill, page 29, line 14, by striking out "Reasonable notice" and inserting

Notice, sent by certified mail, return receipt requested.

Amend Bill, page 30, by inserting between lines 1 and 2

(iii) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.

Amend Bill, page 30, line 2, by striking out "(iii)" and inserting (iv)

Amend Bill, page 30, line 4, by striking out "(iv)" and inserting (v)

Amend Bill, page 30, line 5, by striking out "(v)" and inserting (vi)

Amend Bill, page 30, line 6, by striking out "(vi)" and inserting (vii)

Amend Bill, page 30, line 7, by striking out "(vii)" and inserting (viii)

Amend Bill, page 30, line 8, by striking out "(viii)" and inserting (ix)

Amend Bill, page 30, by inserting between lines 9 and 10

(x) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and the modification of a custody order.

Amend Bill, page 30, line 10, by striking out "(ix)" and inserting (xi)

Amend Bill, page 30, line 23, by inserting after "relocation."

The nonrelocating party shall have the opportunity to indicate whether he or she objects to relocation or not, and whether he or she objects to modification of the custody order or not. If the party objects to either relocation or modification of the custody order, a hearing shall be held as provided in subsection (g). The objection shall be made by completing and returning to the court a counter-affidavit, which shall be verified subject to penalties under 18 Pa.C.S. § 4904 (relating to

unsworn falsification to authorities), in substantially the following form:

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name Age Currently residing at:

.....

Child's Name Age Currently residing at:

.....

Child's Name Age Currently residing at:

.....

I have received a notice of proposed relocation and

1. I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to the notice.

2. I do not object to the relocation, but I do object to modification of the custody order, and I request that a hearing be scheduled:

a. Prior to allowing (name of child/children) to relocate.

b. After the child/children relocate.

3. I do object to the relocation and I do object to the modification of the custody order, and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

.....

Amend Bill, page 30, line 26, by inserting after "notice" , and served on the other party by certified mail, return receipt requested

Amend Bill, page 31, line 1, by striking out "entitled to" and inserting who has been given proper

Amend Bill, page 31, line 8, by striking out "may" and inserting shall

Amend Bill, page 31, by inserting between lines 14 and 15 (2) Proof that proper notice was given in the form of a return receipt with the signature of the addressee and the full notice that was sent to the addressee.

Amend Bill, page 31, line 15, by striking out "(2)" and inserting (3)

Amend Bill, page 31, line 17, by striking out "(3)" and inserting (4)

Amend Bill, page 31, by inserting between lines 18 and 19

(f) Modification of custody order.—If a counter-affidavit regarding relocation is filed with the court which indicates the nonrelocating party both has no objection to the proposed relocation and no objection to the modification of the custody order consistent with the proposal for revised custody schedule, the court may modify the existing custody order by approving the proposal for revised custody schedule submitted under section 5337(c)(viii), and shall specify the method by which its future modification can be made if desired by either party. If a counter-affidavit regarding relocation is filed with the court which indicates the nonrelocating party objects either to the proposed relocation or to the modification of the custody order consistent with the proposal for revised custody schedule, the court shall modify the existing custody order only after holding a hearing to establish the terms and conditions of the order pursuant to the relocation indicating the rights, if any, of the nonrelocating parties. The court shall determine whether such hearing should occur

expeditiously prior to the relocation of the child or children, or whether it can be held at a date following relocation.

Amend Bill, page 31, line 19, by striking out "(f)" and inserting (g)

Amend Bill, page 31, line 30, by striking out "(g)" and inserting (h)

Amend Bill, page 33, line 5, by striking out "(h)" and inserting (i)

Amend Bill, page 33, line 13, by striking out "(i)" and inserting (j)

Amend Bill, page 33, line 28, by striking out "(j)" and inserting (k)

Amend Bill, page 34, line 2, by striking out "(K)" and inserting (l)

On the question,

Will the House agree to the amendment?

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

Ms. MANDERINO. Thank you, Mr. Speaker.

There are a number of items that are addressed in this amendment, 7500, that are further refinements of the actual language of the bill, HB 1639, as it came out of the Judiciary Committee. And just to give you, without describing the underlying bill, I want to give you enough context to understand what it is that we are talking about and why, what this amendment accomplishes.

This term the House Judiciary Committee's Subcommittee on Family Law held a very extensive hearing and did a lot of work to try to address and modernize our family law practice here in Pennsylvania. This has been an issue that I and I know many members in this chamber have been hearing from their constituents about for a long time. And really, credit to the committee, the subcommittee, and the staff for pulling all of the parties together and really getting folks to sit down and focus on everything that we can agree on that will make our courts function better for the mothers, the fathers, the children, the families of Pennsylvania.

The SPEAKER. The gentlelady will yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Thomas, rise?

Mr. THOMAS. A point of order, Mr. Speaker.

The gentlelady deserves a little bit more respect than what we are giving her.

The SPEAKER. The gentleman is absolutely correct.

Will the House come to order. The House will come to order.

The gentlelady from Philadelphia may continue.

Ms. MANDERINO. Thank you, Mr. Speaker.

So towards that end, the Judiciary Committee family law section had literally, I think, a 6- or 7-hour hearing from which we heard from jurists, practitioners, laypeople, organized interest groups, everybody that had a vested interest in this issue, and we really worked hard to pull together in a bill all of those items about which there was consensus and which, if enacted in law, will really improve the functioning of family court for the lives of Pennsylvania's children.

The amendment that is before us today on second consideration is just a further refinement of some of those concepts as they came out of the Judiciary Committee, and we continued, up until the last minute, to try to make sure that the language was the most effective. And so today I will just describe to you kind of the four major items that are addressed by this amendment, and then when this is on final passage, I will give broader context to all of the other improvements to child custody law that are contained in this bill.

But in this amendment before you, one of the things that there was consensus on is that if we use the tool of parenting plans much more effectively in Pennsylvania, we will have better results for all of the parties. So the original bill addressed the idea of having parenting plans be part of custody procedures where it was appropriate. However, there was a little bit of concern that that might be costly to the parties, and the reality in Pennsylvania today is almost 80 percent of the families that go through custody – 80 percent of the families, quite frankly, do not go through the courts to determine custody; they figure that out themselves. But for those that cannot figure it out on their own and need court assistance, parenting plans have been effective tools. But we did not want folks to not be able to take advantage of parenting plans because there was a cost involved and they would have to hire an expert or a mediator to help them develop a parenting plan.

So this amendment literally takes model parenting-plan language and puts it right in the statute, just like we have model language for living wills in Pennsylvania so the average citizen does not have to necessarily go out and hire an attorney to figure out what ought to be in a living will. Well, in this case, you will not have to go out and hire an attorney or another expert just to figure out what factors you ought to be considering in a parenting plan. We have laid it out right here in the law, almost as a self-help directory for the parents to work through and walk through themselves, and consensus seems to be that that will really make it a lot easier for folks to try to reach an agreement among the parties.

The second issue that is further modified by this amendment is how appointments of guardian ad litem are handled. And I do not really want to bore you today with what that means, but taking that pecking order, again, most folks are going through, they are making the decision about custody for their children on their own. They do not need court intervention. Some need court intervention, and when they need court intervention, they can have a hearing, and sometimes they can have a hearing and they can figure that out amongst themselves and the judge. But sometimes there is way too much contention between the parties for even a judge to figure out who is taking care of making sure that the child's best interests are being looked after while the parents are too busy disagreeing with each other, and in those few cases, the court might appoint a guardian ad litem for the child. And this, again, very much spells out the duties and responsibilities of the guardian ad litem in a way that focuses on the children but also tries to let the parties reach agreement.

We also strengthen the guardian ad litem laws to put some other provisions in there with regard to notices and things like that. So anytime there is something that needs to be delivered, it is being delivered in a way that all parties will get the notice, will get it by certified mail, and no one has to worry that somebody else is trying to do something without them having fair and adequate notice of it.

Finally, one of the other provisions that is further refined by this amendment is the bill dealt with the issue of relocation. When the parents are split, when one of the parents wants to relocate to a different jurisdiction, how does the court handle that? And right now the court handles that by having a hearing in every instance. But it is very hard, even when they do that, for parents who are unrepresented to know how to work through that.

So this, the proposal, creates a relocation structure to work within and creates tools that will help the parties who are going through it pro se, or even folks who are going through it with an attorney, have better notice and information. So what we do with relocation is we say, if there is a notice to relocate and both parents agree with the proposed relocation and a proposed custody modification, the court does not have to hold a hearing.

However, it specifically requires the court to hold the hearing if the parent who will not be relocating either objects to the relocation or objects to the new proposed modified custody order, and it provides specific tools that do not exist in law to make it easier for that parent to know how to respond to the court. Not only will they get notice by certified mail, return receipt requested; they will have to get something called a counter-affidavit that literally will allow them to say to the court, I am okay with the relocation; I am okay with the modified visitation or custody schedule because I have worked it out with my ex-spouse. Or, I am okay with the relocation, but I am not okay with the proposed custody order, and I want a hearing on that. Or, I am not okay with either of them and I want a hearing on both. And they literally just will have to check that out. It will tell them exactly where to send it. The court will get notice. The court will hold the hearing. And we have extra protections built in to this proposal so that folks get adequate notice, adequate ability to respond, and we make the court much more user-friendly.

So those are the major components that are in this amendment, and assuming adoption of the amendment, then on final passage I will explain to members all of the other significant improvements that we have attempted to make to the issue of child custody in Pennsylvania. And with that, Mr. Speaker, I would ask folks to vote "yes" on amendment 7500.

The SPEAKER. The Chair thanks the lady.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Montgomery County, Representative Gerber, on the House floor.

LEAVES OF ABSENCE

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

CONSIDERATION OF HB 1639 CONTINUED

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—9

| | | | |
|-------------|--------|---------|-----------|
| Benninghoff | DeLuca | Killion | Pallone |
| Creighton | Harper | Oliver | Pashinski |
| Cruz | | | |

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

On the question,

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

Mr. **REICHLEY** offered the following amendment
No. **A06956**:

Amend Bill, page 27, by inserting after line 30
§ 5335.1. Parenting coordinators.

(a) Declaration of policy.—The General Assembly finds and declares as follows:

(1) It is the public policy of the Commonwealth to have judges of the courts of common pleas make decisions in actions involving custody of a child.

(2) It is against the public policy of the Commonwealth to allow parenting coordinators to serve in any capacity in an action involving custody of a child.

(b) No authority to appoint parenting coordinators.—A judge of a court of common pleas shall have no authority to appoint a parenting coordinator in an action involving custody of a child. Any decision rendered by a parenting coordinator shall be void.

(c) Authority.—In an action involving custody of a child, a judge of a court of common pleas may appoint a conciliator, a mediator, an evaluator, a counselor, a hearing officer or conference officer and any other individual authorized by statute.

(d) Construction.—Nothing in this section shall be construed to prevent a judge of a court of common pleas from appointing an attorney to represent a child in a custody action pursuant to Pa.R.C.P. No. 1915.11 (relating to Appointment of Attorney for Child, Interrogation of Child, Attendance of Child at Hearing or Conference).

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

"Action." Includes all proceedings for custody and proceedings for modification of prior orders of any court.

"Parenting coordinator." An individual, including a psychologist, a licensed social worker, a member of the clergy or an attorney, which a judge of a court of common pleas has appointed to assist the parties in implementing custody arrangements and in resolving related issues regarding parenting about which the parties do not agree.

On the question,

Will the House agree to the amendment?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is really to correct an element of the bill which would contradict current practice. Right now in courts of the common pleas throughout Pennsylvania, the judges delegate custody conference authority to trained lawyers, lawyers particularly in the family law practice area. I believe that is a very worthy system that has been set up, with trained professionals. Unfortunately, the bill as it is right now would allow people who are not trained in the law, social science professionals, to be in the position not only of offering recommendations regarding custody arrangements but actually drafting the custody orders. I think that is an improper usurpation of what really should be a function of the legal practice.

AMENDMENT WITHDRAWN

Mr. REICHLEY. However, in order to facilitate the passage of this legislation on behalf of the gentlelady from Philadelphia, to help to ensure its passage before we get into the budget

deliberations, in consultation with Chairman Caltagirone, chairman of the House Judiciary Committee, we are going to be placing this language from the amendment into bill form. The chairman has said he would move that out. So I will be withdrawing the amendment at this time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. It is the Chair's understanding that the gentleman from Northumberland County, Representative Belfanti, has four amendments filed to the bill and that he is withdrawing the amendments? The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 726, PN 3797**, entitled:

An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for Pennsylvania Amber Alert System established, for prohibited use, for coordination with other jurisdictions and for immunity; and creating the Missing Endangered Person Advisory System.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

FORMER MEMBERS WELCOMED AND GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair would like to welcome a former House member, a lady that sat next to me for many years, Representative Sue Laughlin. Sue, welcome back to the hall of the House. Also seated to the left of the Speaker is Barb Heyman and Cynthia Matthews. Barb and Cynthia, welcome to the hall of the House. They are the guests of Representative Matzie.

Also, the Chair would like to welcome another former member that was elected the same year as the Speaker, former chairman of the House Transportation Committee, Joe Battisto. Joe, welcome to the hall of the House. And Paula Damiano. Paula, welcome to the hall of the House.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1865, PN 3590**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for oncology benefit design.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, the Chair recognizes the gentleman from Tioga County, Representative Baker. It is the Chair's understanding that the gentleman is withdrawing the amendment? The gentleman is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **GRELL** offered the following amendment No. **A06548**:

Amend Bill, page 4, line 2, by striking out "AN INCREASE IN PATIENT" and inserting cost increases to patients for their

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

those patients currently receiving

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cumberland County, Representative Grell.

Mr. **GRELL**. Thank you, Mr. Speaker.

I am offering this amendment to clarify some language in the bill – I believe it is an agreed-to amendment – to clarify how the insurance companies would reconcile the costs between the two different types of drugs, and I would encourage members' support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

| | | | |
|-------------|--------|---------|-----------|
| Benninghoff | DeLuca | Killion | Pallone |
| Creighton | Harper | Oliver | Pashinski |
| Cruz | | | |

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CONSIDERATION OF HB 907 CONTINUED

**CONSIDERATION OF
AMENDMENT A07481 CONTINUED**

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, who is offering amendment A07481 on behalf of Representative Benninghoff.

The gentleman, Representative Turzai, is recognized.

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

I am offering this on behalf of my colleague from Centre County, who is with his young daughter today. Many of you understand that Representative Benninghoff and his young daughter, that that is an important priority. But he has felt very strongly about this particular amendment. It is amendment 7481, and it says that an individual who is convicted of first-degree murder may be subject to the death penalty as an aggravating factor if the individual perpetrated a sexually violent offense against that victim and at the time of the killing was already required to register as a sex offender or a sexually violent predator.

This is akin to already existing aggravating circumstances that are being given to the jury. This would be an additional one. But there are some analogous ones already in statute. If a defendant has a significant history of felony convictions involving the use or threat of violence to the person, that is an aggravating factor today. If the defendant has been convicted of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue, that is an aggravating factor. If at the time of the killing the victim was in her third trimester of pregnancy or the defendant had knowledge of the victim's pregnancy, that is an aggravating factor. If the defendant has been convicted of voluntary manslaughter or a substantially equivalent crime in any other jurisdiction, committed either before or at the time of the offense at issue, that is an aggravating factor.

Representative Benninghoff's amendment creates a new aggravating factor – someone who has perpetuated a sexually violent offense against the victim and at the time of that killing had already been required to register as a sex offender or sexually violent predator – that is akin to the aggravating circumstances that are already in place. I would urge everybody to please vote in support of Representative Benninghoff's amendment to create this new aggravating factor with respect to the death penalty.

Thank you very, very much.

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

Mr. M. SMITH. Thank you, Mr. Speaker.

This is an agreed-to amendment. I thank the gentleman from Allegheny County.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—189

| | | | |
|----------|-----------|-----------|-----------|
| Adolph | Fairchild | Longietti | Reichley |
| Baker | Farry | Maher | Roae |
| Barbin | Fleck | Mahoney | Rock |
| Barrar | Frankel | Major | Roebuck |
| Bear | Freeman | Mann | Rohrer |
| Belfanti | Gabig | Markosek | Ross |
| Beyer | Gabler | Marshall | Sabatina |
| Bishop | Galloway | Marsico | Sainato |
| Boback | Geist | Matzie | Samuelson |

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

NAYS—4

| | | | |
|-----------|--------|--------|--------|
| Manderino | Payton | Thomas | Vitali |
|-----------|--------|--------|--------|

NOT VOTING—0

EXCUSED—9

| | | | |
|-------------|--------|---------|-----------|
| Benninghoff | DeLuca | Killion | Pallone |
| Creighton | Harper | Oliver | Pashinski |
| Cruz | | | |

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

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

(Bill as amended will be reprinted.)

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

HB 1594, PN 3883 (Amended) By Rep. SEIP

An Act establishing the Governor's Cabinet for People with Disabilities and the Governor's Advisory Committee for People with Disabilities; and providing for their powers and duties.

HEALTH AND HUMAN SERVICES.

HB 2449, PN 3872 By Rep. SEIP

An Act relating to education concerning the organic compound bisphenol A; and imposing duties on the Department of Health.

HEALTH AND HUMAN SERVICES.

HB 2478, PN 3678 By Rep. SEIP

An Act providing for bisphenol A-free baby and toddler products.

HEALTH AND HUMAN SERVICES.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 479, PN 2864**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for prohibitions against the grant of licenses and for distributors' and importing distributors' restrictions on sales, storage, etc.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves HB 479 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 479 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.

RESOLUTIONS

Mr. EACHUS called up **HR 426, PN 2800**, entitled:

A Resolution requesting that the Attorney General and Auditor General investigate the Association of Community Organizations for Reform Now.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 426 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 426 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.

* * *

Mr. EACHUS called up **HR 491, PN 2754**, entitled:

A Resolution designating October 24, 2009, as "United Nations Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 491 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 491 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.

* * *

Mr. EACHUS called up **HR 674, PN 3326**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and to issue a report on the status and success of states' efforts to implement School-Wide Positive Behavioral Support in their public schools, including the efforts to implement School-Wide Positive Behavioral Support in this Commonwealth, and to make specific recommendations for legislative action.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 674 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 674 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.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 298 be removed from the tabled bill calendar.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 298 be recommitted to the Committee on Appropriations.

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

COMMUNICATIONS

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

The following communications were read:

A communication dated January 13, 2010, from the Pennsylvania Housing Finance Agency, Act 33 of 1976, providing a copy of its annual report.

A communication dated May 20, 2010, from the Pennsylvania State University, Right-to-Know Law, providing a copy of its annual report.

A communication dated May 25, 2010, from the Office of the Auditor General, submitted pursuant to the provisions of Article VIII, section 7(a)(4), of the Constitution of the Commonwealth of Pennsylvania and section 304 of the Capital Facilities Debt Enabling Act, Act 1 of 1999 as amended, providing a copy of the certification in connection with the general obligation bond sale of May 19, 2010.

A communication dated May 26, 2010, from the Department of Public Welfare, Act 146 of 2006, Pennsylvania's Child Abuse Prevention and Treatment Act, providing a copy of its 2009 Annual Child Abuse Report.

A communication dated May 27, 2010, from the State Civil Service Commission, submitted pursuant to section 203(5) of the Civil Service Act, providing a copy of its annual complaint report.

A communication dated May 28, 2010, from the Department of Agriculture, submitted pursuant to section 14.4 of Act 149 of 1988, the Agricultural Area Security Law, providing a copy of its annual report.

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

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

HB 2460, PN 3887 (Amended) By Rep. ROEBUCK

An Act establishing the MESA Initiative; providing for duties of Department of Education; and establishing the State MESA Commission.

EDUCATION.

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

SB 766, PN 1723 By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Science Technology Partnership Program; and providing for State grants.

EDUCATION.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 720, PN 3481 By Rep. ROEBUCK

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the Commonwealth's public school library services for students in kindergarten through grade 12, measuring and comparing access to print and electronic resources, professional support and instruction in the use of information and research among this Commonwealth's public school entities and evaluating how funding and resources are allocated for school library services in relation to student and community circumstances.

EDUCATION.

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

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. Are there any announcements?

Seeing none, the Speaker has in his possession a motion to recess filed by Representative Hahn from Northampton County, who moves that this House do now recess for today and reconvene on Monday, June 14, 2010, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:28 p.m., e.d.t., the House recessed.