

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 28, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 41

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. RICHARD T. GRUCELA, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Please bow your heads in prayer on this beautiful day in Pennsylvania as we ask God for His guidance as we experience the challenges of this new day. Let us remind ourselves of God's constant presence in our lives, knowing His love is limitless, infinite, and without restrictions or boundaries. Teach us, dear God, to be generous. Teach us to serve You as You deserve, to toil and not ask for rest, to labor and not ask for reward save knowing we do Your will.

We pray for the health of our members and our hardworking support staff, including those retiring or those who have retired, and all our families. We ask that You watch over and protect all of us over the summer months. Keep us safe from harm, whether we stay at home or travel. We ask that You watch over and safeguard the men and women of our armed services as they defend our precious freedoms we will celebrate this coming Fourth of July, and also for those in the Peace Corps serving in troubled countries of the world.

All this we humbly ask in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVED

The SPEAKER. The Journal of Monday, April 26, 2010, is now in print. Will the House approve the Journal?

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Friday, June 25, 2010, will be postponed until printed. The Chair hears no objection.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2614** By Representatives KNOWLES, McCALL, GOODMAN, SEIP, ADOLPH, BAKER, BEAR, BENNINGHOFF, BEYER, BOYD, BRADFORD, BRENNAN, BROOKS, CAUSER, CLYMER, DAY, DENLINGER, DiGIROLAMO, EACHUS, EVERETT, FAIRCHILD, FLECK, FREEMAN, GABLER, GEIST, GEORGE, GROVE, GRUCELA, HARHART, HELM, HENNESSEY, HESS, HICKERNELL, M. KELLER, KILLION, KORTZ, MAJOR, MILLARD, MILLER, MIRABITO, MOUL, MURT, MUSTIO, OBERLANDER, D. O'BRIEN, PASHINSKI, PAYNE, PAYTON, PHILLIPS, PICKETT, PYLE, QUINN, READSHAW, REICHLEY, ROCK, ROHRER, ROSS, SANTONI, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STERN, SWANGER, TALLMAN, TRUE, TURZAI, VEREB, WATSON and YUDICHAK

An Act designating the State Street (SR4028) Bridge over the Schuylkill River in Hamburg Borough and Tilden Township, Berks County, as the Senator Jim Rhoades Memorial Bridge.

Referred to Committee on TRANSPORTATION, June 28, 2010.

**No. 2615** By Representative GOODMAN

An Act authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to dedicate, grant and convey to the Frackville Area Municipal Authority, a waste water system and appurtenances, together with easements for public sewer purposes, situate in Ryan Township, Schuylkill County.

Referred to Committee on STATE GOVERNMENT, June 28, 2010.

### 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 day; Representative FREEMAN from Northampton County for the day; Representative WATERS from Philadelphia County for the day; Representative Ken SMITH from Lackawanna County for the day; Representative OLIVER from Philadelphia County for the day; Representative BRADFORD from Montgomery County for the day. Without objection, the leaves will be granted.

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

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—195**

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Freeman	Pallone	Waters
Bradford	Oliver	Smith, K.	

LEAVES ADDED—2

Ellis	Metcalfe
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LEAVES CANCELED—5

Bradford	Metcalfe	Pallone	Waters
Freeman			

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

**BELLEFONTE HIGH SCHOOL  
GIRLS SOFTBALL TEAM PRESENTED**

The SPEAKER. In the balcony, the Chair would like to welcome the Bellefonte High School Red Raider Softball Team. They are the AAA softball champions, and they are the guests of Representative Benninghoff. Will the guests please rise. Congratulations and welcome to the hall of the House.

The Chair would like to welcome the gentleman from Clinton County, Representative Hanna, under unanimous consent, without objection. The gentleman is in order and may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

It is my great pleasure to stand before my colleagues in the House today to recognize the achievements of an amazing group of young women from the heart of our great State. The young women and coaches of the 2010 Bellefonte High School Softball Team from Centre County built upon their team's strong tradition as they chased perfection this season, and their hard work certainly paid off as they are here today as the PIAA Class AAA State Champions.

Please allow me to extend my congratulations on behalf of my colleague, Representative Kerry Benninghoff of Centre County, who is unfortunately not able to be here today because he is caring for his daughter, who is ill; however, he certainly shares my pride in the accomplishments of these talented young women and their coaches. So on behalf of the Pennsylvania House of Representatives, it is my honor to join Representative Benninghoff in presenting the 2010 Bellefonte High School Lady Raiders Softball Team and welcome them here to the House of Representatives, congratulating them on their extraordinary winning season and their 2010 PIAA Class AAA Softball Championship. Please join me in acknowledging their achievements.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**LINDA LEHMAN PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Cumberland County, Representative Grell, for the purpose of a presentation.

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, if anybody is wondering why we are having cake here today, it is in honor of one of my constituents. Mr. Speaker, I would like to recognize an employee of the House of Representatives who is retiring after dedicating more than 38 years to this chamber. Linda Lehman, who resides in Hampden Township, in the 87th District, Cumberland County, began her career with the House of Representatives on October 16, 1971. She served as secretary to the majority leader until 1973 and served as secretary to various Representatives until December 1983 when she accepted a position of fiscal assistant with the Democratic Appropriations Committee. In 2001 Linda was appointed to the position of Assistant Chief Clerk, in which she was instrumental in establishing the Information Technology and Broadcasting Departments. This led to making committee meetings and hearings much more available to the public.

Linda has been an invaluable asset to the House of Representatives, and I am sure she will be missed by members on both sides of the aisle. Mr. Speaker, I would like to wish Linda well in her retirement, and may she enjoy the next chapter in her life. Thank you, Linda, for a job well done.

With your permission, Mr. Speaker, the cosponsor of the citation, the gentleman from Allegheny County, would also like to make a few remarks on the citation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The year 1971 – do you remember where you were? I was in college. Linda Lehman walked in the doors of the Capitol Building to start her new job, working at that time with then majority leader, K. Leroy Irvis, who later became Speaker. And back in those days she had a lot to look forward to. She was a single mom with a 6-month-old baby – who is now here with his wife and three kids – and had the future to look forward to and was quite happy to be here, and until 4:30 today is still happy to be here. Beyond that, you would have to ask her.

But anyway, it has been almost 39 years. She has seen a lot of us come and go. And just a little bit about her job as Assistant Chief Clerk. For those of you who do not know and perhaps are not totally familiar, the Chief Clerk's Office is divided up with an Assistant Chief Clerk of the Democratic Caucus and the Republican Caucus. Linda, of course, is the Democratic Assistant Chief Clerk. And all the tasks and duties, all these people you see up here that work for the Chief Clerk, as well as a lot of the people you do not see, you know, the bill room and the cleaning folks and the security and the TV people, et cetera, et cetera, the reporters, they all fall under the Chief Clerk's jurisdiction, and those duties are divided up between the two Assistant Chief Clerks. And it has been Linda's job, and she has done it very well over the years, in handling the Assistant Chief Clerk's tasks for the Democratic Caucus.

**GUESTS INTRODUCED**

Mr. MARKOSEK. I would like to, at this point in time, introduce Linda's family who is here. As I mentioned, her son, Richard, and his wife, Kristin, are here with Linda's grandkids, Alex, Riley, and Luke. And Linda's neighbors, Charlie and Barb Blahusch are here. Will they all stand, please? Give them a nice House welcome.

And without further ado, Linda Lehman.

Ms. LEHMAN. This has been a very emotional day for me. This institution has been home for the past 38 years. It has been a great honor and privilege working for each and every one of you, but I could not have done such a good job without the staff of CORE. The CORE employees are probably the least recognized, but in the day-to-day operations of the House, the most valuable. I would also like to thank Representative Joseph Markosek and Representative Glen Grell for their recognition and the party. And I would like to thank Dwight Evans, whom I have known personally and worked for for over 10 years, for his total support and faith in me. And I would like to thank the members of the BMC (Bipartisan Management Committee) for their opportunity to serve as Assistant Chief Clerk.

Thank you very much.

**CAROL LYNDE PRESENTED**

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus, for the purpose of a presentation.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to recognize an outstanding public servant and House employee. It is an honor to welcome to the hall of the House Mrs. Carol Lynde, technology training technician for the House Democratic Information Technologies Department. Many of you may not know, but Carol is fighting against cancer. With multiple attempts to deter this devastating disease, she struggles every day just to have a healthy life.

She is an employee with great inspiration, courage, and determination, and she continues to stare adversity square in the eye. Carol began her career with the State in 1976 and has spent all of her 34 years on the fifth floor of the Main Capitol, working on behalf of the citizens of the Commonwealth of Pennsylvania. In 1997 Carol transferred to the newly formed Democratic Information Technologies Department as a technology trainer. She helped countless caucus employees over the years to master the art of mail merge, Microsoft Office products, CTS (common type system), and an array of other important issues important to our constituents, our members, and the people of the Commonwealth.

Carol is accompanied by her husband, George Lynde; her daughter, Jenny Lynde; and her good friend, Dolores Doud. If you would all rise and be welcomed to the floor of the House, the three of you.

Also present in the House is a special guest of Carol's and a friend of many of us here in the House, former minority caucus chairman, Joe Rhodes. Joe, from Allegheny County, please stand to be recognized by your friends.

As we recognize Carol for her courage and her dedication to the people of the Commonwealth, Mr. Speaker, I am here to join all of us in the celebration of Carol's return to duty and to honor her years of service to this Commonwealth. She has been off a while, and we are glad to have her back.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. S. SMITH called up **HR 872, PN 3995**, entitled:

A Resolution congratulating Joseph Miller on his retirement from the House of Representatives.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I appreciate the recognition to bring this resolution up at this time; I guess it is one of those cycles where we have a lot of longtime employees looking to retire. But this resolution, Mr. Speaker, recognizes Joe Miller, who has been a Commonwealth employee for 37 years in both the legislative and executive branches. He began his career in 1975, and he was one of the original members of the Republican research staff. Parenthetically, I would note that many of the questions about this legislature today and the size of the legislature, there is obviously a part of— The broad debate in this Commonwealth began in the late sixties with a constitutional convention that actually suggested the legislature should become more professional with staff, and some of these people that we are recognizing today are actually a product of that.

So Joe began as an original member of the House Republican research staff, served on several committees. In the eighties he served in a variety of positions with the Governor's Energy Council, under Lieutenant Governor Scranton. In 1987 he came back to the House as the executive director of the House Commerce and Economic Development Committee, and he was appointed director of research by Representative Matt Ryan in 1995. He has obviously worked as a key advisor to a lot of Republican leaders and members of this House and has certainly had a big impact on a lot of legislation that has moved through this General Assembly over those years, and particularly, since 1995.

I believe that Joe certainly has earned the respect and admiration of everybody that he works for. He is known for his professionalism and his dedication and his strong work ethic. He is also known for his warm and generously loving personality.

Well, Joe is one of those warm and fuzzy guys, and he is probably not going to be able to speak because he will tear up and he is so emotional. Are you going to speak, Joe? Excuse me, Mr. Speaker; I apologize for departing there.

GUESTS INTRODUCED

Mr. S. SMITH. Just a couple of quick recognitions, along with Joe. In the back of the House is his wife, Marlene, who has been a staff member with the House Democratic Caucus and will be joining him in retirement tomorrow on June 29 as well. If Marlene would stand. Their daughter, Erin, is with them. His other daughter, Hayley, is not available to be here. His parents, Joseph and Charlotte; along with Pat Rhoads, a longtime colleague and friend of Joe's; and Lynn Barder, who has served as Joe's executive assistant for many of these years that we are talking about. So I appreciate the members' support and congratulate Joe Miller for his years of service.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff Bradford	Freeman Oliver	Pallone Smith, K.	Waters
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### REMARKS BY SPEAKER

The SPEAKER. If the Speaker may, to Linda Lehman, Carol Lynde, and Joe Miller, may I offer my personal congratulations to all three of you, but more importantly, I think on behalf of the entire House of Representatives, a sincere thank-you for your dedication and hard work to the caucuses you represent. I think it goes without saying that the staff contributes so much to the engine of the House of Representatives in getting the work done. We are greatly appreciative of your dedication and hard work to this institution. For that we thank you, and Godspeed in your retirements. God bless.

### HON. AHMET AYDIN AND TURKISH DELEGATION INTRODUCED

The SPEAKER. The Speaker would like to make a special welcome today. We are joined by a very special guest from a country with whom the United States enjoys a very strong friendship and enduring alliance. The United States and Turkey have enjoyed a long friendship that spans many years, many wars, and many economic upheavals. Through it all, we have continued to advance trade between our nations, and as a NATO (North Atlantic Treaty Organization) ally, shared values common to our democracies.

Our friendship dates to the late 18th century and officially was sealed by a treaty in 1830. Today the United States and Turkish relations focus on the areas of strategic energy cooperation, trade and investment, security ties, regional stability, counterterrorism, and human rights progress.

Our guests are joining us today as part of Turkish Cultural Day that is being celebrated in the Capitol. I would encourage everyone to stop by the rotunda and enjoy the exhibits and artistic work that represent the culture of Turkey and Turkish Americans. The gentleman seated to my left is the Honorable Ahmet Aydin, who is seated to the left of the rostrum. He is a member of the National Congress from Turkey and is joining us here today. Welcome to the hall of the House, Ahmet.

The rest of the delegation is seated to the back of the hall of the House. Gentlemen, also, welcome to the hall of the House of Representatives. And Ahmet is also a guest of Representative Mike Sturla.

Members will please take their seats. We are about to take up a condolence resolution. The Sergeants at Arms will close the doors of the House.

### RESOLUTION PURSUANT TO RULE 35

Mr. BAKER called up **HR 871, PN 3991**, entitled:

A Resolution offering condolences to the loved ones of United States Marine Lance Corporal Michael G. Plank, who died on June 9, 2010, while supporting Operation Enduring Freedom in Helmond Province, Afghanistan.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Tioga County, Representative Baker.

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

Please allow me to preface my remarks by first saying a special thanks to the Speaker of the House, Keith McCall; the Chief Clerk; and also Sandy for providing these United States American flags for each member and staff this afternoon to honor this fallen Marine hero. And it seems to have lent itself very timely leading up to the Fourth of July festivities as well. Thank you very much for your special efforts and for your permission to do this.

Again, thank you, Mr. Speaker. Today I rise with great sadness but also with great pride to honor a brave soldier who lost his life while in the line of duty in Afghanistan earlier this month.

Sadly, Marine LCpl. Michael Plank is the fourth soldier from my area to lose his life during the war, which is four too many.

Michael was just 25 years old when he was killed while supporting Operation Enduring Freedom in the Helmond Province of Afghanistan. The specifics of his death are still under investigation at this time. He was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, Marine Expeditionary Force, at Camp Pendleton, California.

Governor Schwarzenegger of California, Governor Paterson of New York, and Gov. Ed Rendell have recognized the sacrifice and service of Marine Lance Corporal Plank by ordering flags in all three States to be flown at half-mast.

Although he was only in Afghanistan for 2 months before he paid the ultimate sacrifice, I know he made a tremendous difference in the lives of the soldiers he served with and the people he protected.

As stated by the writer, Joseph Campbell, "A hero is someone who has given his or her life to something bigger than oneself." Michael certainly did that when he put his life on the line to protect the beliefs and mission of this great country.

The Holy Bible also states, "No greater gift can a man give than to lay down his life for another."

As we stand here today and honor the memory of LCpl. Michael Plank, I am personally grateful that there are still young men and women who share in the sense of national duty and patriotism by willingly serving their country. They put their lives on the line to defend our freedoms and that of other people around the world.

Lance Corporal Plank was a man of honor who loved nothing more than spending time with his family and taking in a day of hunting or fishing with his friends.

A graduate of Elkland High School in Tioga County in 2004, Michael's friends remember him as a generous, likable young man and a hard worker, someone who would do anything for a

friend. In fact, one of his former classmates was quoted in the newspaper as saying he "was always good for a laugh and had a big heart."

GUESTS INTRODUCED

Mr. BAKER. Mr. Speaker, we share today in the grief of Lance Corporal Plank's family. His mother, Kathleen Parker, is here with us, along with other members of the family that I would like to introduce to you. Because we are a full House, they are located to the rear of the House of Representatives. Please rise, if you would, when I announce your name – his mother, Kathleen Parker; Jessica Bogaczyk, his aunt; Christine Davis, his aunt; Dominique Bogaczyk, his cousin; Stephen Jeffers, cousin; and we also have with us all the way from Buffalo, New York, Marine GySgt. Richard Delacruz; and we have Pfc. David Odojewski. I know I did not get it right; I apologize.

Please accept our condolences on the loss of your son. Lance Corporal was a fine soldier, and we were very proud to have him protecting us and as a true hero who made the ultimate sacrifice for our country.

Mr. Speaker, I respectfully request that all members join me in honoring LCpl. Michael Plank by voting in support of HR 871. May we always remember that freedom is not free. Thank you, Marine hero LCpl. Michael Plank.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

The SPEAKER. Members and guests may be seated.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Freeman	Pallone	Waters
Bradford	Oliver	Smith, K.	

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

The SPEAKER. The Sergeants at Arms will open the doors of the House.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Jessica Bromley, along with her three sisters, Heather, Emily, and Sarah; her parents, Deborah and Jonathan Bromley. Jessica was recently awarded the Good Citizenship Award at Northley Middle School in Aston. They are the guests of Bryan Lentz. Will the guests please rise. Welcome to the hall of the House.

Also in the back of the floor, Robert Wayne "Buddy" Costigan and Amber Murphy are seated at the back of the floor. Buddy is a highly decorated Vietnam war veteran who served our country with honor and distinction and was recognized in a ceremony earlier today. In addition, seated in the gallery are family, friends, and associates who joined Buddy for this ceremony. They are the guests of Representative Karen Boback. Congratulations and welcome to the hall of the House.

Also in the balcony, the Chair welcomes Tracy and Karl Jentzsch and their guests from Tasmania, Brooke and Leon Perry. They are the guests of Representative Tom Houghton. Will the guests please rise. Welcome to the hall of the House.

And also in the balcony, the Chair welcomes Matt Haberle, a sophomore at East Stroudsburg South High School, who is the guest of Representative Barbin. Will the guest rise. Welcome to the hall of the House.

## **RULES AND APPROPRIATIONS COMMITTEE MEETINGS**

### **DEMOCRATIC CAUCUS**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Rules Committee will meet immediately upon the call of the recess in the majority caucus room. The Appropriations Committee will meet at 2 p.m. in the majority caucus room. We hope to have caucus at 2:15 in the majority caucus room and return back to the floor at 2:45.

The SPEAKER. There will be a Rules Committee meeting immediately upon the call of the recess in the majority caucus room and an Appropriations Committee meeting at 2 p.m., also in the majority caucus room.

### **REPUBLICAN CAUCUS**

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 2:15. I would ask all Republicans to please report to our caucus room at 2:15. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

### **TRANSPORTATION COMMITTEE MEETING**

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that we will break and then come back and then break again a second time relatively early this afternoon. With that in mind, I would like to call a meeting of the Transportation Committee in room G-50, Irvis Building, immediately after the second recess. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Transportation Committee meeting in room G-50, Irvis Office Building, immediately after the second recess.

### **COMMITTEE MEETING POSTPONED**

The SPEAKER. The gentleman, Mr. Myers, for an announcement? The Chair recognizes the gentleman from Philadelphia County, Representative Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, the Health and Human Services Committee meeting that was scheduled for today has been postponed. Thank you, Mr. Speaker.

## **STATE GOVERNMENT COMMITTEE MEETING**

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I will call a meeting of the State Government Committee at the second recess in room 39, East Wing, at the second recess, House State Government Committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The State Government Committee will meet at the second recess in room 39, East Wing.

Are there any further announcements?

### **RECESS**

The SPEAKER. This House stands in recess until 2:45 p.m., unless sooner recalled by the Speaker.

### **RECESS EXTENDED**

The time of recess was extended until 3 p.m.; further extended until 3:30 p.m.; further extended until 3:45 p.m.

### **AFTER RECESS**

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

### **BILLS REREPORTED FROM COMMITTEE**

#### **HB 810, PN 900**

By Rep. EACHUS

An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act, further providing for funds of volunteer firefighters' relief associations.

RULES.

#### **HB 1482, PN 3976**

By Rep. EACHUS

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for photo identification tag regulations.

RULES.

#### **HB 1803, PN 3925**

By Rep. EACHUS

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 CPR instruction; providing for procedures regarding response to cardiac arrest, for donations for use related to CPR and automated external defibrillator instruction and for donations to school entities for use in CPR instruction; repealing provisions relating to automated external defibrillation; and providing for availability of automated external defibrillator.

RULES.

**HB 2322, PN 3915**

By Rep. EACHUS

An Act providing for the validity of electronic documents; authorizing county recorders of deeds to receive electronic documents as a means for recording real property; granting powers and duties to the county recorders of deeds; establishing the Electronic Recording Commission; and prescribing standards of uniformity.

RULES.

**HB 2449, PN 3872**

By Rep. EACHUS

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

RULES.

**HB 2478, PN 3678**

By Rep. EACHUS

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

RULES.

**HB 2540, PN 3813**

By Rep. EACHUS

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 payment of salaries in cases of sickness, injury or death.

RULES.

**HB 2571, PN 3892**

By Rep. EACHUS

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for the Office of Victim Advocate and for powers and duties of victim advocate.

RULES.

**HB 2572, PN 3977**

By Rep. EACHUS

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, establishing the Special Juvenile Victim Compensation Fund; and further providing for costs.

RULES.

**HB 2576, PN 3993**

By Rep. EACHUS

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

RULES.

The SPEAKER. Those bills will go to the House supplemental calendar.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 67, PN 3792**

By Rep. EACHUS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; further providing for junior driver's license and for suspension

of operating privilege; prohibiting interactive wireless communications devices; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment, for general requirements for other vehicles transporting school children and for restraint systems.

RULES.

**BILL ON CONCURRENCE  
REREPORTED FROM COMMITTEE**

**SB 904, PN 2029**

By Rep. EACHUS

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to West Bradford Township, certain lands situate in West Bradford Township, Chester County; and authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to Waynesburg University certain lands situate in the Borough of Waynesburg, Greene County.

RULES.

The SPEAKER. Those bills will go to the House calendar.

**BILLS REREPORTED FROM COMMITTEE**

**HB 712, PN 3953**

By Rep. D. EVANS

An Act providing for the creation of land banks for the conversion of vacant or tax-delinquent properties into productive use.

APPROPRIATIONS.

**HB 1890, PN 3954**

By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to The Pennsylvania State University, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Benner Township, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Fish and Boat Commission, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Game Commission, certain lands situate in Benner Township, Centre County.

APPROPRIATIONS.

**HB 2370, PN 3958**

By Rep. D. EVANS

An Act amending the act of December 20, 1983 (P.L.260, No.72), referred to as the Public Adjuster Licensing Law, further providing for definitions and for license; providing for application for public adjuster license, for licensing, for issuance and term of license, for license renewals and for reciprocal licensing; further providing for fees, for bond and for contract; providing for written disclosure of financial interest; further providing for revocation, etc., of license and for violations; providing for civil remedy; further providing for administration and enforcement; and providing for persons licensed as public adjuster solicitors.

APPROPRIATIONS.



**SB 918, PN 2065**

By Rep. D. EVANS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, consolidating and amending the Third Class County Assessment Board Law, The Fourth to Eighth Class and Selective County Assessment Law and provisions of The County Code relating to auxiliary board of assessment appeals and assessment of signs and sign structures; providing for municipal pensions in cities of the second class; and making related repeals.

## APPROPRIATIONS.

**SB 1074, PN 1776**

By Rep. D. EVANS

An Act amending Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, providing for State recording system for application of restraints to pregnant prisoners or detainees, for county recording system for application of restraints to pregnant prisoners or detainees and for incarceration of pregnant women.

## APPROPRIATIONS.

The SPEAKER. Those bills will go to the House supplemental calendar.

**BILL REREPORTED FROM COMMITTEE****HB 2490, PN 3959**

By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in insurance producer licensing, providing for life, accident and health insurance.

## APPROPRIATIONS.

The SPEAKER. HB 2490 will go to the House calendar.

**LEAVES OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentleman from Westmoreland County, Representative Pallone. His name will be added to the master roll. The gentleman from Northampton County, Representative Freeman, is also on the House floor. His name will be added to the master roll, and the gentleman from Montgomery County, Representative Bradford, is on the House floor. His name will be added to the master roll.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, Representative Turzai, who requests leave of absence for: Representative ELLIS from Butler County for the day, Representative METCALFE from Butler County for the day. Without objection, the leaves will be granted.

**LEAVE OF ABSENCE CANCELED**

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

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

Mr. SIPTROTH called up **HR 862, PN 3979**, entitled:

A Resolution designating the week of July 25 through July 31, 2010, as "ADA Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Monroe County, Representative Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues' support for HR 862 naming the week of July 25 through July 31 as ADA (Americans with Disabilities Act) Week.

More than 50 million people in this country, including more than 1.6 million Pennsylvanians, have some level of disability. The Americans with Disabilities Act, signed into law just 20 years ago this July, was the world's first comprehensive civil rights law for those with disabilities. This law prevents discrimination of anyone because of a disability, and perhaps more importantly, promotes accessibility, full participation, independent living, and economic self-sufficiency. The ADA has been helping to improve the lives of people with disabilities and their families, and this resolution recognizes that.

Please support this resolution by naming the week of July 25 through July 31 as "ADA Week" in Pennsylvania. Thank you. Thank you, Mr. Speaker.

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

The following roll call was recorded:

## YEAS—197

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

\* \* \*

Mr. PASHINSKI called up **HR 873, PN 3996**, entitled:

A Resolution honoring the coal miners who perished at the Upper Big Branch Mine-South in Raleigh County, West Virginia, by extending condolences to the families of the fallen coal miners and the people of West Virginia; and urging the Citizens' Stamp Advisory Committee to recommend to the United States Postal Service that, in recognition of the deaths of more than 100,000 miners, an image of an American coal miner be placed on the face of a United States postage stamp.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Longiatti	Reese
Baker	Farry	Maher	Reichley
Barbin	Fleck	Mahoney	Roae
Barrar	Frankel	Major	Rock
Bear	Freeman	Manderino	Roebuck
Belfanti	Gabig	Mann	Rohrer
Beyer	Gabler	Markosek	Ross
Bishop	Galloway	Marshall	Sabatina

Boback	Geist	Marsico	Sainato
Boyd	George	Matzie	Samuelson
Boyle	Gerber	McGeehan	Santarsiero
Bradford	Gergely	McI. Smith	Santoni
Brennan	Gibbons	Melio	Saylor
Briggs	Gillespie	Metzgar	Scavello
Brooks	Gingrich	Miccarelli	Schroder
Brown	Godshall	Micozzie	Seip
Burns	Goodman	Millard	Shapiro
Buxton	Grell	Miller	Siptroth
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.	Harper	O'Brien, D.	Swanger
Costa, P.	Harris	O'Brien, M.	Tallman
Cox	Helm	O'Neill	Taylor, J.
Creighton	Hennessey	Oberlander	Taylor, R.
Cruz	Hess	Pallone	Thomas
Curry	Hickernell	Parker	Toepel
Cutler	Hornaman	Pashinski	True
Daley	Houghton	Payne	Turzai
Day	Hutchinson	Payton	Vereb
Deasy	Johnson	Peifer	Vitali
Delozier	Josephs	Perry	Vulakovich
DeLuca	Kauffman	Perzel	Wagner
Denlinger	Keller, M.K.	Petrarca	Wansacz
DePasquale	Keller, W.	Petri	Waters
Dermody	Kessler	Phillips	Watson
DeWeese	Killion	Pickett	Wheatley
DiGirolamo	Kirkland	Preston	White
Donatucci	Knowles	Pyle	Williams
Drucker	Kortz	Quigley	Youngblood
Eachus	Kotik	Quinn	Yudichak
Evans, D.	Krieger	Rapp	
Evans, J.	Kula	Ravenstahl	McCall,
Everett	Lentz	Readshaw	Speaker
Fabrizio	Levdansky	Reed	

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. R. TAYLOR called up **HR 874, PN 4000**, entitled:

A Resolution recognizing June 28, 2010, as "German-American Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1890, PN 3954**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to The Pennsylvania State University, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Benner Township, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Fish and Boat Commission, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Game Commission, certain lands situate in Benner Township, Centre County.

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 2370, PN 3958**, entitled:

An Act amending the act of December 20, 1983 (P.L.260, No.72), referred to as the Public Adjuster Licensing Law, further providing for definitions and for license; providing for application for public adjuster license, for licensing, for issuance and term of license, for license renewals and for reciprocal licensing; further providing for fees, for bond and for contract; providing for written disclosure of financial interest; further providing for revocation, etc., of license and for violations; providing for civil remedy; further providing for administration and enforcement; and providing for persons licensed as public adjuster solicitors.

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

Mr. **DeLUCA** offered the following amendment  
**No. A08036:**

Amend Bill, page 5, line 21, by striking out the bracket before ",  
nor"

Amend Bill, page 5, line 23, by striking out the bracket after  
"from,"

Amend Bill, page 18, line 19, by inserting after "that"  
the

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

BILL PASSED OVER TEMPORARILY

The **SPEAKER**. We will go over the bill temporarily.

\* \* \*

The House proceeded to second consideration of **SB 1074, PN 1776**, entitled:

An Act amending Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, providing for State recording system for application of restraints to pregnant prisoners or detainees, for county recording system for application of restraints to pregnant prisoners or detainees and for incarceration of pregnant women.

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 712, PN 3953**, entitled:

An Act providing for the creation of land banks for the conversion of vacant or tax-delinquent properties into productive use.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Thomas, who offers amendment— The gentleman, Representative Thomas, has two amendments to the bill?

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

Mr. **THOMAS** offered the following amendment No. **A07997**:

- Amend Bill, page 13, by inserting between lines 17 and 18
  - (2) Each established land bank board shall include at least one voting member who:
    - (i) is a resident of the land bank jurisdiction;
    - (ii) is not a public official or municipal employee; and
    - (iii) maintains membership with a recognized civic organization within the land bank jurisdiction.
- Amend Bill, page 13, line 18, by striking out "(2)" and inserting (3)

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, amendment A07997 is an agreed-upon amendment. It primarily adds another member to the land bank board of directors.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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. **THOMAS** offered the following amendment No. **A08140**:

Amend Bill, page 11, lines 13 through 15, by striking out "RULE OR " in line 13, all of line 14 and "NECESSARY" in line 15 and inserting

subject to the approval of the mayor in a city or the county executive in a home rule county and in accordance with law or a home rule charter,

Amend Bill, page 11, line 27, by striking out "OR RESOLUTION"

Amend Bill, page 11, lines 29 and 30, by striking out "OR " in line 29 and "RESOLUTION" in line 30

Amend Bill, page 20, lines 26 and 27, by striking out ", RELEASE OR DEMISE, PLEDGE AND " in line 26 and "HYPOTHECATE" in line 27 and inserting

and mortgage, as mortgagor,

Amend Bill, page 21, line 15, by striking out "RESOLUTION OR"

Amend Bill, page 21, line 27, by striking out "RESOLUTION OR"

Amend Bill, page 36, by inserting after line 30

Section 19. Annual audit and report.

The following shall apply:

(1) The land bank shall annually, within 120 days after the end of the fiscal year, submit an audit of all income and expenditures, together with a report of its activities for the preceding year, to the Department of Community and Economic Development.

(2) A duplicate of the audit and the report shall be filed with the governing body of the land bank jurisdiction which created the land bank and with the governing body of a municipality or school district that opted to participate in the land bank pursuant to an intergovernmental agreement.

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

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

Mr. **THOMAS**. Thank you, Mr. Speaker.

Mr. Speaker, amendment A08140 is also an agreed-upon amendment. It provides three things: One, it clarifies language as it relates to local ordinances; it requires an annual report from land banks to DCED (Department of Community and Economic Development) and to local municipalities; and also, it makes some editorial changes.

I want to ask members from both sides of the aisle for their support for this amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Longiotti	Reese
Baker	Farry	Maher	Reichley
Barbin	Fleck	Mahoney	Roae

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **SB 918, PN 2065**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, consolidating and amending the Third Class County Assessment Board Law, The Fourth to Eighth Class and Selective County Assessment Law and provisions of The County Code relating to auxiliary board of assessment appeals and assessment of signs and sign structures; providing for municipal pensions in cities of the second class; and making related repeals.

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

The SPEAKER. On that question, it is the Chair's understanding that the gentleman from Lancaster County, Representative Creighton, is withdrawing his amendment and the gentlelady from Mercer County, Representative Brooks, is withdrawing her amendment? The Chair thanks the lady. The Chair thanks the gentleman, Mr. Creighton.

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

**CONSIDERATION OF HB 2370 CONTINUED**

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

**CONSIDERATION OF AMENDMENT A08036 CONTINUED**

The clerk read the following amendment No. **A08036**:

Amend Bill, page 5, line 21, by striking out the bracket before ", nor"

Amend Bill, page 5, line 23, by striking out the bracket after "from,"

Amend Bill, page 18, line 19, by inserting after "that" the

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 DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. It corrects some of the grammatical comments in there. All the stakeholders have signed off on this, and I would ask for an affirmative vote on this amendment.

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

The following roll call was recorded:

**YEAS—197**

Adolph	Fairchild	Longiotti	Reese
Baker	Farry	Maher	Reichley
Barbin	Fleck	Mahoney	Roae

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—5**

Benninghoff	Metcalfe	Oliver	Smith, K.
Ellis			

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

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

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 511, PN 563**, entitled:

An Act amending Titles 3 (Agriculture) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the definitions of "agricultural biosecurity areas" and for "posted notice"; and further providing for keeping and handling of domestic animals, for criminal trespass and for ecoterrorism.

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

The SPEAKER. On that question, it is the Chair's understanding that the majority leader is withdrawing his amendment? The Chair thanks the gentleman.

The gentleman, Representative Cutler, has three amendments. Will he indicate to the Chair which amendment he is offering?

Mr. CUTLER. Thank you, Mr. Speaker.  
I would like to offer A08142, please.

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

Mr. **CUTLER** offered the following amendment No. **A08142**:

Amend Bill, page 1, line 17, by striking out "a" and inserting

an agricultural

Amend Bill, page 2, line 2, by inserting after "disease"

or hazardous substance

Amend Bill, page 2, line 6, by inserting after "designed"

and constructed

Amend Bill, page 2, line 20, by inserting after "area"

and that all such agricultural biosecurity areas so established be clearly and conspicuously posted. The department may develop a regulation to govern the form and content of posted notice to identify an agricultural biosecurity area

Amend Bill, page 4, lines 5 through 22, by striking out all of said lines and inserting

(i) Enters an agricultural biosecurity area, knowing that the person is not licensed or privileged to do so.

(ii) Knowingly or recklessly fails to perform reasonable measures for biosecurity that by posted notice are required to be performed for entry to the agricultural biosecurity area.

(2) It is a defense to prosecution under paragraph (1)(ii)

that:

(i) no reasonable means or method was available to perform the measures that the posted notice required to be performed for entry to the agricultural biosecurity area;

(ii) entry is made in response to a condition within the agricultural biosecurity area that the person reasonably believes to be a serious threat to human or animal health as necessitating immediate entry to the agricultural biosecurity area; or

(iii) entry is made under exigent circumstances by a law enforcement officer to:

(A) pursue and apprehend a suspect of criminal conduct reasonably believed by the

officer to be present within the agricultural biosecurity area; or

(B) prevent the destruction of evidence of criminal conduct reasonably believed by the officer to be located within the agricultural biosecurity area.

(3) (i) Except as set forth in subparagraph (iii), an offense under paragraph (1)(i) constitutes a misdemeanor of the third degree.

(ii) Except as set forth in subparagraph (iii), an offense under paragraph (1)(ii) constitutes a summary offense.

(iii) If an offense under paragraph (1) causes damage to or death of an animal or plant within an agricultural biosecurity area, the offense constitutes a misdemeanor of the first degree.

(4) For purposes of this subsection, the terms "agricultural biosecurity area" and "posted notice" shall have the meanings given to them in 3 Pa.C.S. § 2303 (relating to definitions).

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, HB 511 creates the criminal charge of ecoterrorism as well as ag biosecurity trespass, Mr. Speaker. This amendment would simply address some of the concerns that came about through the discussions with the Department of Ag as well as the administration. First, it would give the Department of Ag authority to develop a regulation to govern the form and content on the posted notices that will be required outside of these areas.

Additionally, it provides for the grading of the offense as an M3 if you enter an ag biosecurity area without authority, and failing to perform posted ag biosecurity measures would simply be a summary offense. If either of these offenses would cause death or destruction to plants or animals within those areas, it could be an M1.

Currently for those members who might be interested, the current law for ag trespassing is simply a misdemeanor of the third degree and defiant ag trespassing is a misdemeanor of the second, and this would correct and update each of these respective sections.

Mr. Speaker, the amendment does have the support of the Pennsylvania Farm Bureau, the Ag Coalition, as well as the administration. I would appreciate the members' affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—197

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

Bishop	Galloway	Marshall	Sabatina
Boback	Geist	Marsico	Sainato
Boyd	George	Matzie	Samuelson
Boyle	Gerber	McGeehan	Santarsiero
Bradford	Gergely	McI. Smith	Santoni
Brennan	Gibbons	Melio	Saylor
Briggs	Gillespie	Metzgar	Scavello
Brooks	Gingrich	Miccarelli	Schroder
Brown	Godshall	Micozzie	Seip
Burns	Goodman	Millard	Shapiro
Buxton	Grell	Miller	Siptroth
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.	Harper	O'Brien, D.	Swanger
Costa, P.	Harris	O'Brien, M.	Tallman
Cox	Helm	O'Neill	Taylor, J.
Creighton	Hennessey	Oberlander	Taylor, R.
Cruz	Hess	Pallone	Thomas
Curry	Hickernell	Parker	Toepel
Cutler	Hornaman	Pashinski	True
Daley	Houghton	Payne	Turzai
Day	Hutchinson	Payton	Vereb
Deasy	Johnson	Peifer	Vitali
Delozier	Josephs	Perry	Vulakovich
DeLuca	Kauffman	Perzel	Wagner
Denlinger	Keller, M.K.	Petrarca	Wansacz
DePasquale	Keller, W.	Petri	Waters
Dermody	Kessler	Phillips	Watson
DeWeese	Killion	Pickett	Wheatley
DiGirolamo	Kirkland	Preston	White
Donatucci	Knowles	Pyle	Williams
Drucker	Kortz	Quigley	Youngblood
Eachus	Kotik	Quinn	Yudichak
Evans, D.	Krieger	Rapp	McCall,
Evans, J.	Kula	Ravenstahl	Speaker
Everett	Lentz	Readshaw	
Fabrizio	Levdansky	Reed	

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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?

The SPEAKER. The gentleman from Lancaster County, Representative Cutler, is withdrawing the remainder of his 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.)

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2547, PN 3826**, entitled:

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

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

**YEAS-197**

Adolph	Fairchild	Longiatti	Reese
Baker	Farry	Maher	Reichley
Barbin	Fleck	Mahoney	Roae
Barrar	Frankel	Major	Rock
Bear	Freeman	Manderino	Roebuck
Belfanti	Gabig	Mann	Rohrer
Beyer	Gabler	Markosek	Ross
Bishop	Galloway	Marshall	Sabatina
Boback	Geist	Marsico	Sainato
Boyd	George	Matzie	Samuelson
Boyle	Gerber	McGeehan	Santarsiero
Bradford	Gergely	McI. Smith	Santoni
Brennan	Gibbons	Melio	Saylor
Briggs	Gillespie	Metzgar	Scavello
Brooks	Gingrich	Miccarelli	Schroder
Brown	Godshall	Micozzie	Seip
Burns	Goodman	Millard	Shapiro
Buxton	Grell	Miller	Siptroth
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.	Harper	O'Brien, D.	Swanger
Costa, P.	Harris	O'Brien, M.	Tallman
Cox	Helm	O'Neill	Taylor, J.
Creighton	Hennessey	Oberlander	Taylor, R.
Cruz	Hess	Pallone	Thomas
Curry	Hickernell	Parker	Toepel
Cutler	Hornaman	Pashinski	True
Daley	Houghton	Payne	Turzai
Day	Hutchinson	Payton	Vereb
Deasy	Johnson	Peifer	Vitali



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

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

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

**REMARKS SUBMITTED FOR THE RECORD**

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

Last year the Mortgage Licensing Act was signed into law to bring Pennsylvania into compliance with the Federal SAFE (Secure and Fair Enforcement for Mortgage Licensing) Act. An unintended consequence of Act 31 was how it affected retailers who sell manufactured housing. Before the passage of Act 31, they were licensed under the Motor Vehicle Sales Finance Act. Now they are required to be licensed under both the Motor Vehicle Sales Finance Act and the Mortgage Licensing Act.

The purpose of this legislation is to end this dual licensing requirement. Under the provisions of this bill, business licenses would be retained under the Motor Vehicle Sales Finance Act, and where an individual seeks licensure, they would come under the Mortgage Licensing Act. This legislation was reported unanimously from the Commerce Committee on June 8.

The Pennsylvania Department of Banking and the Pennsylvania Manufactured Housing Association both agreed to this language and were involved with the drafting of the bill.

It would take effect in 60 days.

\* \* \*

The House proceeded to third consideration of **HB 2477, PN 3956**, entitled:

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.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Benninghoff	Metcalf	Oliver	Smith, K.
Ellis			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1878, PN 2995**, entitled:

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

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

The SPEAKER. For the record, the House voting schedule lists two Killion amendments; however, on April 28 Representative Killion's amendment A06622 was adopted by a vote of 191 to 0 on third. The gentleman suspended the rules to offer that amendment, and then we went over the bill for the day.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman, Representative Killion, on a motion to suspend the rules for the immediate consideration of amendment A06734.

On the question of suspension of the rules, does the gentleman rise to make that motion? The gentleman from Delaware County, Representative Killion, moves that the House suspend its rules for the immediate consideration of amendment A06734.

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

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

Mr. KILLION. Thank you, Mr. Speaker.

If the members recall, HB 1878 was on the floor before. It is a bill that extends the protections that teachers in public schools, traditional public schools, currently have to the 22 private residential rehabilitative institutions in Pennsylvania. When the bill was offered before, there were some concerns about the language in the bill that had to deal with weapons on these school grounds, and there were legitimate concerns raised by members of the body dealing with those who are licensed to carry a weapon legally or those who are hunting. This amendment addresses those concerns. It completely removes all the language dealing with weapons and leaves in the things that we were most concerned about, and that is providing the teachers, students, and administrators in these institutions protection from aggravated assault and from intentional criminal trespass.

I would ask for an affirmative vote on the suspension of the rules. Thank you, Mr. Speaker.

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

Mr. EACHUS. Thank you, Mr. Speaker.  
Mr. Speaker, for the information of the Democratic members, this is an agreed-to amendment.

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

The following roll call was recorded:

**YEAS—194**

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

**NAYS—3**

Cutler	Grell	Thomas
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**NOT VOTING—0**

**EXCUSED—5**

Benninghoff	Metcalfe	Oliver	Smith, K.
Ellis			

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

On the question recurring,

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

Mr. **KILLION** offered the following amendment No. **A06734**:

Amend Bill, page 1, lines 1 through 18 (A06622), by striking out all of said lines and inserting

Amend Bill, page 1, line 3, by striking out "the offense of possession of weapons, AND"

Amend Bill, page 2, line 16, by striking out "912(B),"

Amend Bill, page 2, lines 18 through 28, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. **KILLION**. Thank you, Mr. Speaker.

I thank the majority leader for supporting the suspension.

As I explained, this amendment resolves some of the issues that were brought up the last time HB 1878 was before this body. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Longietti	Reese
Baker	Farry	Maher	Reichley
Barbin	Fleck	Mahoney	Roae
Barrar	Frankel	Major	Rock
Bear	Freeman	Manderino	Roebuck
Belfanti	Gabig	Mann	Rohrer
Beyer	Gabler	Markosek	Ross
Bishop	Galloway	Marshall	Sabatina
Boback	Geist	Marsico	Sainato
Boyd	George	Matzie	Samuelson
Boyle	Gerber	McGeehan	Santarsiero
Bradford	Gergely	McI. Smith	Santoni
Brennan	Gibbons	Melio	Saylor
Briggs	Gillespie	Metzgar	Scavello
Brooks	Gingrich	Miccarelli	Schroder
Brown	Godshall	Micozzie	Seip
Burns	Goodman	Millard	Shapiro
Buxton	Grell	Miller	Siptroth
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.	Harper	O'Brien, D.	Swanger
Costa, P.	Harris	O'Brien, M.	Tallman
Cox	Helm	O'Neill	Taylor, J.
Creighton	Hennessey	Oberlander	Taylor, R.
Cruz	Hess	Pallone	Thomas
Curry	Hickernell	Parker	Toepel

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Metcalfe	Oliver	Smith, K.
Ellis			

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

On the question recurring,

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

Bill as amended was agreed to.

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

(Bill analysis was read.)

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

(Members proceeded to vote.)

VOTE STRICKEN

The **SPEAKER**. The clerk will strike the vote.

On the question of final passage, the Chair recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. **THOMAS**. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate, because I am confused at this point. May I interrogate the maker of the bill?

The **SPEAKER**. The gentleman from Delaware County, Representative Killion, indicates he will stand for interrogation.

The gentleman from Philadelphia, Representative Thomas, is in order and may proceed.

Mr. **THOMAS**. Thank you.

The last comment that I heard before we were getting ready to vote was that the bill deals with possession of illegal guns, and I thought prior to that you had offered an amendment,

which the body supported, which took out all the language regarding guns. So was that a correct statement before we voted or was that an error?

Mr. KILLION. Mr. Speaker, the second part is in fact correct. The bill as it stands now does not mention guns. It provides the protection to teachers in these institutions from aggravated assault — the teachers, the students, and administrators from aggravated assault, and also from criminal trespass. The language dealing with weapons has been removed.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. For the record, Mr. Speaker, I just want to say that it has been agreed to in the legislation. So I would ask for an affirmative vote. It has been agreed to with the amendments that have been added to the bill and the bill itself, and I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

Dermody	Kessler	Phillips	Watson
DeWeese	Killion	Pickett	Wheatley
DiGirolamo	Kirkland	Preston	White
Donatucci	Knowles	Pyle	Williams
Drucker	Kortz	Quigley	Youngblood
Eachus	Kotik	Quinn	Yudichak
Evans, D.	Krieger	Rapp	
Evans, J.	Kula	Ravenstahl	McCall,
Everett	Lentz	Readshaw	Speaker
Fabrizio	Levdansky	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Metcalfe	Oliver	Smith, K.
Ellis			

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

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2189, PN 3372**, entitled:

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

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

The SPEAKER. There are a number of members who have withdrawn amendments. The Chair would just like to verify that.

Representative Harper from Montgomery County has two amendments. Is the gentlelady withdrawing those amendments? The Chair thanks the gentlelady.

Is the gentleman from Lehigh County, Representative Reichley, withdrawing his amendment? The Chair thanks the gentleman.

Is the gentleman, Mr. Grove, withdrawing his amendment? The Chair thanks the gentleman.

Is the gentleman from Philadelphia County, Representative Payton, withdrawing his amendments? The Chair thanks the gentleman.

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

Mr. **EACHUS** offered the following amendment **No. A07943**:

Amend Bill, page 1, lines 1 through 5, by striking out all of said lines and inserting  
Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children; and defining the offense of sexting by minors.

Amend Bill, page 1, lines 8 through 18; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 14, by striking out all of said lines on said pages and inserting

Section 1. Section 6312(f) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6312. Sexual abuse of children.

\* \* \*

(f) Exceptions.—This section does not apply to any of the following:

(1) Any material that is viewed, possessed, controlled, brought or caused to be brought into this Commonwealth, or presented, for a bona fide educational, scientific, governmental or judicial purpose.

(2) Conduct prohibited under section 6321 (relating to sexting by minors).

(3) An individual under the age of 18 years who knowingly photographs, videotapes, depicts on a computer or films, or possess or intentionally views a visual depiction as defined in section 6321 of, himself or herself alone in a state of simple nudity as defined in section 6321.

\* \* \*

Section 2. Title 18 is amended by adding a section to read: § 6321. Sexting by minors.

(a) Misdemeanor offense defined.—Except as provided under subsection (b), an individual commits a misdemeanor of the second degree if:

(1) The individual is a minor and knowingly transmits or disseminates a visual depiction of himself or herself engaging in sexually explicit conduct.

(2) The individual is a minor and does any of the following involving another minor actually known to the individual:

(i) knowingly photographs, videotapes, depicts on a computer or films the minor engaging in sexually explicit conduct; or

(ii) intentionally views or knowingly possesses a visual depiction which depicts the minor engaging in sexually explicit conduct.

(b) Summary offense defined.—An individual commits a summary offense if:

(1) The individual is a minor and knowingly transmits a visual depiction of himself or herself engaging in sexually explicit conduct when all of the following apply:

(i) the person intended to receive the visual depiction is 13 years of age or older and not more than four years younger nor four years older than the individual;

(ii) the person intended to receive the visual depiction is actually known to the individual; and

(iii) the individual had a reasonable belief at the time of the transmission that the intended recipient of the visual depiction was a willing recipient of the visual depiction.

(2) The individual is 19 years of age or younger but at least 13 years of age and does any of the following involving a minor who is actually known to the individual and not more than four years younger or four years older than the individual:

(i) At the request of the minor, knowingly photographs, videotapes, depicts on a computer or films the minor engaging in sexually explicit conduct.

(ii) Knowingly transmits to the minor, a visual depiction which depicts the minor engaging in sexually explicit conduct.

(iii) Intentionally views or knowingly possesses a visual depiction which depicts the minor engaging in sexually explicit conduct and which was:

(A) transmitted or disseminated to the individual by the minor; or

(B) taken, taped, depicted on computer or filmed by the individual at the request of the minor.

(c) Applicability.—This section shall not apply to the following:

(1) A visual depiction of a minor which depicts the minor engaged in sexual intercourse, deviate sexual intercourse, masturbation, sadism or masochism or which depicts the penetration, however slight, of the minor's genitals or anus with any part of another individual's body. The photographing, videotaping, filming or depicting on a computer of a visual depiction which depicts any of these acts involving a minor or the transmission or dissemination of a visual depiction which depicts any of these acts involving a minor shall be subject to prosecution under other provisions of this title, including section 6312.

(2) A visual depiction of a minor which depicts the minor engaging in sexually explicit conduct if the photograph, videotape, film or depiction was taken, made, produced, used or intended to be used for or in furtherance of a commercial purpose. The photographing, videotaping, filming or depicting on a computer of a visual depiction which depicts a minor engaging in sexually explicit conduct for or in furtherance of a commercial purpose or the transmission or dissemination of a visual depiction which depicts a minor engaging in sexually explicit conduct for or in furtherance of a commercial purpose shall be subject to prosecution under other provisions of this title, including section 6312.

(3) An individual under 18 years of age who views or possesses a visual depiction of himself or herself which depicts the individual engaging in sexually explicit conduct, if no one else is depicted in the photograph, videotape, depiction or film.

(4) A visual depiction of a minor who is married which depicts only the minor, the minor's spouse, or both, engaging in sexually explicit conduct or simple nudity and which is possessed or viewed only by the minor, the minor's spouse, or both, or which is transmitted only between the minor and the minor's spouse.

(d) Adjudication alternatives.—As appropriate to the circumstances, if an individual is accused of committing an offense under this section, consideration shall be given to:

(1) diversionary alternatives available prior to a law enforcement officer's submission of a written allegation of delinquency to the juvenile probation office or the issuance of a summary citation;

(2) adjudicatory alternatives available subsequent to the submission of a written allegation of delinquency, including the opportunity for disposition through informal adjustment as set forth in 42 Pa.C.S. § 6323 (relating to informal adjustment) or entry of a consent decree pursuant to 42 Pa.C.S. § 6340 (relating to consent decree); or

(3) adjudication alternative programs available under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) subsequent to the filing or issuance of a summary citation.

(e) Proceedings.—Any proceeding involving a violation of this section shall be subject to all of the following:

(1) 42 Pa.C.S. § 6307 (relating to inspection of court files and records).

(2) 42 Pa.C.S. § 6336(d) (relating to conduct of hearings) insofar as the subsection relates to the exclusion of the general public from the proceeding.

(3) If the person charged is a minor, the charges and all other documents which are filed shall be captioned and docketed using only the minor's initials.

(4) If an individual is charged solely with violations of subsection (b) and the individual does not participate in an adjudication alternative offered under subsection (d), the individual must personally appear at a proceeding before a magisterial district judge.

(f) Expungement.—For an individual who fulfills the conditions of a diversionary alternative under subsection

(d)(1), an adjudication alternative program under subsection (d)(3) or an informal adjustment under 42 Pa.C.S. § 6323, the record, including fingerprints or photographs taken under 42 Pa.C.S. § 6308(c) (relating to law enforcement records), shall be expunged under section 9123(a)(1) (relating to juvenile records). For an individual who has successfully fulfilled the conditions of a consent decree under 42 Pa.C.S. § 6340, the record, including fingerprints or photographs taken under 42 Pa.C.S. § 6308(c), shall be expunged under section 9123(a)(2).

(g) No secure detention or placement authorized.—A minor alleged to be delinquent solely on the basis of an offense committed under subsection (a) may not be detained in a secure facility under 42 Pa.C.S. § 6327 (relating to place of detention). A minor adjudicated delinquent where the offense under subsection (a) is the only offense substantiated under 42 Pa.C.S. § 6341 (relating to adjudication) shall not be subject to commitment to a secure facility pursuant to a disposition ordered by the court under 42 Pa.C.S. § 6352 (relating to disposition of delinquent child).

(h) Nature of offense.—An offense under subsection (b) shall:

- (1) not be a criminal offense of record;
- (2) not be reportable as a criminal act; and
- (3) not be placed on the criminal record of the offender.

(i) Seizure and forfeiture of electronic device.—An electronic device used in violation of this section may be seized and forfeited to the Commonwealth.

(j) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Actually known." Possessing firsthand or personal knowledge about an individual that is acquired through a friendly relationship with the individual.

"Disseminate." To cause or make an electronic communication from one person, place or electronic communication device to two or more persons, places or electronic communication devices. The term does not include the posting on or transfer to an Internet page or website to which the public has or might gain access.

"Electronic communication." As defined in section 5702 (relating to definitions).

"Electronic communication device." Any type of instrument, device, machine or equipment which is capable of transmitting, acquiring, decrypting or receiving any telephonic, electronic, data, Internet access, audio, video, microwave or radio transmissions, signals, communications or services, including the receipt, acquisition, transmission or decryption of all such communications, transmissions, signals or services over any cable television, telephone, satellite, microwave, radio or wireless distribution system or facility, or any part, accessory or components thereof, including any computer circuit, security module, smart card, software, computer chip, electronic mechanism or other component, accessory or part which is capable of facilitating the transmission, decryption, acquisition or reception of all such communications, transmissions, signals or services.

"Minor." An individual 13 years of age or older and under 18 years of age.

"Nudity." As defined in section 5903(e) (relating to obscene and other sexual materials and performances).

"Sexual intercourse." As defined in section 3101 (relating to definitions).

"Sexually explicit conduct."

(1) Any of the following:

(i) Lewd or lascivious exhibition of the genitals, pubic area, breasts or buttocks.

(ii) Nudity, if the nudity is visually depicted for the purpose of the sexual stimulation or sexual gratification of a person who might view the depiction.

(2) The term shall not include simple nudity.

"Simple nudity." Nudity which is visually depicted for a purpose

other than the sexual stimulation or the sexual gratification of a person who might view the visual depiction.

"Transmit." To cause or make an electronic communication from one person, place or electronic communication device to only one other person, place or electronic communication device. The term shall not include the posting on or transfer to an Internet page or website to which the public has or might gain access.

"Visual depiction." A photograph, videotape, film or depiction on a computer. The term shall not include a photograph, videotape, film or depiction on a computer, taken, taped, filmed, made, produced, used or intended to be used, for or in furtherance of a commercial purpose or to the transmission or dissemination of such a visual depiction.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question of adoption of the amendment, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

### MOTION TO RECOMMIT

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

The SPEAKER. The gentleman will state his motion.

Mr. VITALI. This would be a motion to recommit to Judiciary, Mr. Speaker. The reason for this is that the state of the law is very unclear right now, and we are in a situation where we are trying to add to current law without knowing what current law is. I have listened to half a dozen different lawyers in the course of this discussion who have had half a dozen different opinions as to: What is a crime? What is not a crime? What is a misdemeanor? What is a summary with regard to juveniles transmitting depictions of themselves, be they hard-core or soft-core? There is confusion with regard to the state of the law. It is my understanding there was just an injunction in Wyoming County, for a prosecution in that case. We really need to let this law settle before we start to change it.

Mr. Speaker, there is also a series of amendments out there. Some have been withdrawn; some are still remaining. I think this issue is simply not ready for prime time. I think it would benefit from greater clarity with regard to the courts, greater clarity with regard to consensus among members. So for that reason, I move to recommit this to Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of recommitment, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

Four times the House Judiciary Committee brought up this bill, twice during voting meetings. It has been properly vetted.

The Third Circuit Court of Philadelphia, during the first ever sexting court case, was completely mute and verified that the

D.A.s are charging appropriately for a third-degree felony. That has been upheld in the courts.

I feel this motion is just an attempt to kill the bill. Once again, Mr. Speaker, it has been vetted on four different occasions and it is properly ready, with this amendment, the Eachus amendment, to pass into law. Thank you, Mr. Speaker.

The SPEAKER. On the question of recommitment, those in favor of recommitting the bill and all of its amendments to the House Judiciary Committee will vote "aye"; those opposed, "nay."

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

(Members proceeded to vote.)

**LEAVE OF ABSENCE CANCELED**

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

**CONSIDERATION OF HB 2189 CONTINUED**

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

The following roll call was recorded:

**YEAS—39**

Cohen	Gerber	Melio	Santoni
Cruz	Haluska	Mirabito	Staback
Curry	Johnson	Mundy	Sturla
Daley	Josephs	Myers	Vitali
Dermody	Keller, W.	O'Brien, M.	Wagner
DeWeese	Kirkland	Payton	Wansacz
Drucker	Kortz	Roebuck	Wheatley
Evans, D.	Mahoney	Sabatina	Williams
Frankel	Manderino	Sainato	Youngblood
George	McGeehan	Samuelson	

**NAYS—159**

Adolph	Fabrizio	Lentz	Rapp
Baker	Fairchild	Levdansky	Ravenstahl
Barbin	Farry	Longietti	Readshaw
Barrar	Fleck	Maher	Reed
Bear	Freeman	Major	Reese
Belfanti	Gabig	Mann	Reichley
Beyer	Gabler	Markosek	Roe
Bishop	Galloway	Marshall	Rock
Boback	Geist	Marsico	Rohrer
Boyd	Gergely	Matzie	Ross
Boyle	Gibbons	McI. Smith	Santarsiero
Bradford	Gillespie	Metcalfe	Saylor
Brennan	Gingrich	Metzgar	Scavello
Briggs	Godshall	Miccarelli	Schroder
Brooks	Goodman	Micozzie	Seip
Brown	Grell	Millard	Shapiro
Burns	Grove	Miller	Sipthoth
Buxton	Grucela	Milne	Smith, M.
Caltagirone	Hahn	Moul	Smith, S.
Carroll	Hanna	Murphy	Solobay
Casorio	Harhai	Murt	Sonney
Causer	Harhart	Mustio	Stern
Christiana	Harkins	O'Brien, D.	Stevenson
Clymer	Harper	O'Neill	Swanger
Conklin	Harris	Oberlander	Tallman

Costa, D.	Helm	Pallone	Taylor, J.
Costa, P.	Hennessey	Parker	Taylor, R.
Cox	Hess	Pashinski	Thomas
Creighton	Hickernell	Payne	Toepel
Cutler	Hornaman	Peifer	True
Day	Houghton	Perry	Turzai
Deasy	Hutchinson	Perzel	Vereb
Delozier	Kauffman	Petrarca	Vulakovich
DeLuca	Keller, M.K.	Petri	Waters
Denlinger	Kessler	Phillips	Watson
DePasquale	Killion	Pickett	White
DiGirolamo	Knowles	Preston	Yudichak
Donatucci	Kotik	Pyle	
Eachus	Krieger	Quigley	McCall,
Evans, J.	Kula	Quinn	Speaker
Everett			

**NOT VOTING—0**

**EXCUSED—4**

Benninghoff	Ellis	Oliver	Smith, K.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The following roll call was recorded:

**YEAS—198**

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

DePasquale	Keller, W.	Petrarca	Wansacz
Dermody	Kessler	Petri	Waters
DeWeese	Killion	Phillips	Watson
DiGirolamo	Kirkland	Pickett	Wheatley
Donatucci	Knowles	Preston	White
Drucker	Kortz	Pyle	Williams
Eachus	Kotik	Quigley	Youngblood
Evans, D.	Krieger	Quinn	Yudichak
Evans, J.	Kula	Rapp	
Everett	Lentz	Ravenstahl	McCall,
Fabrizio	Levdansky	Readshaw	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Benninghoff      Ellis                  Oliver                  Smith, K.

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?

The SPEAKER. The gentleman from Delaware County, Representative Vitali, is recognized to offer amendment A08179, which is a replacement amendment and a corrective reprint of amendment 7191 and a replacement amendment due to the fact that the House adopted the Eachus amendment.

On the question recurring,

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

Mr. VITALI offered the following amendment No. **A08179**:

Amend Bill, page 1, by inserting between lines 26 and 27 (A07943)

(4) Visual depictions sent via electronic communications that do not depict sexual intercourse, deviate sexual intercourse, the penetration, however slight, of the genitals or anus of a minor with any part of a person's body, masturbation, sadism or masochism;

(i) if all of the following conditions are met:

(A) the defendant was a minor at the time the depiction was sent;

(B) the visual depiction includes no person other than the defendant or the recipient;

(C) the defendant had a reasonable belief at the time the depiction was sent to another that it was sent to a willing recipient; and

(D) the recipient was a minor at the time the depiction was sent; or

(ii) if all of the following conditions are met:

(A) the defendant was an adult at the time the depiction was sent;

(B) the visual depiction includes no person other than the defendant or the recipient;

(C) the minor in the depiction was at least 16 years of age at the time the depiction was sent;

(D) the minor in the depiction was a

willing participant; and

(E) the defendant was less than four years older than the minor in the depiction at the time the depiction was sent.

(5) Conduct prohibited under subsection (d) engaged in by a minor relating to any electronic communication received under the circumstances specified in paragraph (4).

Amend Bill, page 3, by inserting between lines 28 and 29

(A07943)

(5) A defendant if:

(i) the defendant was a minor at the time the depiction was sent;

(ii) the visual depiction includes no person other than the defendant or the recipient;

(iii) the defendant had a reasonable belief at the time the depiction was sent to another that it was sent to a willing recipient; and

(iv) the recipient was a minor at the time the depiction was sent.

(6) A defendant if:

(i) the defendant was a minor at the time the depiction was sent;

(ii) the visual depiction includes no person other than the defendant or the recipient;

(iii) the minor in the depiction was at least 16 years of age at the time the depiction was sent;

(iv) the minor in the depiction was a willing participant; and

(v) the adult recipient was less than four years older than the minor in the depiction at the time the depiction was sent.

(7) Possession of any electronic communication received under the circumstances specified in paragraph (5) or (6).

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Picture a situation where your 16-year-old son receives a depiction of his 16-year-old girlfriend in a topless state by that girlfriend and retains it in his cell phone. Under the law we just passed, that is a crime. That is a crime for his girlfriend; that is a crime for your son.

Mr. Speaker, this is the type conduct, that sort of inappropriate conduct is the type conduct that should be dealt with by parents, that should be dealt with by schools, that should be dealt with by counseling, but it should not be dealt with by the criminal justice system and lawyers.

Mr. Speaker, that is a situation where if you were— Mr. Speaker, what this amendment intends to do is take a very narrow exception to the Grove bill that we are considering, as amended by Eachus. It is taking the narrow situation where you have a soft – where you have a simple nudity situation, where you have a depiction transmitted where the transmission is only of either the sender or receiver, where you are dealing with a receiver who is a willing receiver. Mr. Speaker, this is a situation of either two minors or an adult and a minor, where the minor is over 16 and the adult is less than 4 years older.

Mr. Speaker, this is not the conduct we want to criminalize. We do not want to make this bill a full employment bill for lawyers. If you are in this situation as a parent, you immediately need to hire a lawyer. You have kids who are being traumatized.



You are sending the wrong message to them. Mr. Speaker, we need to carve out this simple exception.

Right now what I have just described is not a crime in Pennsylvania; it is not a crime, this consensual texting from one to another of willing recipients and receivers. It is not a crime but we are going to be making it a crime, and I would submit to you that it is inappropriate conduct. It is conduct that should receive sanctions from parenting and schools, but we need to keep the court system out. So I would ask for a "yes" vote.

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

Mr. COHEN. Thank you, Mr. Speaker.

When I first came to the legislature a long, long time ago, the entire Pennsylvania criminal budget was \$100 million a year. Today with my help and the help of other members of the General Assembly now and in prior years, the budget of the criminal justice system in Pennsylvania has gone from \$100 million to \$1.8 billion. This \$1.8 billion does not include borrowing costs for new prisons. If we did include borrowing costs, I am sure it would be well over \$2 billion a year for our prison system. We now have the equivalent of a legislative district full of people in prison. There are over 60,000 people in prison at all levels, if you count the State, local, and the Federal government, in Pennsylvania.

We cannot keep discovering new crimes. If we do keep discovering new crimes, the cost of roughly \$2 billion for the criminal justice budget will no doubt hit \$2 1/2 billion, \$3 billion, \$3 1/2 billion. We have to say no to something at some time. If we are going to say no to something at some time, we ought to say no to sexting. Sexting is a rather silly, stupid practice that is encouraged by modern technology. There are now a very high percentage of all kids who have Apple or Verizon or some other maker's cell phones. Cell phones are nearly universal among teenagers. Cell phones have camera capacity, in most cases, and if anybody is dissatisfied with the camera capacity of cell phones, they can get many other cameras that are readily available.

The fact is that today's kids have the capacity to take naked pictures of themselves. But the question of does this require – the fact that the kids have this capacity – does this require a new law? Does this require us to spend millions of dollars a year in criminal prosecution fees because these kids have cell phones? My sense is no. It does not require us to spend new money. We have a lot of people in jail already. We will undoubtedly, if we leave our laws alone, we will undoubtedly have many more people in jail because we have many, many mandatory sentences. Prison health care is a very large and growing component of prison entry.

Mr. Speaker, if this is not a necessary law, if any of you have, I would say, 10 or more people who have pleaded with you to do something about sexting, then I guess maybe you ought to vote against the Vitali amendment. But if your constituents, like mine, have been completely silent on this matter, I would suggest that our responsibility is to the taxpayer as a whole. We are not going to be able to balance the budgets of Pennsylvania year after year if we cannot resist the siren call that some people are doing something stupid, and therefore, we have to create a new crime, sending new people to prison. We cannot endlessly create new crimes.

This crime is not urgent. There is no real public demand, outside of a very small number of legislative districts, for us to

do something, and I think the public interest strongly suggests that we would be better off spending State taxpayers' money on matters of more relevance to our constituency.

I urge support of the Vitali amendment.

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

Mr. VEREB. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please?

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

Mr. VEREB. Thank you, Mr. Speaker.

In your introductory words of your amendment, you used the words "willing recipient." Can you define what a willing recipient is for me, please?

Mr. VITALI. It goes to a reasonable expectation. Let me see if I can find the exact words for you, "...the defendant had a reasonable belief at the time the depiction was sent to another that it was sent to a willing recipient...."

Mr. VEREB. You are suggesting the picture is sent to someone who would not be offended by the image then. Would that be accurate?

Mr. VITALI. It contemplates the— Would not be offended, that would be correct. But it implies— The intent is that it is a situation where it is two acquaintances and the depiction itself is either of the sender or recipient. You are just dealing with a depiction of the sender or recipient.

Mr. VEREB. Would you agree that your example is not covered under the Eachus amendment? Your example that you used for illustration purposes is not a violation of law under the Eachus amendment?

Mr. VITALI. It is my understanding that the Eachus amendment makes a summary offense of the example I cite.

Mr. VEREB. Okay. We have, obviously, difference of observation. My understanding is that there had to be an act, per se, in progress or an actual action to be photographed. A sexually explicit action or conduct would have to be photographed, videotaped, and transmitted.

Mr. VITALI. As I read the definition, I believe the act is not required. It is simply a nudity situation, and I think the operative language is, "...OR NUDITY IF SUCH NUDITY IS DEPICTED FOR THE PURPOSE OF SEXUAL STIMULATION OR GRATIFICATION...." So you have a situation where the girlfriend is topless, posing in a way that is done, and that would fit under the definition as the bill currently reads. So those words I just read to you would pull in the example I cite. I am reading the definition of "SEXUALLY EXPLICIT CONDUCT," and I am reading about the last 2 1/2 lines starting with the words "...or nudity if such nudity....," and that phrase after that pulls in, let us say, the 16-year-old girlfriend who is posing topless and then sending that to the 16-year-old boyfriend. So that would make that a summary, pull it into the summary offense under Eachus as I understand it.

Mr. VEREB. Thank you, Mr. Speaker.

I think at that point then it would be the interpretation of the sender and the recipient whether or not the other adjectives there involved were met. So I understand the explanation, and I thank you for that.

I would just like to make a comment, Mr. Speaker.

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

Mr. VEREB. Mr. Speaker, I was not sure how I was going to vote on the amendment, although I was on Judiciary and have supported it.

I think that the reasons that the gentleman from Philadelphia stood up is every reason you should vote against the Vitali amendment. The Eachus amendment passed overwhelmingly, and every argument that the gentleman just posed from Philadelphia is a reason we should shoot this amendment down.

I do not know that we have created in this building a new crime. I do not know that this bill identifies a new crime. I think, actually, it is an old crime, but I think the method of delivery is new. And perhaps if we created texting ability, we would not be here making \$78,000 a year. So I do not know that we made a new crime, but rather industry has provided for a new communications tool of these types of images. That is the first reason I think we should vote the Vitali amendment down.

The second reason is, it should be a very cold day in a very hot place when we base our decisions on the prison population in this Commonwealth. We are all here for one reason, and that is to protect all of our constituents. For us to say we do not want to pass a bill because the majority is silent in our districts is probably because these are very difficult situations for a family to get through in the first place. And I would venture to tell you that the very first time that any relative of any legislator or Senator in this building falls victim of this and their images end up out in the Internet, we would have a special session on sexting and nudity and prison population and new crimes.

So I suggest, Mr. Speaker, we continue the momentum of the Eachus amendment and shoot down the Vitali amendment. Thank you, Mr. Speaker.

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the reaches of what Eachus is doing. So I am going to vote against the Vitali amendment, and the reason why I am doing it is no disrespect. I really think that he is a very articulate and prepared person, and most of the time I think that he makes the right points and takes the right position.

This matter happened to come before the Judiciary Committee that I sit on, and at one point when it first came to us, there were a lot of people in law enforcement who came to us asking us to reduce the severity of punishment for sexting. Too many young people get caught up into a popular, I guess among some people, way of using the current technology without realizing what the law had to say about it. So here we have young children being charged with felonies because they did not understand the consequences by law of any participation in this form of technology.

So I would just say, what we have tried to do is figure out a way to make sure that the children were not permanently harmed, but they had to understand that this will not be tolerated. And how far it went with a boyfriend and a girlfriend communicating with each other had to be taken into consideration, but exploiting it and making it so that everybody, the people and the main target, not knowing how far that image was going to be distributed, created the different levels of severity of the crime. But when it is a girlfriend and boyfriend and they are doing something that they think is not a problem – they are just using new technology – they have to just be aware of the severity of what they are doing but not to the degree that

it could be something that will hang on their records for the rest of their lives.

So I think that it is important that we teach them a lesson but do not give them something that is going to interfere with their ability to go to college, interfere with their ability to advance in life because of a mistake that they made. So doing it this way, according to the way that Representative Eachus's original form was trying to accomplish, is so that when they get to a certain age, this kind of behavior that took place that they learned their lesson from can leave their record and their record can be expunged.

And I believe that that is the best way for all of us to win here in the legislature so that we do protect people. And I agree, our job is to protect people, but we should also find a way to protect them today and protect them in a way that that kind of form of technology does not damage their reputation for years and years to come. So we had to find a way to send them the right message and also deliver it to them at the right time so that they will not be harmed from now on, and that is what I believe will be the best way for this legislature to operate.

So I rise to say that I have to vote against the Vitali amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

I just stand opposed to the Vitali amendment and just to correct the first two speakers. This bill would not cover simple nudity. It is not a crime; it is a First Amendment protection. It only covers photos for sexual gratification.

And also, prisons: Children actually do not go to prison; they go to secure detention. HB 2189 as drafted currently bans the judiciary from sending kids to secure detention.

So I stand in opposition to the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

I just want to clarify a few points, because reference was made to victims. This is, again, a boyfriend-girlfriend situation. A girlfriend sends a picture of herself to boyfriend; boyfriend sends a picture of himself to girlfriend. Both expect to get it or receive it. Where is the victim here? Where is the victim here and why do we want to drag lawyers and courts into this situation?

I want to be very clear about a point that the gentleman from Montgomery County mentioned. I think we are not dealing with a situation where this is being disseminated to third parties. If boyfriend in turn sends it to others, that is a crime. It should be a crime. But this amendment does not deal with that. It is simply people who know themselves, the boyfriend-girlfriend situation. That is what we are dealing with.

We are talking about damage here. Listen, you send these experimenting young kids, these people who are just sort of feeling out their own sexuality – they are experimenting; they are pushing limits – you have a police officer come to them, you drag them into a district justice court for a summary offense, you force them to deal with the shame of their parents and their neighbors and getting a lawyer, you drag them through the system – I will tell you who you are damaging. You are damaging those kids. It is just sort of the moralistic heavy hand

of the law here. That is just wrong. We need to stay the heck out of these private things.

Sure they should be sanctioned. I agree they should be sanctioned. But do you know what? That is the parent's job. Where have we lost sight of the fact that simple misconduct ought to be dealt with by our parents? It should not be the government, the heavy hand of government who comes into every single situation. It is the parents; it is the schools. That is where you learn right and wrong. If you think, if you think that this is the way to teach kids a lesson, by dragging them through the court system, you are dead wrong. You are just going to embitter kids and you are going to turn them away from the system.

Mr. Speaker, we should not be doing this today, and I ask for a "yes" vote on my amendment. Thank you.

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

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of the Vitali amendment, 8179. I think the gentleman from Delaware County is right on point. If we start taking kids – 14-, 15-, 16-year-olds, boyfriend-girlfriend scenario – we start taking them into the district magistrate's office and embarrass the heck out of those kids and those parents, we are doing the wrong thing. We are absolutely going to brand these kids, and we should not be doing that. Now, I am not here to justify their dumb actions, all right? It is inappropriate and the parents should come down and take care of that, but we should not be dragging these kids in there.

We should absolutely vote this amendment in and carve this little section out between boyfriend and girlfriend, because they are going to do dumb things. We ought to do the right thing here today, because if not, we are going to have some unintended consequences where we are going to open up a full can of worms and we are going to have problems.

So I would urge everybody to reconsider their thoughts on this and vote in the affirmative. Thank you.

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

The following roll call was recorded:

**YEAS—60**

Belfanti	Frankel	Kortz	Roebuck
Boyle	Freeman	Lentz	Ross
Brennan	George	Levdansky	Sabatina
Briggs	Gerber	Mahoney	Sainato
Brown	Gergely	Manderino	Samuelson
Burns	Haluska	Markosek	Santarsiero
Cohen	Hanna	McGeehan	Santoni
Cruz	Harkins	Melio	Staback
Curry	Harper	Mirabito	Sturla
Daley	Hornaman	Mundy	Thomas
DeWeese	Houghton	Murphy	Vitali
Donatucci	Johnson	Myers	Wagner
Drucker	Josephs	O'Brien, M.	Wheatley
Everett	Keller, W.	Parker	Williams
Fabrizio	Kirkland	Payton	Youngblood

**NAYS—138**

Adolph	Fairchild	Mann	Reed
Baker	Farry	Marshall	Reese
Barbin	Fleck	Marsico	Reichley

Barrar	Gabig	Matzie	Roae
Bear	Gabler	McI. Smith	Rock
Beyer	Galloway	Metcalfe	Rohrer
Bishop	Geist	Metzgar	Saylor
Boback	Gibbons	Miccarelli	Scavello
Boyd	Gillespie	Micozzie	Schroder
Bradford	Gingrich	Millard	Seip
Brooks	Godshall	Miller	Shapiro
Buxton	Goodman	Milne	Sipthroth
Caltagirone	Grell	Moul	Smith, M.
Carroll	Grove	Murt	Smith, S.
Casorio	Grucela	Mustio	Solobay
Causer	Hahn	O'Brien, D.	Sonney
Christiana	Harhai	O'Neill	Stern
Clymer	Harhart	Oberlander	Stevenson
Conklin	Harris	Pallone	Swanger
Costa, D.	Helm	Pashinski	Tallman
Costa, P.	Hennessey	Payne	Taylor, J.
Cox	Hess	Peifer	Taylor, R.
Creighton	Hickernell	Perry	Toepel
Cutler	Hutchinson	Perzel	True
Day	Kauffman	Petrarca	Turzai
Deasy	Keller, M.K.	Petri	Vereb
Delozier	Kessler	Phillips	Vulakovich
DeLuca	Killion	Pickett	Wansacz
Denlinger	Knowles	Preston	Waters
DePasquale	Kotik	Pyle	Watson
Dermody	Krieger	Quigley	White
DiGirolamo	Kula	Quinn	Yudichak
Eachus	Longietti	Rapp	
Evans, D.	Maher	Ravenstahl	McCall,
Evans, J.	Major	Readshaw	Speaker

**NOT VOTING—0**

**EXCUSED—4**

Benninghoff	Ellis	Oliver	Smith, K.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

(Bill as amended will be reprinted.)

**GUESTS INTRODUCED**

The SPEAKER. In the well of the House, the Chair would like to welcome Edward Beihl. He is serving as a guest page today and is the guest of Representative Stan Saylor. Welcome to the hall of the House, Edward. Is the gentleman in the well of the House?

Also in the well of the House, serving as a guest page, is A.J. Gergely, son of Representative Marc Gergely. Welcome to the hall of the House, A.J.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the supplemental calendar and recommitted to the Committee on Appropriations:

HB 810;  
 HB 1482;  
 HB 1803;  
 HB 2322;  
 HB 2449;  
 HB 2478;  
 HB 2540;  
 HB 2571;  
 HB 2572; and  
 HB 2576.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 2189 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 2189 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 ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1157, PN 1909**, entitled:

An Act designating Traffic Route 283 (State Route 300), from the PA Turnpike Interchange in Lower Swatara Township, Dauphin County, to State Route 30 in Manheim Township, Lancaster County, as the 283rd Field Artillery Battalion Highway.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1157 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 SB 1157 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.

### RESOLUTION

Mr. EACHUS called up **HR 633, PN 3214**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a study and submit a report to the General Assembly on the issue of general and comprehensive liability insurance for family day care homes.

On the question,  
 Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 633 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 633 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.

### LOCAL GOVERNMENT COMMITTEE MEETING

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, as soon as the House is done with its business, I would like to convene a quick meeting of the House Local Government Committee in room 205, Ryan Building. I anticipate it will be a very brief meeting and we could probably be in and out of that in about 5, 10 minutes. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Local Government Committee will meet in room 205, Ryan Building, after the House adjourns.

**REMARKS SUBMITTED FOR THE RECORD****STATEMENT BY MR. PASHINSKI**

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, Representative Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

I rise for unanimous consent, sir.

The SPEAKER. Without objection, unanimous consent is granted.

Mr. PASHINSKI. Thank you.

I would like to present this testimony to HR 873, please, for the record.

And also, if I could, sir, under unanimous consent, invite everyone to attend the press conference tomorrow for the U.S. postage stamp dedicated to memorializing the 100,000 miners that have passed. It will take place at 10 o'clock in the main rotunda. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Will the gentleman submit his remarks for the record.

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

I rise today to introduce HR 873 to honor the 29 coal miners who perished in a West Virginia coal mine, as well as to extend condolences to the families of the fallen coal miners and the people of West Virginia.

The explosion deep under the earth on April 5 ripped through not only the mine but shattered the lives of those miners and their families. This great loss and emotional pain has scared their community and our entire nation as well. This tragedy stands as a vivid reminder of the dangers involved in this industry and requires the absolute need for appropriate standards and proper enforcement.

My resolution recommends that all States review their coal mine safety rules and regulations and their enforcement procedures to ensure that another tragedy does not happen. Let us honor the sacrifice of these men by better ensuring that miners are safer in the future, that every possible tool and safety precaution is being used to prevent such a tragedy.

Last year our legislature passed mine safety improvements designed to provide the best possible mining conditions to keep our miners safe. Continued vigilance must be utilized to ensure that our mining rules and regulations are adhered to. With that in mind, the Pennsylvania Board of Coal Mine Safety will be requested to review rules and regulations of the mine safety act.

On a Federal level, the Mine Safety and Health Administration will be urged to review their rules and regulations and proceed appropriately to ensure that quality standards and safety measures are enforced.

Unfortunately, we cannot bring the 29 miners back, but we can memorialize them with this resolution.

In addition, my resolution also requests that everyone recognizes the deaths of more than 100,000 miners by placing the image of an American coal miner on the face of the United States postage stamp.

The time has come to pay respects to the generations of coal miners who challenged danger every day by working in the depths of our earth to extract this valuable fuel. Their work and sacrifice heated our homes, buildings, and schools; fueled our steel mills, which forged the steel to build our skyscrapers, bridges, and ships. Today coal continues to fuel 50 percent of our nation's energy demands and reinforces our nation's superiority.

A review of our U.S. postage stamps will indicate that animals, birds, trees, plants, inanimate objects, and cartoon characters have all been honored with their image on a U.S. postage stamp – even Homer Simpson and SpongeBob have one. It is time to honor the American miner. It is time to honor the human spirit and memorialize the American miner on the face of a U.S. postage stamp.

This gesture of respect is appropriate and proper, and it is the very least that a grateful nation can bestow upon those that have endured the pain of losing a loved one.

I urge you to vote "yes" to the coal miners resolution, HR 873. Thank you.

The SPEAKER. Are there any further announcements?

**COMMITTEE MEETING POSTPONED**

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

The House State Government Committee meeting that I mentioned before is now going to be rescheduled to tomorrow morning, 9:30, in room 39, East Wing. The House State Government Committee, 9:30 tomorrow, 39 East Wing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The State Government Committee will meet tomorrow morning at 9:30 in room 39, East Wing.

Are there any further announcements?

**TRANSPORTATION COMMITTEE MEETING**

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just a reminder, an immediate meeting of the Transportation Committee in room G-50, Irvis Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the Transportation Committee in room G-50, Irvis Building.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentlelady from Cumberland County, Representative Delozier, who moves that this House do now adjourn until Tuesday, June 29, 2010, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:13 p.m., e.d.t., the House adjourned.