

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 29, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Precious Father in Heaven, the maker of every good and perfect gift, we are grateful for another opportunity, another day and another opportunity to do the work that You have ordained our hands and our hearts to do.

We are grateful, Father, for renewed strength, for renewed faith, and renewed hope to continue to do the people's business in the Commonwealth of Pennsylvania. And while we are serving at a very difficult time, we recognize that You have given us a servant's heart for such a time as this. We are truly humbled by Your generosity. Let Your hand, Your guiding hand, be a lamp unto our feet and a light unto our pathway as we continue to move with unity to pass this budget.

Through all of the ages You have said, whatever you want, ask for it; I am your provider, and so we ask all of these blessings today in Your precious name. Amen.

PLEDGE OF ALLEGIANCE

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

The SPEAKER. Members, report to the floor. Members, report to the floor.

JOURNALS APPROVED

The SPEAKER. The Journals of Tuesday and Wednesday, April 27 and April 28 of 2010 are now in print. Will the House approve those Journals?

On the question,

Will the House agree to the motion?

Motion was agreed to.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, June 28, 2010, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2616 By Representative THOMAS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, prohibiting the furlough of Commonwealth employees.

Referred to Committee on STATE GOVERNMENT, June 29, 2010.

No. 2617 By Representatives REED, BELFANTI, BEYER, BRENNAN, BROWN, CALTAGIRONE, CARROLL, CHRISTIANA, CLYMER, D. COSTA, DALEY, ELLIS, EVERETT, FARRY, GABLER, GIBBONS, GROVE, HARHAI, HARRIS, HESS, HUTCHINSON, JOHNSON, KILLION, MAJOR, MARSICO, MICOZZIE, MILLER, MURPHY, MURT, O'NEILL, PAYNE, PHILLIPS, PYLE, RAPP, READSHAW, ROCK, SCAVELLO, SIPTROTH, STEVENSON, VULAKOVICH, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for policy, for definitions, for duties of department, for bonding and progress payments and for report to General Assembly.

Referred to Committee on STATE GOVERNMENT, June 29, 2010.

No. 2618 By Representatives MAHONEY, SANTARSIERO, BELFANTI, BEYER, BRADFORD, BRENNAN, CASORIO, CLYMER, CONKLIN, D. COSTA, DeLUCA, DRUCKER, EVERETT, FAIRCHILD, FARRY, GABLER, GEORGE, GIBBONS, GOODMAN, GROVE, GRUCELA, HALUSKA, HORNAMAN, HOUGHTON, KRIEGER, KULA, LENTZ, LEVDANSKY, LONGIETTI, MARKOSEK, McILVAINE SMITH, METZGAR, MICOZZIE, MILLER, MILNE, MUNDY, MURT, O'NEILL, PAYNE, READSHAW, ROAE, ROCK, SHAPIRO, SIPTROTH, K. SMITH, M. SMITH, VULAKOVICH, WAGNER and YUDICHAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in volunteer responder retention and recruitment tax credit, further providing for taxpayer eligibility and for guidelines; and making a related repeal.

Referred to Committee on FINANCE, June 29, 2010.

No. 2619 By Representatives PRESTON, BROOKS, CALTAGIRONE, ELLIS, GIBBONS, HALUSKA, HESS, HUTCHINSON, JOSEPHS, KOTIK, LONGIETTI, MARSHALL, MATZIE, PASHINSKI, RAPP, REICHLEY, SAINATO, SAYLOR, SIPTROTH and STEVENSON

An Act amending Titles 53 (Municipalities Generally) and 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for municipal aggregation of electric generation supply.

Referred to Committee on CONSUMER AFFAIRS, June 29, 2010.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Dermody, the majority whip, who requests a leave of absence for Representative OLIVER from Philadelphia County for the day; Representative SAMUELSON from Northampton 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 BEYER from Northampton County for the day; Representative PERRY from York County for the day; Representative ELLIS from Butler County for the day; Representative REICHLEY from Lehigh County for the day; Representative Dennis O'BRIEN from Philadelphia County for the day. Without objection, the leaves 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—194

Table with 4 columns of names: Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Levdansky, Longietti, Maher, Mahoney, Major, Manderingo, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Metcalfe, Metzgar, Miccarelli, Micozzie, Reed, Reese, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K.

Table with 4 columns of names: Carroll, Casorio, Chauser, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Curry, Cutler, Daley, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Evans, D., Evans, J., Everett, Fabrizio, Grove, Grucela, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Killion, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lentz, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, M., O'Neill, Oberlander, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, J., Taylor, R., Thomas, Toepel, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Table with 4 columns of names: Benninghoff, Beyer, Ellis, O'Brien, D., Oliver, Perry, Reichley, Samuelson

LEAVES CANCELED—5

Table with 4 columns of names: Beyer, O'Brien, D., Perry, Reichley, Samuelson

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

RESOLUTION REPORTED FROM COMMITTEE

SR 357, PN 2053

By Rep. FREEMAN

A Concurrent Resolution congratulating the Local Government Commission on its 75th anniversary.

LOCAL GOVERNMENT.

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

BILL REPORTED FROM COMMITTEE

SB 168, PN 1376

By Rep. FREEMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

LOCAL GOVERNMENT.

BILL REREFERRED

The SPEAKER, The Chair moves, at the request of the majority leader, that SB 168, PN 1376, be rereferred to the Consumer Affairs Committee.

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

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

HB 1436, PN 1766 By Rep. GEORGE

An Act providing for abandonment of mineral rights in real property, for the recording by surface owners of title to mineral rights in their real property after ten years of nonuse by the subsurface owner; and establishing a right of action to settle title to mineral rights.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1450, PN 4013 (Amended) By Rep. GEORGE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, transferring provisions relating to environmental advisory councils; providing for the designation and regulation of geologically hazardous areas throughout this Commonwealth to protect people and limit property damage and the disruption of commerce from the possible dangers associated with land development in areas that are prone to landslides, sinkholes or other geologic hazards; imposing duties and conferring powers on the Department of Environmental Protection, the Department of Conservation and Natural Resources and municipalities; and providing for enforcement and remedies.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1909, PN 2554 By Rep. GEORGE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the appointment and duties of a Commonwealth Energy Advocate; establishing and providing for the powers and duties of the Commonwealth Energy Procurement and Development Agency; and establishing the Energy Procurement and Development Fund.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2578, PN 3907 By Rep. GEORGE

An Act amending the act of July 10, 2008 (P.L.1009, No.78), known as the Biofuel Development and In-State Production Incentive Act, further providing for definitions, for biodiesel content in diesel fuel sold for on-road use, for agency responsibilities and for infrastructure reports; and providing for Biofuel Development Fund.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2591, PN 3944 By Rep. GEORGE

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for definitions and for financial assistance.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2601, PN 3971 By Rep. GEORGE

An Act providing for the testing of new, environmentally beneficial and energy efficient technologies within various State agencies.

ENVIRONMENTAL RESOURCES AND ENERGY.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 9, PN 3939**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome some visitors to the House.

The Chair welcomes Jennifer Reed, an intern with the Pennsylvania Department of Aging. Jennifer is shadowing Representative Mundy for the day. Jennifer is entering her junior year at Messiah College, where she is majoring in politics. She is the guest of Representative Mundy. Will the guest please rise. Welcome to the hall of the House.

Rachel Christian – this would be to the left of the Speaker as well – a student at Mansfield University, and Brian Shotts, a legislative aide in the district office; and in the well of the House, serving as a guest page today, is Justin Faust. They are the guests of Representative Scott Petri. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Joe Gossner, who is the guest of Representative Gene DiGirolamo. Will the guest please rise. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes interns Rebecca Wilson, Beau Gomez, and Amelia Taylor. Amelia is the daughter of Representative Rick Taylor, and they are the guests of Representative Gerber. Will the guests please rise. Welcome to the hall of the House.

In the well of the House, the Chair welcomes Charlotte Kuller. We all know Charlotte as Laura Kuller's daughter. She is serving as a guest page. And Bennett Massie, serving as a guest page as well. They are the guests of Representative Grell and Representative Eachus. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes Edward and Patricia Marx, who are the guests of Representative Tom Houghton. Will the guests please rise. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes Tyler Holleran and Robert Sharpless. They are both seniors at Great Valley High School. Tyler recently earned the rank of Eagle Scout – congratulations, Tyler – and Robert is soon to do so. They are the guests of Representative Milne. Will the guests please rise. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair welcomes Ricky Bevington. He is an intern and is the guest of Representative Tim Krieger. Will the guest please rise. Welcome to the hall of the House.

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation.

Whereas, Thomas Lewis Caputi has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Thomas is a member of Troop 99.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Thomas Lewis Caputi.

CALENDAR

BILLS ON THIRD CONSIDERATION

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

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

(Bill analysis was read.)

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The **SPEAKER**. The Speaker notes the presence of the gentleman from Northampton County, Representative Samuelson, on the House floor. His name will be added to the master roll.

CONSIDERATION OF SB 1074 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|--------------|-------------|-------------|
| Adolph | Farry | Longietti | Reese |
| Baker | Fleck | Maher | Roae |
| Barbin | Frankel | Mahoney | Rock |
| Barrar | Freeman | Major | Roebuck |
| Bear | Gabig | Manderino | Rohrer |
| Belfanti | Gabler | Mann | Ross |
| Bishop | Galloway | Markosek | Sabatina |
| Boback | Geist | Marshall | Sainato |
| Boyd | George | Marsico | Samuelson |
| Boyle | Gerber | Matzie | Santarsiero |
| Bradford | Gergely | McGeehan | Santoni |
| Brennan | Gibbons | McI. Smith | Saylor |
| Briggs | Gillespie | Melio | Scavello |
| Brooks | Gingrich | Metcalfe | Schroder |
| Brown | Godshall | Metzgar | Seip |
| Burns | Goodman | Miccarelli | Shapiro |
| Buxton | Grell | Micozzie | Sipthroth |
| Caltagirone | Grove | Millard | Smith, K. |
| Carroll | Grucela | Miller | Smith, M. |
| Casorio | Hahn | Milne | Smith, S. |
| Causer | Haluska | Mirabito | Solobay |
| Christiana | Hanna | Moul | Sonney |
| Clymer | Harhai | Mundy | Staback |
| Cohen | Harhart | Murphy | Stern |
| Conklin | Harkins | Murt | Stevenson |
| Costa, D. | Harper | Mustio | Sturla |
| Costa, P. | Harris | Myers | 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 | Perzel | Vulakovich |
| Denlinger | Keller, M.K. | Petrarca | Wagner |
| DePasquale | Keller, W. | Petri | Wansacz |
| Dermody | Kessler | Phillips | Waters |
| DeWeese | Killion | Pickett | Watson |
| DiGirolamo | Kirkland | Preston | Wheatley |
| Donatucci | Knowles | Pyle | White |
| Drucker | Kortz | Quigley | Williams |
| Eachus | Kotik | Quinn | Youngblood |
| Evans, D. | Krieger | Rapp | Yudichak |
| Evans, J. | Kula | Ravenstahl | |
| Everett | Lentz | Readshaw | McCall, |
| Fabrizio | Levdansky | Reed | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------------|-------------|--------|----------|
| Benninghoff | Ellis | Oliver | Reichley |
| Beyer | O'Brien, D. | Perry | |

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 492, PN 1308**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Second Ward of the City of Corry, Erie County.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—195

| | | | |
|-------------|------------|-------------|-------------|
| Adolph | Farry | Longiotti | Reese |
| Baker | Fleck | Maher | Roae |
| Barbin | Frankel | Mahoney | Rock |
| Barrar | Freeman | Major | Roebuck |
| Bear | Gabig | Manderino | Rohrer |
| Belfanti | Gabler | Mann | Ross |
| Bishop | Galloway | Markosek | Sabatina |
| Boback | Geist | Marshall | Sainato |
| Boyd | George | Marsico | Samuelson |
| Boyle | Gerber | Matzie | Santarsiero |
| Bradford | Gergely | McGeehan | Santoni |
| Brennan | Gibbons | McI. Smith | Saylor |
| Briggs | Gillespie | Melio | Scavello |
| Brooks | Gingrich | Metcalfe | Schroder |
| Brown | Godshall | Metzgar | Seip |
| Burns | Goodman | Miccarelli | Shapiro |
| Buxton | Grell | Micozzie | Siptroth |
| Caltagirone | Grove | Millard | Smith, K. |
| Carroll | Grucela | Miller | Smith, M. |
| Casorio | Hahn | Milne | Smith, S. |
| Causer | Haluska | Mirabito | Solobay |
| Christiana | Hanna | Moul | Sonney |
| Clymer | Harhai | Mundy | Staback |
| Cohen | Harhart | Murphy | Stern |
| Conklin | Harkins | Murt | Stevenson |
| Costa, D. | Harper | Mustio | Sturla |
| Costa, P. | Harris | Myers | 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 | Perzel | Vulakovich |
| Denlinger | Keller, M.K. | Petrarca | Wagner |
| DePasquale | Keller, W. | Petri | Wansacz |
| Dermody | Kessler | Phillips | Waters |
| DeWeese | Killion | Pickett | Watson |
| DiGirolamo | Kirkland | Preston | Wheatley |
| Donatucci | Knowles | Pyle | White |
| Drucker | Kortz | Quigley | Williams |
| Eachus | Kotik | Quinn | Youngblood |
| Evans, D. | Krieger | Rapp | Yudichak |
| Evans, J. | Kula | Ravenstahl | |
| Everett | Lentz | Readshaw | McCall, |
| Fabrizio | Levdansky | Reed | Speaker |
| Fairchild | | | |

NAYS—0

NOT VOTING—0

EXCUSED—7

| | | | |
|-------------|-------------|--------|----------|
| Benninghoff | Ellis | Oliver | Reichley |
| Beyer | O'Brien, D. | Perry | |

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, for the information of the members, there will be a Rules Committee immediately in the majority caucus room. Once again, all Rules Committee members, please report to the majority caucus room immediately.

There will be an Appropriations Committee at 11:45 in the majority caucus room. Appropriations Committee, 11:45 in the majority caucus room.

Democrats will caucus at 12:30, and we will return to the floor by 1:30. Thank you, Mr. Speaker.

The SPEAKER. Rules will meet immediately in the majority caucus room, and Appropriations will meet at 11:45 in the majority caucus room.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 12:30. I would ask all Republican members to please report to our caucus room at 12:30. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

JUDICIARY COMMITTEE MEETING

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the record, the House Judiciary Committee will be holding a voting meeting tomorrow, June 30, at the call of the Chair in room G-50 of the Irvis Office Building. We are going to be taking up HB 2600 and HB 2536. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Judiciary will meet tomorrow at the call of the Chair in room G-50 of the Irvis Office Building.

Any further announcements?

RECESS

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

RECESS EXTENDED

The time of recess was extended until 2 p.m.

AFTER RECESS

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

The SPEAKER. Members, report to the floor.

BILLS SIGNED BY SPEAKER

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

SB 492, PN 1308

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Second Ward of the City of Corry, Erie County.

SB 1074, PN 1776

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.

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Philadelphia, Representative Dennis O'Brien, on the House floor. His name will be added to the master roll.

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

**REPORT OF
COMMITTEE ON COMMITTEES**

The SPEAKER. Returning to reports of committees, the Chair recognizes the gentleman from Philadelphia County, Representative Bill Keller, chairman of the House Committee on Committees, who submits the following supplemental report.

The following report was read:

**COMMITTEE ON COMMITTEES
SUPPLEMENTAL REPORT**

In the House of Representatives,
June 29, 2010

Resolved that,

Representative Lawrence H. Curry, Montgomery and Philadelphia Counties, is elected a member of the Health and Human Services Committee *vice* Representative Mark B. Cohen resigned.

Respectfully submitted,
Rep. William Keller
Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair also notes the presence of the gentleman from Lehigh County, Representative Reichley, and the gentleman from York County, Representative Perry, on the House floor. Their names will be added to the master roll.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 9, PN 3939**

By Rep. EACHUS

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

RULES.

The SPEAKER. The bill will go to the House supplemental calendar.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

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

Mr. MYERS. For the purpose of making an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MYERS. Mr. Speaker, I would like to announce that at the break, the Health and Human Services Committee will meet in room 205, Speaker Ryan Building. That is at the break, 205 Speaker Ryan Building.

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

BILLS REREPORTED FROM COMMITTEE

HB 1736, PN 3440 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 violations; and providing for civil remedy.

APPROPRIATIONS.

HB 1838, PN 3937 By Rep. D. EVANS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in disabled veterans' real estate tax exemption, further providing for duty of board.

APPROPRIATIONS.

HB 2571, PN 3892 By Rep. D. EVANS

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.

APPROPRIATIONS.

HB 2572, PN 3977 By Rep. D. EVANS

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.

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEES

HB 65, PN 4015 (Amended) By Rep. CALTAGIRONE

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

JUDICIARY.

HB 2428, PN 3552

By Rep. D. EVANS

An Act designating the interchange of Business Route 60 with Thorn Run Road in Moon Township, Allegheny County, as the Robert E. Harper Interchange.

APPROPRIATIONS.

HB 2576, PN 3993

By Rep. D. EVANS

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

APPROPRIATIONS.

SB 1042, PN 1465

By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities, for oil and gas wells and for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

APPROPRIATIONS.

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

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

HB 1209, PN 4016 (Amended) By Rep. MARKOSEK

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of scattering rubbish, for the acknowledgment of littering provisions and for the offense of depositing of waste and other material on highway, property or waters.

TRANSPORTATION.

HB 1908, PN 2553

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "fire department vehicle."

TRANSPORTATION.

HB 2413, PN 4017 (Amended)

By Rep. MARKOSEK

An Act designating State Route 997 within the limits of the Borough of Mont Alto as the Sgt. Edward W. Shaffer Memorial Highway.

TRANSPORTATION.

HB 2439, PN 3603

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate and placard.

TRANSPORTATION.

HB 2442, PN 4018 (Amended)

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle."

TRANSPORTATION.

HB 2461, PN 4019 (Amended)

By Rep. MARKOSEK

An Act designating State Route 462 from its intersection with U.S. Route 30 in West Manchester Township, York County, to the point where it meets State Route 24 in Springettsbury Township, York County, as the Korean War Veterans Memorial Highway.

TRANSPORTATION.

HB 2462, PN 3747

By Rep. DeLUCA

An Act establishing the Pennsylvania Health Insurance Reform Implementation Authority and providing for its powers and duties; and establishing the Pennsylvania Health Insurance Reform Implementation Authority Fund.

INSURANCE.

HB 2464, PN 3666

By Rep. CALTAGIRONE

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

JUDICIARY.

HB 2573, PN 4014 (Amended)

By Rep. DeLUCA

An Act providing for registration of discount plan organizations; and imposing penalties.

INSURANCE.

HB 2604, PN 3974

By Rep. MARKOSEK

An Act designating State Route 18 in Big Beaver Borough, Beaver County, as the "Vietnam Veterans of America Memorial Highway."

TRANSPORTATION.

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

SB 1144, PN 2116 (Amended)

By Rep. MARKOSEK

An Act designating the bridge that carries State Route 601 over Barclay Run in the Borough of Somerset, Somerset County, as the Trooper Stephen R. Gyurke Memorial Bridge.

TRANSPORTATION.

SB 1320, PN 2117 (Amended)

By Rep. MARKOSEK

An Act designating Interstate 84, within this Commonwealth, as the Fallen Trooper Memorial Highway.

TRANSPORTATION.

**VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS COMMITTEE MEETING**

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

Mr. MELIO. Thank you, Mr. Speaker.

The Veterans Affairs and Emergency Preparedness Committee will hold a meeting tomorrow, Wednesday, June 30, at 10 a.m., in room 205 of the Ryan Office Building.

I will repeat that, Mr. Speaker: The Veterans Affairs and Emergency Preparedness Committee will hold a meeting tomorrow, Wednesday, June 30, 10 a.m., in room 205 of the Ryan Office Building.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Veterans Affairs and Emergency Preparedness will meet tomorrow at 10 a.m. in room 205 of the Ryan Building.

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 9, PN 3939**, entitled:

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

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

| | | | |
|----------|-----------|------------|-------------|
| Adolph | Farry | Maher | Reese |
| Baker | Fleck | Mahoney | Reichley |
| Barbin | Frankel | Major | Roe |
| Barrar | Freeman | Manderino | Rock |
| Bear | Gabig | Mann | Roebuck |
| Belfanti | Gabler | Markosek | Rohrer |
| Beyer | Galloway | Marshall | Ross |
| Bishop | Geist | Marsico | Sabatina |
| Boback | George | Matzie | Sainato |
| Boyd | Gerber | McGeehan | Samuelson |
| Boyle | Gergely | McI. Smith | Santarsiero |
| Bradford | Gibbons | Melio | Santoni |
| Brennan | Gillespie | Metcalfe | Saylor |
| Briggs | Gingrich | Metzgar | Scavello |
| Brooks | Godshall | Miccarelli | Schroder |

| | | | |
|-------------|--------------|-------------|------------|
| Brown | Goodman | Micozzie | Seip |
| Burns | Grell | Millard | Shapiro |
| Buxton | Grove | Miller | Siptroth |
| Caltagirone | Grucela | Milne | Smith, K. |
| 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 | Thomas |
| Cutler | Houghton | Pashinski | Toepel |
| Daley | Hutchinson | Payne | True |
| Day | Johnson | Payton | Turzai |
| Deasy | Josephs | Peifer | Vereb |
| Delozier | Kauffman | Perry | Vitali |
| DeLuca | Keller, M.K. | Perzel | Vulakovich |
| Denlinger | Keller, W. | Petrarca | Wagner |
| DePasquale | Kessler | Petri | Wansacz |
| Dermody | Killion | Phillips | Waters |
| DeWeese | Kirkland | Pickett | Watson |
| DiGirolamo | Knowles | Preston | Wheatley |
| Donatucci | Kortz | Pyle | White |
| Drucker | Kotik | Quigley | Williams |
| Eachus | Krieger | Quinn | Youngblood |
| Evans, D. | Kula | Rapp | Yudichak |
| Evans, J. | Lentz | Ravenstahl | |
| Everett | Levdansky | Readshaw | McCall, |
| Fabrizio | Longietti | Reed | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 9, PN 3939

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

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

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 904, PN 2029**, entitled:

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.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—199

| | | | |
|-------------|------------|-------------|-------------|
| Adolph | Farry | Maher | Reese |
| Baker | Fleck | Mahoney | Reichley |
| Barbin | Frankel | Major | Roae |
| Barrar | Freeman | Manderino | Rock |
| Bear | Gabig | Mann | Roebuck |
| Belfanti | Gabler | Markosek | Rohrer |
| Beyer | Galloway | Marshall | Ross |
| Bishop | Geist | Marsico | Sabatina |
| Boback | George | Matzie | Sainato |
| Boyd | Gerber | McGeehan | Samuelson |
| Boyle | Gergely | McI. Smith | Santarsiero |
| Bradford | Gibbons | Melio | Santoni |
| Brennan | Gillespie | Metcalfe | Saylor |
| Briggs | Gingrich | Metzgar | Scavello |
| Brooks | Godshall | Miccarelli | Schroder |
| Brown | Goodman | Micozzie | Seip |
| Burns | Grell | Millard | Shapiro |
| Buxton | Grove | Miller | Siptroth |
| Caltagirone | Grucela | Milne | Smith, K. |
| 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 | Thomas |
| Cutler | Houghton | Pashinski | Toepel |
| Daley | Hutchinson | Payne | True |
| Day | Johnson | Payton | Turzai |
| Deasy | Josephs | Peifer | Vereb |
| Delozier | Kauffman | Perry | Vitali |

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

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1838, PN 3937**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in disabled veterans' real estate tax exemption, further providing for duty of board.

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

**BILL REVERTED TO
PRIOR PRINTER'S NUMBER**

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move that we revert to the prior print number, 2410, of this bill. The current print number reflects a technical amendment made in Appropriations last week. That technical amendment, however, was not the one that we were seeking, and I would like to go back to the prior print number.

The SPEAKER. The gentleman from Bucks County, Representative Santarsiero, moves that the House revert to prior printer's No. 2410 to HB 1838.

On that motion, those in favor of reverting to the prior printer's number, 2410, will vote "aye"; those opposed, "nay."

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Is the gentleman, Representative Vitali, wishing to debate the issue?

Mr. VITALI. I wish to interrogate the maker of the motion.

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

Mr. VITALI. Actually, more accurately, just a brief explanation.

Mr. SANTARSIERO. Sure.

The bill, as I will talk about it at greater length later, would allow for 100 percent service disabled veterans who are currently eligible to apply for a property tax exemption to take that exemption immediately upon application, and they then would be able to maintain that exemption if ultimately their application were deemed eligible. And if not, they would then have to pay any property tax that they had previously received an exemption for, but they would do so without penalty or interest.

The amendment that was made to the bill would have required the Veterans Commission to make its determination of eligibility within 30 days. I do not believe that that is a reasonable amount of time to give them. If they do it obviously in a relatively expeditious time period, then the process will run its course much more quickly. But I do not think that there is a need to hold them to that standard of 30 days.

Mr. VITALI. Thank you.

The SPEAKER. On the question of reversion, those in favor of reverting to the prior printer's number will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff Ellis Oliver

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

On the question,

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

Mr. **FARRY** offered the following amendment No. **A05496**:

Amend Bill, page 1, line 2, by inserting after "board"
; and providing for municipal service fee exemption

Amend Bill, page 2, by inserting between lines 21 and 22
Section 2. Title 51 is amended by adding a section to read:

§ 8907. Municipal service fee exemption.

(a) Grant of exemption.—Any resident of this Commonwealth who qualifies for the exemption provided for under section 8902 (relating to exemption) shall, for the period said exemption is in effect, be exempt from the payment of any fee, charge or assessment imposed by a municipality or municipal authority for the provision of trash collection services provided generally to residents of the municipality or areas served by the authority that is charged on the municipal tax bill. The exemption afforded a qualifying resident under this section shall apply regardless of whether the foregoing services are provided directly by the municipality, the municipal authority or by a third party pursuant to contract with the municipality or municipal authority.

(b) Implementation.—Upon receipt by the municipality, municipal authority or third party provider of the municipal services enumerated in subsection (a) of a copy of the notification issued pursuant to section 8903(a) (relating to duty of board) granting real estate tax exemption to a qualifying resident, the municipality, municipal authority or third party provider shall not impose any fee, charge or assessment for the provision of such services to the resident who is the subject of such notification for the period the exemption is in effect. The municipality, municipal authority or third party provider

shall refund any fee, charge or assessment collected from the resident for services provided in the period between the effective date of the exemption and receipt of the notification. Any fee, charge or assessment due a third party provider of municipal services on account of services furnished a resident enjoying the exemption afforded by this section shall be the responsibility of the contracting municipality or municipal authority.

(c) Construction.—This section shall not be construed to exempt a resident who qualifies for the real estate tax exemption provided under section 8902 from the payment of any other municipal taxes. Nothing in this section shall be construed to include fees associated with permits issued by a municipality, nor to tapping fees imposed by a municipality or municipal authority pursuant to law.

Amend Bill, page 2, line 22, 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 Bucks County, Representative Farry.

Mr. FARRY. Mr. Speaker, this is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. SANTARSIERO. Yes, Mr. Speaker, that is accurate. This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

PARLIAMENTARY INQUIRIES

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BOYD. We just moved to a prior printer's number, and there was an amendment filed to the prior printer's number and an amendment filed to the new printer's number. The bill was amended in Appropriations. I just want to be clear that the amendment that was filed to the prior printer's number is in order in the point of fact that we were on a revised version of the bill and we referred back. Does that amendment have to be refiled, or is that, by de facto, in order?

The SPEAKER. No. The gentleman, Representative Farry, refiled. He withdrew amendment A07897, which was actually out of order by the reversion, and filed a new amendment to PN 2410.

Mr. BOYD. May I ask another question?

The SPEAKER. The gentleman is in order.

Mr. BOYD. Is there a timeframe issue with that? In terms of the fact that we just reverted back to the prior printer's number, when was that— I am assuming that it was filed in a timely fashion?

The SPEAKER. The gentleman filed his amendment to the prior printer's number before it was amended again. So the amendment was in order when he first filed to 2410.

Mr. BOYD. So that stays in order regardless if we ever would have taken action on that prior printer's number?

The SPEAKER. That is correct.

Mr. BOYD. Thank you, Mr. Speaker. I just wanted to be clear.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

First I would ask, would the maker of the amendment briefly explain what his amendment does?

The SPEAKER. Will the gentleman yield?

The House will come to order.

The gentleman, Mr. Farry, may continue.

Mr. FARRY. Thank you, Mr. Speaker.

What the amendment does is it exempts veterans that are qualifying for the property tax exemption, because of being 100 percent disabled, from municipal fees relating to trash services. It does not exempt them from municipal fees for permitting, such as additions to their dwellings, things of that nature, but it does exempt them from municipal fees.

Mr. FAIRCHILD. Thank you.

Mr. Speaker, if I have two veterans and one is in a municipality that has trash collection built into either their taxes or they assess a fee, and I understand if your amendment goes in, that veteran in that municipality will be exempt from paying any fees for the collection of waste. Is that correct?

Mr. FARRY. That is correct, Mr. Speaker.

Mr. FAIRCHILD. A veteran that lives in a township that does not or a borough that does not have municipal collection, it is my understanding that that veteran will continue to pay his or her same fee that he or she now pays. Is that correct?

Mr. FARRY. That is correct. That is a private contract between that veteran and their trash collection company.

Mr. FAIRCHILD. Thank you, Mr. Speaker. May I speak on the amendment?

The SPEAKER. The gentleman from Union, Mr. Fairchild, is in order and may proceed.

Mr. FAIRCHILD. Mr. Speaker, I fully support the intent of what the Representative is trying to do. However, here is the problem: We have many, many veterans from every corner of this State that served this country of ours, served it with distinction, and when it comes to veterans' benefits, we keep those benefits as fair and even as possible.

I have talked to Representatives in our caucus, and I am sure the Democratic Caucus is the same way, that if you do not have a municipal collection system within your municipality, the allocation or the exoneration of these fees will be not available to the veteran that does not have that municipality that provides those services. Essentially what you have – and we used, as we spoke, we used the waste collection example – if your municipality pays for waste collection, that veteran is not going

to pay \$100 or \$200 a year. If the municipality where a veteran lives does not have municipal waste collection, then that veteran is going to end up paying \$100 or \$200 per year, whatever the fee is, and this is simply not fair. This is simply not fair to our men and women who have served in the Armed Forces. If we are going to pass a law, at least let us pass it uniform so it affects every veteran the same way.

In fact, I daresay I do not know of any other veterans law in Pennsylvania that does what this amendment is going to do. There has got to be a better way to do that, and I offer my assistance, my staff's assistance, and maybe working with local government, the Finance Committee or something, to find out a better way to approach this. But the way this is drafted, it is simply not fair. You are going to have to go home and talk to your veterans, whether it be in the municipality, and try to explain to them that, well, you just did a bad deed for my brother who lives on the other side of the county that does not have municipal collection.

This is not fair. I urge that this amendment be rejected. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I need your guidance. I was just looking over votes from yesterday, and I really do not know what to do with this Killion amendment to HB 1878.

The SPEAKER. The gentleman will yield.

Is the gentleman trying to correct the record?

Mr. THOMAS. No, I do not want to correct the record; I just want to understand the record. And then there was a final—

The SPEAKER. The gentleman will yield.

The question before the House is the Farry amendment. The Speaker could come back to the gentleman after we dispose of the Farry amendment.

Mr. THOMAS. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. EVERETT. Mr. Speaker, I, too, rise to oppose the amendment of the gentleman from Bucks County for the reasons just set forth by the member from Union County. This is going to set up a system where you are going to have veterans in one municipality living right next to veterans from another municipality who are receiving different benefits if this amendment is put in place.

I represent a district where we have no municipal hauling of waste, so no veteran, no disabled veteran in the district that I represent will receive this benefit, where there may be others a few miles away in another district that does have municipal hauling that will receive those benefits. We are setting up an uneven playing field for our veterans, and if we want to try to rectify this problem, there has to be a better way.

There is no reason that certain veterans should have their waste hauling paid for when other veterans do not, and I would ask the members here to vote against this amendment and we will work with the maker of the amendment to find a way to rectify the problem that has been brought forth in his particular district. But we should not set up a statewide system that has inequalities throughout it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia County, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman from Bucks, Representative Farry, indicates he will stand for interrogation. The gentelady is in order and may proceed.

Ms. MANDERINO. Thank you.

This is not a trick question or anything. When I read the language of the amendment, it appears that the exemption attempted to be provided does not have any funding source for it, and before I make any comments, I just want to make sure I am not missing something that might be in the bill in chief but not in the amendment.

So my question is, if we would offer this exemption, is that money not coming into the municipality or in the bill in chief if we set up some sort of fund by which the municipalities will still get reimbursement for the trash pickup?

Mr. FARRY. Mr. Speaker, the gentelady is correct. There is no fund built into this. So the money is not going to the municipalities. You are correct.

Ms. MANDERINO. Okay. Thank you. I have finished my interrogation and would like to make brief comments.

The SPEAKER. The gentelady is in order.

Ms. MANDERINO. Thank you.

I also want to urge members to look at this closely, and if it does stay being offered, in fairness, not only to the points made with regard to other veterans but, quite frankly, to our municipalities, if the Commonwealth wanted to offer this exemption, I think it is incumbent upon the Commonwealth to create the fund to reimburse the municipalities, because that is still a service from their local coffers that they have to provide, and picking up that trash is a fee to the local municipalities.

So I fear that we are inadvertently passing on trash or tax fee increases that we have not anticipated helping the local municipalities pay for. And so my encouragement would be that if we are going to work on this at some time in the future, that we work on this not being an unfunded mandate exemption on our local governments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Farry.

Mr. FARRY. Mr. Speaker, thank you.

To touch on the points raised by my two colleagues here previously, the reason for this amendment is to address a disproportionate factor that is going on. Some municipalities choose to include their trash fees within their property tax bill, so the veterans that are receiving that exemption are already being exempted from the trash fees. Other municipalities choose to charge a separate fee, so therefore, in the communities where that separate fee is being charged, those veterans are paying a fee that their colleagues in neighboring communities are not paying, and that is the impetus for this amendment.

To touch on the gentelady's comments, the program that is in effect already exempts veterans that qualify from paying property taxes, and the State does not reimburse those municipalities for the property taxes that are exempted. What this amendment aims to do is it aims to level the playing field for those municipalities that contract for trash hauling to ensure

that all veterans in those types of municipalities are not being charged fees, trash fees, while in the neighboring community they are being charged trash fees.

So the intent behind this amendment is to actually level the playing field, and I encourage my colleagues an affirmative vote. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Union County, Representative Fairchild.

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

What the gentleman from Bucks County said is correct up to a point. What he is saying is, there are three elements in this picture: municipalities that include the fee, municipalities that do not include the fee, and municipalities that do not have any municipal fee at all.

His concern is, correct the inequity within the municipalities, but the effect is the same. The effect is the same. That veteran gets a benefit. The rest of the State, the rest of the county and the rest of the district that do not have municipalities with municipal contracts, they are left exactly where they are now. They are going to end up continuing to pay those fees. As I stated before, I understand the intent, but this is the wrong way to go, and it is going to create an uneven playing field. And I guarantee you, you are going to hear from your veterans from around the State.

Thank you, Mr. Speaker, and let us work on a different way to accomplish what the maker of the amendment intends to do. Thank you.

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

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment. Being a veteran myself, this is clearly a genuine and sincere effort to assist disabled veterans in the Commonwealth of Pennsylvania. It is a small token of appreciation in recognition of the men and women who have served our nation honorably. It is not the fault of any veteran that their municipality does or does not provide municipal trash collection.

This is, as I mentioned, a genuine effort to help these men and women. And to be very honest with you, Mr. Speaker, we do not do enough for our veterans within the Commonwealth of Pennsylvania, and the gentleman, my colleague, Representative Farry from Bucks County, is attempting to extend a benefit and some recognition to these men and women who have served our nation and many who have been injured in the line of duty whose lives will never, ever be the same.

I stand in support of Representative Farry's amendment, and I respectfully request my colleagues to also support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—157

| | | | |
|--------|---------|----------|-------------|
| Adolph | Farry | Major | Sabatina |
| Baker | Frankel | Mann | Sainato |
| Barbin | Freeman | Markosek | Santarsiero |
| Barrar | Gabler | Marshall | Santoni |

| | | | |
|-------------|--------------|-------------|------------|
| Belfanti | Galloway | Marsico | Saylor |
| Bishop | George | Matzie | Scavello |
| Boback | Gerber | McGeehan | Schroder |
| Boyle | Gergely | Melio | Seip |
| Bradford | Gibbons | Metzgar | Shapiro |
| Brennan | Gillespie | Miccarelli | Siptroth |
| Briggs | Gingrich | Micozzie | Smith, K. |
| Brooks | Godshall | Milne | Smith, M. |
| Brown | Goodman | Mirabito | Smith, S. |
| Buxton | Grell | Moul | Solobay |
| Caltagirone | Grove | Murphy | Staback |
| Carroll | Grucela | Murt | Stevenson |
| Casorio | Hanna | Mustio | Sturla |
| Christiana | Harhai | Myers | Swanger |
| Clymer | Harkins | O'Brien, D. | Tallman |
| Cohen | Harper | O'Brien, M. | Taylor, J. |
| Conklin | Harris | O'Neill | Taylor, R. |
| Costa, D. | Helm | Pallone | Thomas |
| Costa, P. | Hennessey | Parker | Toepel |
| Cruz | Hornaman | Pashinski | Turzai |
| Curry | Houghton | Payne | Vereb |
| Daley | Johnson | Payton | Vitali |
| Day | Josephs | Perzel | Vulakovich |
| Deasy | Kauffman | Petrarca | Wagner |
| Delozier | Keller, M.K. | Petri | Wansacz |
| DeLuca | Keller, W. | Pickett | Waters |
| DePasquale | Kessler | Preston | Watson |
| Dermody | Killion | Pyle | Wheatley |
| DeWeese | Kirkland | Quigley | White |
| DiGirolamo | Knowles | Quinn | Williams |
| Donatucci | Kortz | Ravenstahl | Youngblood |
| Drucker | Kotik | Readshaw | Yudichak |
| Eachus | Kula | Reese | |
| Evans, D. | Lentz | Rock | McCall, |
| Evans, J. | Levdansky | Roebuck | Speaker |
| Fabrizio | Mahoney | Ross | |

NAYS-42

| | | | |
|-----------|------------|------------|-----------|
| Bear | Fleck | Maher | Phillips |
| Beyer | Gabig | Manderino | Rapp |
| Boyd | Geist | McI. Smith | Reed |
| Burns | Hahn | Metcalfe | Reichley |
| Causar | Haluska | Millard | Roae |
| Cox | Harhart | Miller | Rohrer |
| Creighton | Hess | Mundy | Samuelson |
| Cutler | Hickernell | Oberlander | Sonney |
| Denlinger | Hutchinson | Peifer | Stern |
| Everett | Krieger | Perry | True |
| Fairchild | Longietti | | |

NOT VOTING-0

EXCUSED-3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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 **HB 2571, PN 3892**, entitled:

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.

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

Mr. **PERRY** offered the following amendment No. **A08186**:

Amend Bill, page 2, line 28, by inserting after "board."
In no event shall the staff complement be expanded beyond the staffing in place as of June 30, 2010.

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman from York County, Representative Perry.

Mr. **PERRY**. Thank you, Mr. Speaker.

This amendment ensures that there is no expansion of government by the hiring of people that are, in my opinion, unnecessary to do the job currently at hand. Currently we have a victims' advocate in the courts in the judiciary system who advocates on behalf of victims statewide. That victims' advocate advocates for victims that are juveniles the whole way to geriatric and everything in between for all crimes. This amendment would ensure that that practice continues.

That practice is currently continuing. The taxpayers are already paying for it. There is no necessary reason at this time to increase the staff of those folks. There is no hue and cry from victims or taxpayers to increase that staff. There is nothing in committee that has shown that this is a necessary expansion of government employees at this time.

So I would ask that you support this amendment to ensure that the Victim Advocate's Office stays just as it is now, just as professional as it is now, just as it completes all its tasks as it currently does now. Thank you, Mr. Speaker.

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

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

Mr. **EACHUS**. Thank you, Mr. Speaker.

I rise to respectfully oppose the gentleman's amendment.

Let me say, the historic problems that we have had with our court system, the historic corruption in our court system in Luzerne County has set a die that necessitates a change in the Victim Advocate's Office. I will deal with the content on the bill later. But in that office today, it does not specify a place where victims of all crimes can be dealt with in a way that is balanced for juvenile victims.

Now, what I am saying to you is that we need to make sure that what we are doing with this bill today is guaranteeing that we create a balance in the Victim Advocate's Office that guarantees that the historic, historic criminal behavior that was discussed in the Juvenile Justice Commission, which was reported on May 27 of 2010, is guaranteed to have a place set aside, set aside in the Victim Advocate's Office for victims of

all crimes and not just juvenile crimes. This excludes, this preempts the ability to have that fairness that the Juvenile Justice Commission talked about. So I respectfully oppose the gentleman's amendment.

The SPEAKER. On the question, the Chair recognizes the gentledady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

With all due respect to my colleague from York County, I rise in opposition to his amendment.

It is very important in many settings for the victims of crime to have a voice, and that is what the Victim Advocate does. The gentleman's amendment would prevent her office from ever having more staff members than are presently in that office now. Enshrining that in a State law would require a State law to change it. The victims of crime in our Commonwealth get very little from our Commonwealth, and I do not think we want to hamstring the office of the Victim Advocate. She plays an important job, and that job needs to be funded correctly.

Moreover, Mr. Speaker, while I totally support the gentleman's intention to rein in government spending and to limit excess capacity, I do not believe this particular office has been excessive in any regard. It is important that the victims of crime in our Commonwealth have a voice and that that voice is not stifled. Therefore, I will be voting "no" on the Perry amendment.

Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

With all due respect to my colleague, Representative Harper, I would say that people wonder and ask every day, how did government get so big? How does this happen? And this, Mr. Speaker, is exactly how this happens. And I would also submit that maybe it is not a bad idea, when government wants to expand itself, that we have to do that by law. Maybe then it would not expand so rapidly and continuously.

And to the maker of the bill who is advocating against the amendment, I would say that I appreciate his opinion. However, again, as you set aside, as you call out that this is particularly and specifically for juveniles for advocacy, you, by doing so, strictly imperil anybody else. And as our laws are written and as they are adjudicated and looked at by the courts and by attorneys and where it says specific language where you say "juvenile," you are imperiling somebody who is a geriatric and that might be coming to the Victim Advocate for help and it says, well, it says "juvenile" here; if you are not a juvenile, I cannot help you, and it says specifically "juvenile."

Mr. Speaker, right now it does not say anything. It says "crime" advocate, victims of crime advocate – all crimes, all victims, all ages, and that is the way it should stay, Mr. Speaker. Thank you very much.

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

The following roll call was recorded:

YEAS-85

| | | | |
|--------|--------|----------|----------|
| Adolph | Gabler | Marsico | Reichley |
| Baker | Geist | Metcalfe | Roae |

| | | | |
|------------|--------------|------------|------------|
| Barbin | Gillespie | Metzgar | Rock |
| Barrar | Gingrich | Micozzie | Rohrer |
| Bear | Godshall | Millard | Ross |
| Boyd | Grell | Miller | Saylor |
| Brooks | Grove | Milne | Scavello |
| Causer | Hahn | Moul | Schroder |
| Christiana | Harhart | Mustio | Smith, S. |
| Clymer | Harris | Oberlander | Solobay |
| Cox | Helm | Payne | Sonney |
| Creighton | Hess | Peifer | Stern |
| Cutler | Hickernell | Perry | Stevenson |
| Day | Hutchinson | Petri | Swanger |
| Delozier | Kauffman | Phillips | Tallman |
| Denlinger | Keller, M.K. | Pickett | Toepel |
| Evans, J. | Killion | Pyle | True |
| Everett | Knowles | Quigley | Turzai |
| Fairchild | Krieger | Rapp | Vereb |
| Farry | Maher | Reed | Vulakovich |
| Fleck | Major | Reese | Watson |
| Gabig | | | |

NAYS-114

| | | | |
|-------------|------------|-------------|-------------|
| Belfanti | Eachus | Levdansky | Readshaw |
| Beyer | Evans, D. | Longiatti | Roebuck |
| Bishop | Fabrizio | Mahoney | Sabatina |
| Boback | Frankel | Manderino | Sainato |
| Boyle | Freeman | Mann | Samuelson |
| Bradford | Galloway | Markosek | Santarsiero |
| Brennan | George | Marshall | Santoni |
| Briggs | Gerber | Matzie | Seip |
| Brown | Gergely | McGeehan | Shapiro |
| Burns | Gibbons | McI. Smith | Sipthroth |
| Buxton | Goodman | Melio | Smith, K. |
| Caltagirone | Grucela | Miccarelli | Smith, M. |
| Carroll | Haluska | Mirabito | Staback |
| Casorio | Hanna | Mundy | Sturla |
| Cohen | Harhai | Murphy | Taylor, J. |
| Conklin | Harkins | Murt | Taylor, R. |
| Costa, D. | Harper | Myers | Thomas |
| Costa, P. | Hennessey | O'Brien, D. | Vitali |
| Cruz | Hornaman | O'Brien, M. | Wagner |
| Curry | Houghton | O'Neill | Wansacz |
| Daley | Johnson | Pallone | Waters |
| Deasy | Josephs | Parker | Wheatley |
| DeLuca | Keller, W. | Pashinski | White |
| DePasquale | Kessler | Payton | Williams |
| Dermody | Kirkland | Perzel | Youngblood |
| DeWeese | Kortz | Petrarca | Yudichak |
| DiGirolamo | Kotik | Preston | |
| Donatucci | Kula | Quinn | McCall, |
| Drucker | Lentz | Ravenstahl | Speaker |

NOT VOTING-0

EXCUSED-3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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

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

* * *

The House proceeded to second consideration of **HB 2572, PN 3977**, entitled:

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.

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

Mr. **EACHUS** offered the following amendment No. **A08168**:

Amend Bill, page 3, line 29, by inserting after "(III);"
and
Amend Bill, page 4, line 7, by striking out ":AND" and inserting an underscored period
Amend Bill, page 4, lines 8 through 30; page 5, lines 1 through 24, by striking out all of said lines on said pages and inserting

(3) Notwithstanding any provision of this chapter to the contrary, the following shall apply regarding the calculation of the amount of restitution and compensation previously paid to the victim under paragraph (2)(iv)(D):

(i) The Supreme Court or special master appointed by the Supreme Court shall request, and the commission shall disclose, information concerning applications for an award of compensation and compensation award payments previously made by the commission to the victim in connection with the crime charged in the juvenile delinquency petition referred to in paragraph (2)(i).

(ii) The Supreme Court or special master appointed by the Supreme Court shall include any monetary loss, expense or damage that the Supreme Court or special master determines has been or will be paid to or on behalf of the victim by any of the following:

(A) insurance, or health or welfare programs, including those mandated by law;

(B) under a contract of insurance where the victim is the beneficiary;

(C) under any pension program, including those providing for disability or survivor's benefits, or from any other public funds; or

(D) under a settlement or award made by or on behalf of a party alleged to be responsible, in whole or in part for the injury, without regard to the party's criminal liability.

(iii) The Supreme Court or special master appointed by the Supreme Court may require as a condition of receiving an award under this section that a victim disclose to the court or special master the amount of restitution and compensation previously received in connection with the crime charged in the juvenile delinquency petition referred to in paragraph (2)(i).

(4) Promptly following issuance of the last written determination described in paragraph (2)(iv), the Supreme Court or special master appointed by the Supreme Court shall notify the commission that all written determinations have been issued.

Amend Bill, page 6, line 21, by striking out "PARAGRAPH (D)(2)(I)" and inserting
subsection (d)(2)(i)

Amend Bill, page 6, line 26, by striking out "PARAGRAPH (D)(2)(I)" and inserting
subsection (d)(2)(i)

Amend Bill, page 7, line 4, by striking out "(1) Except as set forth in paragraph (2), this section" and inserting

(1) A victim's ability to receive a written determination for a compensation award under this section

Amend Bill, page 7, lines 8 through 11, by striking out "Money remaining in the fund on" in line 8 and all of lines 9 through 11 and inserting

(2) Money remaining in the fund on June 30, 2011, that has not been encumbered or committed to pay awards under written determinations issued prior to June 30, 2011, shall be transferred to the Crime Victim's Compensation Fund.

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

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

Mr. EACHUS. Mr. Speaker, this is a technical amendment to the bill. It improves two key areas which are very technical in nature.

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

The following roll call was recorded:

YEAS—199

| | | | |
|-------------|--------------|-------------|-------------|
| Adolph | Farry | Maher | Reese |
| Baker | Fleck | Mahoney | Reichley |
| Barbin | Frankel | Major | Roae |
| Barrar | Freeman | Manderino | Rock |
| Bear | Gabig | Mann | Roebuck |
| Belfanti | Gabler | Markosek | Rohrer |
| Beyer | Galloway | Marshall | Ross |
| Bishop | Geist | Marsico | Sabatina |
| Boback | George | Matzie | Sainato |
| Boyd | Gerber | McGeehan | Samuelson |
| Boyle | Gergely | McI. Smith | Santarsiero |
| Bradford | Gibbons | Melio | Santoni |
| Brennan | Gillespie | Metcalfe | Saylor |
| Briggs | Gingrich | Metzgar | Scavello |
| Brooks | Godshall | Miccarelli | Schroder |
| Brown | Goodman | Micozzie | Seip |
| Burns | Grell | Millard | Shapiro |
| Buxton | Grove | Miller | Siptroth |
| Caltagirone | Grucela | Milne | Smith, K. |
| 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 | Thomas |
| Cutler | Houghton | Pashinski | Toepel |
| Daley | Hutchinson | Payne | True |
| Day | Johnson | Payton | Turzai |
| Deasy | Josephs | Peifer | Vereb |
| DeLozier | Kauffman | Perry | Vitali |
| DeLuca | Keller, M.K. | Perzel | Vulakovich |
| Denlinger | Keller, W. | Petrarca | Wagner |
| DePasquale | Kessler | Petri | Wansacz |
| Dermody | Killion | Phillips | Waters |
| DeWeese | Kirkland | Pickett | Watson |
| DiGirolo | Knowles | Preston | Wheatley |
| Donatucci | Kortz | Pyle | White |
| Drucker | Kotik | Quigley | Williams |
| Eachus | Krieger | Quinn | Youngblood |

| | | | |
|-----------|-----------|------------|----------|
| Evans, D. | Kula | Rapp | Yudichak |
| Evans, J. | Lentz | Ravenstahl | |
| Everett | Levdansky | Readshaw | McCall, |
| Fabrizio | Longietti | Reed | Speaker |
| Fairchild | | | |

NAYS-0

NOT VOTING-0

EXCUSED-3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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. **MOUL** offered the following amendment No. **A08187**:

Amend Bill, page 1, line 19; page 2, lines 1 through 3, by striking out "Crime Victim's" in line 19 on page 1 and all of lines 1 through 3, page 2 and inserting appropriation under section 284 of the act of _____, 2010 (P.L. _____, No. _____), known as the General Appropriation Act of 2010, for courts of common pleas in third class counties subject to subsection (d)(2). The State Treasurer shall make the transfer under this paragraph as soon as practicable after the effective date of section 284 of the General Appropriation Act of 2010.

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

AMENDMENT WITHDRAWN

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

Mr. MOUL. Thank you, Mr. Speaker.

The intention of amendment 08187 was to county specifically make Luzerne County responsible for the mess that they created in Luzerne County as opposed to spreading it out through all the victims in Pennsylvania and taking money out of their account. But something has been brought to my attention, Mr. Speaker, that there could possibly be a problem with this, so I respectfully withdraw my amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1736, PN 3440**, 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 violations; and providing for civil remedy.

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

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

HB 2141, PN 4023 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, further defining "small business"; and providing for authority to waive employee limit.

STATE GOVERNMENT.

HB 2143, PN 4024 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, providing for oversight and responsibility; and making an appropriation.

STATE GOVERNMENT.

HB 2144, PN 3086 By Rep. JOSEPHS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Minority and Women Business Development; and making editorial changes.

STATE GOVERNMENT.

HB 2145, PN 4025 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, providing for mentor-protége program.

STATE GOVERNMENT.

HB 2146, PN 4026 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, providing for definitions and for alternative certification.

STATE GOVERNMENT.

HB 2147, PN 4027 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, providing for small business reserve.

STATE GOVERNMENT.

HB 2148, PN 4028 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in small and disadvantaged businesses, providing for contractor performance.

STATE GOVERNMENT.

HB 2149, PN 4029 (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for contractors' and subcontractors' payment obligations.

STATE GOVERNMENT.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2585 By Representatives BELFANTI, PHILLIPS, GOODMAN, MAHONEY, BAKER, CAUSER, D. COSTA, DALEY, J. EVANS, EVERETT, FABRIZIO, FAIRCHILD, GIBBONS, GROVE, HARKINS, HARRIS, HORNAMAN, KIRKLAND, KULA, MARSHALL, MATZIE, MICOZZIE, MILLER, MILNE, MOUL, MURT, PICKETT, PRESTON, RAPP, REED, ROAE, SANTONI, SCAVELLO, SOLOBAY, STABACK, STEVENSON, THOMAS, YOUNGBLOOD, METCALFE, GEORGE, MILLARD, CHRISTIANA and MIRABITO

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for county sheriffs and deputy sheriffs; and repealing related provisions of the Second Class County Code.

Referred to Committee on LABOR RELATIONS, June 29, 2010.

**MOTION TO PROCEED TO CONSIDERATION
UNDER RULE 24**

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus, who moves, pursuant to rule 24, that members have had sufficient time to review the language and that the House proceed with consideration of HB 2370, HB 511, HB 712, and HB 2189.

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

The following roll call was recorded:

YEAS—167

| | | | |
|----------|-----------|------------|-------------|
| Adolph | Everett | Longiotti | Reese |
| Baker | Fabrizio | Maher | Roebuck |
| Barbin | Fairchild | Mahoney | Rohrer |
| Barrar | Farry | Major | Ross |
| Belfanti | Fleck | Manderino | Sabatina |
| Beyer | Frankel | Mann | Sainato |
| Bishop | Freeman | Markosek | Santarsiero |
| Boback | Gabig | Matzie | Santoni |
| Boyd | Galloway | McGeehan | Saylor |
| Boyle | Geist | McI. Smith | Scavello |
| Bradford | George | Melio | Seip |

| | | | |
|-------------|------------|-------------|------------|
| Brennan | Gerber | Miccarelli | Shapiro |
| Briggs | Gergely | Micozzie | Siproth |
| Brooks | Gibbons | Miller | Smith, K. |
| Brown | Godshall | Mirabito | Smith, M. |
| Burns | Goodman | Moul | Smith, S. |
| Buxton | Grove | Mundy | Solobay |
| Caltagirone | Grucela | Murphy | Sonney |
| Carroll | Haluska | Murt | Staback |
| Casorio | Hanna | Mustio | Stern |
| Causer | Harhai | Myers | Stevenson |
| Christiana | Harhart | O'Brien, D. | Sturla |
| Clymer | Harkins | O'Brien, M. | Tallman |
| Cohen | Harper | O'Neill | Taylor, J. |
| Conklin | Harris | Pallone | Taylor, R. |
| Costa, D. | Helm | Parker | Thomas |
| Costa, P. | Hess | Pashinski | True |
| Cox | Hornaman | Payne | Turzai |
| Cruz | Houghton | Payton | Vereb |
| Curry | Johnson | Perry | Vitali |
| Daley | Josephs | Perzel | Wagner |
| Day | Keller, W. | Petrarca | Wansacz |
| Deasy | Kessler | Petri | Waters |
| DeLuca | Killion | Phillips | Watson |
| DePasquale | Kirkland | Pickett | Wheatley |
| Dermody | Knowles | Preston | White |
| DeWeese | Kortz | Pyle | Williams |
| DiGirolamo | Kotik | Quigley | Youngblood |
| Donatucci | Krieger | Quinn | Yudichak |
| Drucker | Kula | Ravenstahl | |
| Eachus | Lentz | Readshaw | McCall, |
| Evans, D. | Levdansky | Reed | Speaker |
| Evans, J. | | | |

NAYS—32

| | | | |
|-----------|--------------|------------|------------|
| Bear | Grell | Marsico | Reichley |
| Creighton | Hahn | Metcalfe | Roae |
| Cutler | Hennessey | Metzgar | Rock |
| Delozier | Hickernell | Millard | Samuelson |
| Denlinger | Hutchinson | Milne | Schroder |
| Gabler | Kauffman | Oberlander | Swanger |
| Gillespie | Keller, M.K. | Peifer | Toepel |
| Gingrich | Marshall | Rapp | Vulakovich |

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2370, PN 4004**, 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 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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff Ellis Oliver

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 511, PN 4005**, 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, this bill would create ag biosecurity areas and allow the department to oversee the creation of those areas and monitor what could or could not be placed on the signs designating those places. I simply ask for the affirmative vote of all the members on this important piece of legislation. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Blair County, Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

I would like to also rise in support of HB 511 and thank the maker of this legislation. I have worked with Representative Cutler the last couple of sessions with this bill. I appreciate his diligence and all the work that he has put into this bill to make it a good bill.

I would ask members to support a very important issue for the ag community.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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.

STATEMENT BY MR. CUTLER

The SPEAKER. For what purpose does the gentleman from Lancaster, Representative Cutler, rise?

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, under unanimous consent, I would like to speak on the bill.

The SPEAKER. The gentleman is in order, without objection.

Mr. CUTLER. Thank you.

I just wish to thank all the members of the House for your assistance in this. I would specifically like to thank Representative Stern. As he indicated, he was a driving force behind this bill, and I appreciated his efforts there. As well as working with the majority leader as we worked through the amendment process, I was very appreciative of that. And I was also pleased to be able to work with the administration and the Farm Bureau on this bill and reach a consensus, and I just wanted to thank all the members for their input. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2189, PN 4008**, 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 sexting by minors.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

On the question, shall the bill pass finally, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

HB 2189 will update our criminal laws to make them reflective of the problems we are facing with our ever-advancing technology. This bill will allow our D.A.s (district attorneys) to adjudicate our youth appropriately so they will not ruin their lives before they begin. Instead of facing harsh felony charges under our child pornography laws, we will set new guidelines to send a clear message that the practice of sexting among teens is not to be tolerated.

This bill weighs the appropriate levels of punishment to deter further exploitation of our youth and prevent these images from making their way into the hands of child predators. This has already happened in York County. During a probation check of a convicted child predator, they found a naked picture of a teenage girl which was traced back to a sexting event at a local high school.

We cannot assume that sexting is normal expression of adolescent sexuality. As we have found in Mifflin County, it can be also a cry for help. This legislation will allow law enforcement to investigate and ultimately discover cases of rape, incest, molestation, and dating violence.

I ask my colleagues for your affirmative vote to ensure our teens are not charged as child pornographers or victimized. Thank you, Mr. Speaker.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the majority leader stand for brief interrogation.

The SPEAKER. The majority leader indicates he will stand for interrogation. On the question before the House, final passage.

Mr. VITALI. Thank you, Mr. Speaker.

I am looking at this bill, and if I could just direct your attention to the section "SEXTING BY MINORS," starting on page 4, line 29, and going through the next page, page 5. If I could just ask you a couple of questions about that language, Mr. Speaker.

Mr. Speaker, with regard to line 29 on page 4, it talks about certain sexting by minors being a misdemeanor of the second degree, which is punishable by up to 2 years in jail. It first talks about a situation where the individual is a minor and knowingly transmits a depiction of himself or herself engaging in sexually explicit conduct, and then it talks about that being a misdemeanor of the second degree.

Now, what I am confused about is in the following section it talks about certain acts being summary offenses, and could you talk to me about this initial section with regard to misdemeanors of the second degree? What are you contemplating in that section as opposed to the summary section?

The SPEAKER. Will the gentleman yield?

The gentleman, Mr. Vitali, you know, these are questions that should be directed to the prime sponsor of the legislation. Do you want to interrogate the majority leader on this, or was it your intent to interrogate the prime sponsor of the legislation?

Mr. VITALI. Oh, I probably should have cleared that up, Mr. Speaker. This is the language that the majority leader introduced yesterday, so it is his language.

The SPEAKER. The Chair thanks the gentleman.

Mr. EACHUS. Will the gentleman please restate his question? I am sorry; I was focused on another thing when you started, so if you can restate. I apologize to the membership.

Mr. VITALI. I want to direct your attention to your language starting at section 6321, "SEXTING BY MINORS," and it talks about it being a "...MISDEMEANOR OF THE SECOND DEGREE IF:..." and then a minor knowingly transmits a depiction of himself engaging in sexually explicit conduct, that being a misdemeanor of the second degree punishable by up to 2 years in jail. And then further along in your language it talks about certain conduct by minors being summary offenses. I am trying to get at, in that section, when you are making certain acts by minors transmitting pictures of themselves as a misdemeanor, what acts are you contemplating there?

Mr. EACHUS. I believe that if you look closely at this – I refer to my learned counsel, my colleague to my right, Mr. Dermody from Allegheny – if you look at the two sections, one is less culpable than the other, sir.

Mr. VITALI. Well, I mean, that is obvious, because one is a summary and one is a misdemeanor. My question is, I am really trying to get at this misdemeanor section, you know, starting on line 30 of page 4 and going through line 14 on page 5. That is the misdemeanor section, which is more culpable, I grant you that, and then the following lines are less culpable. But what conduct were you contemplating in this more culpable section?

Mr. EACHUS. I will answer your question directly. A minor transmitting a picture of himself or herself engaging in sexually explicit conduct, unless the behavior were a summary offense as listed below, and I will cite that for you: a member taking, viewing, or possessing a picture of another minor engaging in sexually explicit conduct, unless the behavior is a summary offense. A summary: A minor knowingly transmitting a picture of himself or herself engaging in sexually explicit conduct to someone they actually know who is at least 13 years of age or otherwise within 4 years of their actual age.

A minor – two – a minor or an 18- or 19-year-old, at the request of another minor they actually know, who is at least, they know the individual is at least 13 years of age or otherwise 4 years of that range.

Third: a minor or an 18- or 19-year-old who knowingly transmits a picture of a minor engaging in sexually explicit activity of a minor who they, once again, know is 13 years of age – they know it.

So in each case, and I have a couple more examples that I am happy to explain to you, sir, but we are looking at activity where the individual who is in a certain age range, 18 or 19 or in that range, knows they are transmitting information, knows they are transmitting information about a 13-year-old child.

So what I am talking to you about is that I mentioned to you that the culpability here is very clear. So does the gentleman have another question?

Mr. VITALI. Well, actually, I do not really think that was answered. Here is— Let me just go to restate that, because I am not sure we are on the same wavelength yet.

I would like an example of a situation that falls under sub (A), 6321 sub (A). What are you getting at with that language? Give me an example.

Mr. EACHUS. Let me say that what I mean by this section is that that individual between 13 and 18 or 19 sends information to a person that they do not know. In the other instance, it is actually sending it to a person that they do know – consensually. So once again, Mr. Speaker, it is clear.

Mr. VITALI. So you are saying that if a minor sends a picture, if a minor sends a picture of themselves to somebody they do not know, they have committed a misdemeanor of the second degree. Is that what you want to do? If a 13- or 14-year-old sends a picture of themselves, they commit a misdemeanor of the second degree punishable by up to 2 years in jail. Is that really what you want to do here?

Mr. EACHUS. That is what the bill does, Mr. Speaker.

Mr. VITALI. Okay. And I am sure there is a better answer for this.

When I was practicing juvenile law and we were dealing with wrong things that juveniles engaged in, we would refer them to, juvenile acts, if committed as an adult, would constitute a misdemeanor, felony, whatever the offense would be – and this is just a question of appellation – but you charge a 13-, 14-year-old with a misdemeanor as opposed to a juvenile act. If you could just explain that to me.

Mr. EACHUS. Juveniles are handled in juvenile court, Mr. Speaker.

Mr. VITALI. Right, and the acts they do are called juvenile acts, not adult crimes, and that is what I am trying to get at.

Mr. EACHUS. Nothing in here changes any of that, Mr. Speaker.

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

MOTION TO RECOMMIT

Mr. VITALI. I would like to make a motion.

The SPEAKER. The gentleman is recognized and will state his motion.

Mr. VITALI. Mr. Speaker, I think this language is very troublesome, not even what it does but the clarity of the language. I think that I have gone over this again and again, and I think it is still really not ready for prime time, despite, I mean, despite which I think are terrible policy decisions behind criminalizing this simple conduct of a 13-year-old sending a picture out and making that a misdemeanor. Therefore, I would, because I think this does need more work, I would move that this bill be recommitted to the Judiciary Committee so that we can just work on this language a little more. I so move.

The SPEAKER. The gentleman from Delaware County, Representative Vitali, moves that HB 2189, PN 4008, be recommitted to the House Judiciary Committee.

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

The SPEAKER. The Chair recognizes, on the question, the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

Again, I rise to oppose the motion to recommit to Judiciary. Judiciary had this bill four times in committee. It has been upheld as a felony charge through the third circuit court. This amendment, the Eachus amendment, passed unanimously. I think everybody is familiar with it. We need to move on and ensure children are not charged as felons under our child pornography statutes. This is just a delay tactic to ensure that happens.

I would appreciate my colleagues voting "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the motion to recommit, the Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

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

I just rise in support of my colleague from York County. Significant work went into negotiating appropriate language between both caucuses. We appreciate the work on both sides of the aisle. Really, we need to get this done, and this stall tactic is not helpful. We would ask that folks please oppose the motion to recommit to the Judiciary Committee. Thank you.

The SPEAKER. On the motion to recommit, the Chair recognizes the majority leader, the gentleman, Representative Eachus.

Mr. EACHUS. Thank you very much.

It is usually regrettable when I have to stand and oppose one of my colleagues on my side of the aisle's motion, but

I regrettably do that today. I ask the members to vote against the Vitali motion.

The SPEAKER. On the question of recommitment, the Chair recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of the gentleman from Delaware County to recommit this. I rise out of the concern for the children of Pennsylvania and their parents. I acknowledge that the bill, 2189, improves upon the current language and I appreciate the gentleman from York County putting this into play. However, I do not feel that this language is correct yet, and I do not believe it is in the best interest of children that are 14, 15, 16 years old who engage in foolish behavior to have them dragged in front of a magistrate along with their parents and have them adjudicated. I mean, I cannot believe that we are going to let that happen.

Now, I am not here to justify their behavior. Please, do not get me wrong. I just believe that this bill needs to be polished to carve out the boyfriend-girlfriend relationship, because children are going to do foolish things. So I would ask for the members to consider recommitment.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to recommit, those in favor of recommitting HB 2189 will vote "aye"; those opposed to recommitment to the Judiciary Committee will vote "nay."

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

The following roll call was recorded:

YEAS—35

| | | | |
|---------|-----------|-------------|------------|
| Briggs | George | Mirabito | Sainato |
| Brown | Hanna | Mundy | Samuelson |
| Burns | Harper | Myers | Staback |
| Cohen | Johnson | O'Brien, M. | Thomas |
| Cruz | Josephs | Parker | Vitali |
| Curry | Kortz | Payton | White |
| DeWeese | Levdansky | Preston | Williams |
| Drucker | Mahoney | Roebuck | Youngblood |
| Freeman | Manderino | Sabatina | |

NAYS—164

| | | | |
|-------------|-----------|------------|-------------|
| Adolph | Fairchild | Longietti | Reed |
| Baker | Farry | Maher | Reese |
| Barbin | Fleck | Major | Reichley |
| Barrar | Frankel | Mann | Roae |
| Bear | Gabig | Markosek | Rock |
| Belfanti | Gabler | Marshall | Rohrer |
| Beyer | Galloway | Marsico | Ross |
| Bishop | Geist | Matzie | Santarsiero |
| Boback | Gerber | McGeehan | Santoni |
| Boyd | Gergely | McI. Smith | Saylor |
| Boyle | Gibbons | Melio | Scavello |
| Bradford | Gillespie | Metcalfe | Schroder |
| Brennan | Gingrich | Metzgar | Seip |
| Brooks | Godshall | Miccarelli | Shapiro |
| Buxton | Goodman | Micozzie | Siptroth |
| Caltagirone | Grell | Millard | Smith, K. |
| Carroll | Grove | Miller | Smith, M. |
| Casorio | Grucela | Milne | Smith, S. |
| Causer | Hahn | Moul | Solobay |
| Christiana | Haluska | Murphy | Sonney |
| Clymer | Harhai | Murt | Stern |
| Conklin | Harhart | Mustio | Stevenson |

| | | | |
|------------|--------------|-------------|------------|
| Costa, D. | Harkins | O'Brien, D. | Sturla |
| Costa, P. | Harris | O'Neill | Swanger |
| Cox | Helm | Oberlander | Tallman |
| Creighton | Hennessey | Pallone | Taylor, J. |
| Cutler | Hess | Pashinski | Taylor, R. |
| Daley | Hickernell | Payne | Toepel |
| Day | Hornaman | Peifer | True |
| Deasy | Houghton | Perry | Turzai |
| Delozier | Hutchinson | Perzel | Vereb |
| DeLuca | Kauffman | Petrarca | Vulakovich |
| Denlinger | Keller, M.K. | Petri | Wagner |
| DePasquale | Keller, W. | Phillips | Wansacz |
| Dermody | Kessler | Pickett | Waters |
| DiGirolamo | Killion | Pyle | Watson |
| Donatucci | Kirkland | Quigley | Wheatley |
| Eachus | Knowles | Quinn | Yudichak |
| Evans, D. | Kotik | Rapp | |
| Evans, J. | Krieger | Ravenstahl | McCall, |
| Everett | Kula | Readshaw | Speaker |
| Fabrizio | Lentz | | |

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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,
Shall the bill pass finally?

The SPEAKER. On that question, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

The point that is being missed here is that today, as the law stands, the district attorneys are in a position where they have to charge a minor with a felony. That is the law. Right now this law would amend— That may be wrong, but that is the law. So if we are trying to help minors, then we should want the law to be changed to a misdemeanor 2 and a summary, because if we do that, we allow the district attorneys to do what they always do, which is they go in and they say, all right, is there something about this that merits special consideration?

Today, if you have a misdemeanor charge, it can be erased. Everything about it can be erased and expunged by an ARD (accelerated rehabilitative disposition). If you have a felony, most counties will not let you have the ARD expungement. So today, if we want to help young people that are obviously making stupid mistakes, we should have a program that says we are going to have a misdemeanor and a summary. Maybe it should be a misdemeanor 3, but right now it is a felony and it cannot be expunged. If you want to help minors, the way to do it is to support this bill.

I ask the whole General Assembly to make it a little bit better today by voting for a little less rigidity in the system and a little more belief in the district attorneys that will use the power as they are intended. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Philadelphia County, Representative Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

And I regretfully rise to oppose this bill. While we need to put something in place, I do not think we need to put something in place that gives kids misdemeanors. So I will be voting in the negative on this bill.

And I think that, you know, in a time where we refuse to do comprehensive sex ed, we want to charge kids with misdemeanors and felonies. I think that is wrong, so I will be voting in the negative. Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Payton in urging a "no" vote on this bill. It is true that this bill changes the status quo to make the charges less against the kids, and that is a positive step and I commend the majority leader and others for working for it. But the question remains as to what punishment kids are going to get and how many kids are going to be prosecuted.

Right now we have a situation which is roughly analogous to a nuclear bomb against kids. They have committed a minor offense and they are charged with a felony, and therefore, there are very few kids being charged with anything in this State because prosecutors agree that the felony charge is completely out of proportion. By lowering the gravity of the charge, what we are going to do is greatly increase the number of kids prosecuted for this, and that will not be a positive thing.

We have to decide as to what our purpose is. I am a lawyer. My father is a lawyer. I have two siblings who are attorneys. I have cousins who are attorneys. I am familiar with the legal profession. The legal profession has many, many very honorable people who work very, very hard and do their job well, but the legal profession is not an all-purpose cure-all. The legal profession has very limited tools. The question is, to what degree are these tools appropriate for people who do wrong things?

I am very skeptical that bringing kids before a magisterial district judge or a municipal court judge in Philadelphia is going to be a really transformative, positive experience in their lifetime. I think once you start getting kids involved in the criminal justice system, those kids tend to be worse off than other kids. Once you start getting kids involved in the criminal justice system, an important variable becomes, to what degree does their family know lawyers and to what degree is their family a strong family so the lawyer can honestly argue, well, this kid made a mistake, but he has such responsible parents that you can be sure, Your Honor, that this mistake will never be repeated again?

The fact is, Mr. Speaker, that the law does not adequately treat people with full equality before the criminal justice system, that the people who have good lawyers, the people who have significant financial resources, accused of the same crime, tend to get off much more frequently than the people who do not have adequate financial resources or adequate family support.

I believe that this bill goes in the wrong direction. Because it will lead to more frequent prosecution by creating a more reasonable sentence in violation, as the ACLU (American Civil Liberties Union) says, of the U.S. Constitution, because it will do all that, it will cost money. This bill is a spending program.

We heard somebody on the Republican side of the aisle talk eloquently not too long ago today about, do we have to resist endless new expansions of government and endless spending programs? This bill is a spending program. It carries no direct appropriation, but it is not free to the taxpayers to bring somebody before a district magistrate or a Philadelphia municipal court judge. There are prosecutors who have to be paid. There are social workers who have to be paid. If the kid is placed on probation, probation workers have to be paid. This is a spending program. It is a long-term spending program. It will start slowly, like all other mandatory sentencing bills do, but gradually, year after year, the cost of this is going to increase if people still engage in sexting. Hopefully the practice of sexting will soon stop. Hopefully it is just a fad that will go away. But if it is not a fad that will quickly go away, we are spending an enormous amount of money over time for very, very little purpose.

If we are going to get the budget under control, we have to be able to control ourselves. We have to be able to say that just because there is a small number of people in this Commonwealth who want a crime to be defined does not mean we have to define a crime. The criminal justice system is one of many tools we have as legislatures. We should not engage in it lightly. We should try other things first. We should try the educational system first and have programs in the school system to discourage sexting. We should encourage clergy to be involved in this issue. We should encourage the social work profession to be involved in this issue. But when we mandate that the legal profession gets involved in this issue, we are creating heavy costs for the taxpayers over the long haul.

I would urge a "no" vote on this bill.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, this is tough. This is really tough because I understand the passion of the architect of the bill and the author of the amendment, which somewhat redefined the bill; I understand that. I think, and I strongly believe, that their intentions are good and there is a real effort to try and control behavior that has kind of gotten out of control. But while I was sitting there thinking about it, I was thinking about the United States Supreme Court, I guess about a month or two months ago, issued an opinion which shined a bright light on the Commonwealth of Pennsylvania, because the United States Supreme Court said that we should not be putting children away for the rest of their lives without any opportunity for rehabilitation. And the United States Supreme Court, and I believe it was Justice Kennedy that asked Pennsylvania and a few other States whether or not you believe children can be rehabilitated, whether or not you believe that there is redemption, there is possible redemption with a 12- or 13-year-old. And the Court said that we have to go back and straighten some things out, that more than any other Third World country, in the United States, or particularly in States like Pennsylvania, our policies demonstrate that we have given up on our children, that we do not believe that children can be rehabilitated.

Now, let us go to HB 2189. I do not know of a 12-year-old that is running around with a sophisticated iPhone or a phone or other technological equipment that is able to sext with one another without there being an adult who gave them the money in order to buy the technology equipment. They are not going

out, without a job at 12 or 13, you cannot just come up with the money to go out and buy the kind of equipment that allows you to sex text with one another or send nude pictures to others. There is an adult that either directly or indirectly enables that child to engage in that conduct. And so to that end, I would like to interrogate the maker, the majority leader, on HB 2189, Mr. Speaker. I would just like to ask a couple questions.

The SPEAKER. Does the majority leader wish to be interrogated? The majority leader indicates he will stand for interrogation. The gentleman from Philadelphia, Representative Thomas, is in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, if you are found guilty and subjected to punishment under HB 2189, and you are 12, 13, 14 years of age, will you be able to get a student loan in order to get into college later on?

Mr. EACHUS. Can you narrow your question into which section under the law, sir, you would like me to respond to, because your question is very broad.

Mr. THOMAS. My question is, if you are found guilty under any section of 2189 and subjected to a de minimis amount of punishment, you go through your punishment and later on change your life, finish school, and want to go on to higher education, will that summary offense interfere with your ability to get a loan or get a scholarship under current rules and regulations?

Mr. EACHUS. Mr. Speaker, as I said earlier, the juvenile sections are not changed here, so if a 12- or 13-year-old fell under juvenile provisions, as you know, those are sealed procedures, and I do not believe in that case—

Mr. THOMAS. Well, there are no longer sealed procedures in Pennsylvania. You cannot seal a record.

Mr. EACHUS. Well, I do not believe that it would impact that juvenile in a negative way in the future.

Mr. THOMAS. And, Mr. Speaker, are you able to work for the Commonwealth of Pennsylvania if you are found guilty and subjected to punishment under HB 2189?

Mr. EACHUS. Mr. Speaker, there are no new felonies under the provisions of this bill.

Mr. THOMAS. Pardon me?

Mr. EACHUS. There are no new felonies under this bill.

Mr. THOMAS. Well, I am not—

Mr. EACHUS. Let me say, Mr. Speaker, let me say what is happening today without the framework of the improvements that we made in the amendment that I worked on with the ACLU, the Juvenile Justice Law Center, and other juvenile advocates in the State. The gentleman and I worked in a bipartisan way and I made improvements to this that guarantee that aggressive, conservative district attorneys today do not run kids out of the juvenile system and into the criminal system. That is what is happening today. They are charging children with felonies.

What I did was try to improve this so that it would guarantee that in certain situations where there was consensual behavior, that it was not criminalized, that it guarantees that those children are not thrown into a criminal procedure, which is happening today, Mr. Speaker.

So respectfully, I worked with the ACLU, the Juvenile Justice Law Center, and other juvenile advocates to try and improve this so that the aggressive, prosecutorial behavior that is happening today on our children is quelled.

Mr. THOMAS. Mr. Speaker, are you able to get housing under Pennsylvania housing laws with a conviction under HB 2189?

Mr. EACHUS. Once again, as I have said, for the 12- and 13-year-old juvenile offender, I do not believe that would have an impact.

Mr. THOMAS. Mr. Speaker, my last question. Is there an ARD and/or an expungement provision under current law and/or HB 2189?

Mr. EACHUS. Today under Pennsylvania law, there is no ARD in juvenile court, Mr. Speaker. The framework does not exist for ARD.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have concluded my interrogation. I would like to offer some comments.

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

Mr. THOMAS. Mr. Speaker, I believe that children deserve a second chance when their conduct involves bad judgment and/or activities that fall outside the scope of things. But, Mr. Speaker, I do not know of anybody in this august body that cannot say at one time, but for the grace of God there go I; I made a mistake, my mistake was wrong, but should I be punished for the rest of my life? And under current law, and as the speaker, as the majority leader has just reiterated, that absent an ARD and/or an expungement statute, conduct under 2189 will go from the cradle to the grave. So I might be 12 today, made a bad mistake, but, Mr. Speaker, and to my colleagues, I am going to pay for it for the rest of my life, because we know that Pennsylvania is one of few States that are considered at will, and almost every employer today is requesting a background check. In fact, we in this room, some of us, have even requested that in addition to a background check, we want an FBI fingerprint check.

So, Mr. Speaker, in the absence of having some provisions which give our babies, and I say our babies, because if they are under 18 years of age and we have responsibility for them, then, Mr. Speaker, it is our charge, it is our charge to try and make sure, like somebody gave us a second chance one time in life and I do not think that there is anybody in here that has never made a mistake. But as one writer used to say, the question is not the mistake, but did you go on and do something with your life?

Mr. Speaker, HB 2189 provides no opportunity for you to be good, bad, or indifferent, because once you are convicted and punished under this statute, you might as well forget about a decent job later on. You might as well forget about applying for a student loan; you might as well forget about getting in that great University of Pennsylvania or Penn State University; you might as well forget about teaching at West Chester University because they are going to do a background check. And when they do a background check, this summary offense is going to come up and you are going to be denied access. It is really that simple.

And, Mr. Speaker, we have a process in Pennsylvania that provides a very narrow window for expungement and a very complicated window for being able to seal your record, a pardon. The pardon board in Pennsylvania is 8 months backed up on pardon applications. If they took the next 5 years, they would not catch up. So, Mr. Speaker, let us give the children a second chance. Let us do for them what somebody did for us at some point in life. And I know that there is nobody in this room that is perfect. I know that there is nobody in this hall that has

reached this point in their life and never made a bad mistake or never made a bad decision. Mr. Speaker, this should have gone back to the Judiciary Committee, but since it did not, then I think the right thing to do, the right thing to do for this hour, for this time, and for our children, is to vote "no," to vote "no." And voting "no" has nothing to do with, because I have the utmost respect and admiration for the majority leader, I know that his heart is in the right place, but the unintended consequences associated with the imposition of 2189 is dangerous at best and troubling under most circumstances.

Mr. Speaker, we have to put up a "no" on HB 2189. And I will just close with this because one of my colleagues just brought this to my attention, that under Act 24, a 12-year-old can take a shotgun to school and there is no penalty, there is no penalty, because the Second Amendment provides for that. But, Mr. Speaker, under Pennsylvania law, you cannot enter into contracts, other than for necessities, if you are under 18 years of age; you cannot get a driver's license under certain years of age. But now we want to provide for a second-degree misdemeanor.

And like I said, I know that the majority leader's heart is in the right place. He is making a bad situation better, but not right. It is better than it was prior to 2189, but it is not right. And because it is not right, because it does not reflect, I think, the commitment that we have to have to our children, because they did not come here on their own, they did not come here on their own. Somebody has to take responsibility. And we cannot keep turning to law enforcement, the juvenile or criminal justice system, every time conduct emerges that we do not understand or that we think goes far beyond where we need to go.

Thank you, Mr. Speaker. Vote "no" on 2189.

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

Mr. PETRI. Mr. Speaker, I would urge the members to adopt this bill as amended. It does reach a balance between trying to deal with the competing issues. Mr. Speaker, quite frankly, not all children or young adults are innocent in the acts that are occurring.

Let me explain the difference. This bill, Mr. Speaker, understandably, recognizes the boyfriend-girlfriend relationship and attempts to downgrade the offense in order to appropriately deal with that level of trust and confidence. But, Mr. Speaker, let us not send a message that it is okay to hit the resend button and harass and abuse someone and create someone as a victim, when the picture that was never intended is disseminated across the entire school.

Make no mistake, Mr. Speaker, every one of our schools are regularly confiscating telephones from their students because they have inappropriate material that they have received from other people. And make no mistake, the children are suffering from those who would do them harm by using this new method of harassment on the Internet. So I urge the members to support the bill as amended.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia County, Representative Brown.

Ms. BROWN. Thank you, Mr. Speaker.

I rise today in opposition to HB 2189. I stand here before you not only as a State Representative, but also as a mother and an advocate, and I am the mother of a teenager, of whom we are referring to. And when I think of this bill, I think of those

constituents in my district, and we all know that the judicial system, there is no economic justice in it. We do know that when we label children, even with a misdemeanor or a summary offense, many of them do not have the experience or the know-how in how to navigate a complicated system to have those things removed from their record.

I rise to oppose this because too many, too many of our children are already labeled. Too many of the children in my district are labeled. I have stood on this floor for over a year and a half and I have heard many things that label our children and I have had enough today. I have had enough of it.

This device that I have in my hand, this cell phone, we buy this as parents and we give it to our children without any explanation on how to navigate these devices. And then shame on us that our children are smarter than we are and learn how to operate this in their own sexual exploration, that everyone on this House floor has experienced. Many of us, in our day, know when the "Joy of Sex" came out, and we stood in the dark corners of the library and we creeped open a book that we were not supposed to look at. And now, today, with technology that is further than we are as adults, and we give this to our children, this is their "Joy of Sex." And now we want to stand here and condemn those children, and I stand to oppose that.

There is no way that we should be voting for HB 2189 at this time. We are legislators who are sent here by our constituents to make law, not just make any kind of law, but we must make the best law that is in the best position to help our constituents.

And right now we are almost there, but we are not complete, and I am asking that you oppose HB 2189 until we can get this thing right, because our children are at stake. And I want to please ask you to remember that these are our children. Please vote on behalf of our children to oppose HB 2189.

Thank you, Mr. Speaker.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

The previous speaker was so eloquent, I think, in explaining our moral dilemma, but I also want to talk a little bit about our legal dilemma here and ask this Assembly to vote "no" on this bill. It is often said that a bad case makes bad law, and that is really what is happening here. The prime sponsor was very clear and careful when he explained his bill not to misstate what was going on here, but many speakers after him, on both sides of the aisle, did misstate the current status of the law, and I want to make that clear on the record. There is no crime of sexting in Pennsylvania today. There is no crime of sexting in Pennsylvania today.

We had an incident that happened in Wyoming County where a D.A. wanted to bring charges, so the charges were brought under felony child pornography laws and were appropriately, by the time it worked its way through the system, struck down. There was no crime of sexting that was a felony, that now we are fixing by making it a misdemeanor or a summary. We are creating a new crime and subjecting our young people to the juvenile justice system in situations now where they do not have to interface with the juvenile justice system at all. This is a parental problem. This is an educational problem. This is a family problem. This is a moral problem. This should not be made a criminal problem. We are going to create more problems for our young people as a result of this action today than anything that we could solve.

Remember, this all starts with a consensual act that gets out of control, and I am sorry if it gets out of control, but there are other sexual acts that children get involved with today that get out of control with bad consequences that are not a crime. I do not like the teenage pregnancy rate either. I do not like the rate of sexually transmitted diseases among our youth. I do not like a lot of things that go on that are family, moral, behavioral, educational problems, but I do not want to make them a crime. It is already a crime if somebody without your consent takes your picture in a state of nudity or undress. We do not have to address those situations. It is already a crime. But what is not already a crime today is consensual activities that kids are doing that deal with their cell phones and sexting, and we need to educate them, and we need to guide them, and we need to discipline them, but we need to discipline them at the family level, not at the juvenile justice level. Vote "no" on 2189.

The SPEAKER. On the question, the Chair recognizes the gentleman from Luzerne County, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I am not an attorney, but I am a parent, just like one of the earlier speakers, to three teenagers, and the fact of the matter is, I know having three teenagers that there are an infinite number of possibilities when it comes to how these things can play out, an infinite number, and when there are an infinite number of possibilities, I do not like rigidity, the word that was used earlier by one of my colleagues; I like flexibility.

The fact of the matter is, there is no scenario that we can envision that is unique – every scenario is unique, I should say. So the fact of the matter is, I embrace flexibility and I embrace the options that are provided in this, including going to a district court. I actually believe that I would rather have my child appear at a magistrate than at a common pleas court. I actually trust our magistrates to get it right. I know the scenario and the atmosphere in a district court, and I am happy to be in a district court far more than I would be in a court of common pleas.

And finally, after the high-profile case in Wyoming County and the attention that was drawn to it in my region of the State, the law enforcement community and people in the district attorney's office and families asked for flexibility. They do not like the one-size-fits-all scenario where it is a felony or nothing. We need flexibility.

So I applaud the maker of the bill and I applaud the leader for the amendment. This bill as amended provides the flexibility that most parents should want when it comes to dealing with what will inevitably be unique situations that occur throughout the State with teenagers. So I urge members to embrace this bill, 2189. Let us give the courts and the law enforcement community the flexibility that they do not have under current law.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question recurs, shall the bill pass finally?

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

Mr. WATERS. Thank you, Mr. Speaker.

I will be very brief. I am deeply concerned about this bill because I have had a chance to hear the speakers from both sides of the aisle, both men and women, and I thank everyone for their input.

I happen to be a member of the Judiciary Committee. I remember when the D.A.s Association came to us and asked us if we would do something about making a law that would take away the ability of an offense like this being a felony. The way it currently can be treated now, it can be treated as a felony. The way I understand what we have in place now is that the D.A.s wanted it to be reduced to a misdemeanor, and now we have in place the ability to make it either a misdemeanor or a summary offense. And I also want to say that we also have in place the ability to have the young offender, for lack of a better word, the young person who was mischievous, I will say, can have their record expunged by either turning 18, or if they go through a diversionary program successfully, they can have their record expunged.

Now, to me, that sounds a lot better than a felony, because the last thing I would want to see is for a D.A. to be overzealous with the way the law is now and charge a child with a felony. If we do not have any kind of regulations or constraints in place that will prohibit that from happening, then we will have children facing something that is way worse than what this bill does. This bill actually reduces it from a felony. And as we all know, a felony is not going to be expunged when a person turns 18. So I would much rather not have anything punishing children for doing something foolish or making bad judgment calls. But from what I understand, if a child takes this photo, under current law, and sends it to someone else under current law, the person who did it could be charged with a felony. Under the proposed bill that we have here now, the person cannot be charged with a felony. The person would be charged with a lesser offense. And I believe that that is what we all want to see. Of course we do not want to see any charges at all; we do not.

Sometimes we might have to do something, and even with our own children, even with our own children, sometimes we might have to apply some kind of discipline, I will say, some kind of discipline that will, we hope, deter future conduct of that kind. Now, of course, there are some people that might go way beyond the call. That is why they have these laws now about do not hit your child, because some people just go too far; they just go too far. So we do not want the D.A.s to be able to go too far. Under current law, they say they do not want D.A.s, and this comes from the D.A.s Association, they do not want D.A.s to be able to go too far either. So they asked us to do something to protect the children, protect the innocence of their child, not to have them permanently damaged and scarred for life.

So I had a chance to hear this, and I had a chance to weigh in on it. I did not know it was a felony; I did not. I knew there was something wrong about it, and I knew there were some kind of consequences for it, but I did not know it was that kind of consequence as a felony. Now, we do not want to see these children hit with a felony. I would rather not see them hit with anything at all, but I would much rather see them get something that will shake them up, at least to the point where they do not do something like this again. So I believe it is more important that we do something to get them back on track than to let them stay off course from now on and end up in a position where they are going to be damaged for life.

So I agree that the mother and the father or the parents should be doing it. I agree that they should be doing it. But I do recognize, suppose the parents do not do it, suppose they do not do it, and we leave it up to the hands of the criminal justice system to exercise their own discipline. Like they tell parents,

do not hit your children, but if a cop encounters your child, the same corporal punishment that they tell you not to use, they will use that and some. So when they tell you do not hit your child, a cop will beat your child over the head with a club and lock them up. So they tell you what not to do and let your child run free, and then when they cross the line, then the cops step in. And no wonder we have so many children in juvenile detention today.

So I am not in favor of this bill, I am not, but I am definitely not in favor of the current law and options that they have in place. I would much rather say, let us tie this in; let us put it in some kind of framework that it cannot be exploited to the point where it goes to the point of no return. So in spite of the fact that I do not support any kind of punishment when it comes to this, I would much rather say, rather than use the billy club, let us use a straw to get their attention. Hopefully it will not lead to incarceration, it will not lead to a person being permanently scarred, and it will not lead to them being permanently damaged.

No, I do not favor anything, but this is definitely the lesser of what we have right now. So because of that and because of what the D.A.s did not want to do, something had to be done. So until we come up with something better than what we have now here proposed before us or what the law currently allows, I say bring your bill to the House and let us vote on your bill that you have that is better than this bill. Otherwise, we are going to leave our children up to chance.

So I have to go with something that is better than nothing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentelady from Philadelphia County, Representative Bishop, wish to be recognized? The gentelady is recognized on final passage.

Ms. BISHOP. Thank you, Mr. Speaker.

I speak today not only as chair of the Children and Youth Committee, but I speak as a mother, a grandmother, one who has spent most of my life ministering to families and to children. My point of view tells me that this House is totally out of order trying to mandate sex texting. It is a problem that is a society problem. It is a parental problem, and it certainly does not belong in this House. I think we have enough to do when we legislate the things that are before us. We cannot legislate problems that are family problems. We need to stay out of the business of raising families and do what the families sent us here to do, take care of the people who are unable to take care of themselves, help people who need jobs, do some job training, and look at education, and things that benefit families. We have spent 2 days and more trying to find a way to go back into the business of mothers and fathers, grandmothers and fathers, ministers and community. We do not belong in their bedrooms, and we do not belong in their sex texting.

We have created instruments that have given them the opportunity to do things because we are smart and we are always looking for greater and better things, but there are some things we must leave to families. Do what we are sent here to do, pass law. Children learn what they live and they live what they learn. And we have to allow families to be able to live before them the kind of life that would set the right example. We do not need to have our children, at 11 and 12 years old, when they are already conscious and always have been sex conscious, and now with a new instrument, they are sex texting. They are excited. They do exciting things. It is natural some of the things they laugh and do. But to send them to jail and give

them a record for the rest of their lives, shame on us, Mr. Speaker. Vote "no" for HB 2189. And it hurts me to be against my caucus, to be against my leaders. I do not want to, but I do not want to see those in the Commonwealth of Pennsylvania having to deal with this kind of problem that we are creating today.

Thank you. Vote "no."

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

There are two things I would like to say. First, not long ago, I stood with the chair of the Judiciary Committee from this House and the chair of the Judiciary Committee from the Senate and people from the Prison Society and we made a commitment, some State legislators, and we made a commitment to keep people out of the criminal justice system, keep them out of incarceration, keep them out of the jails, who did not commit violent crimes. Why did we make that, why did we make that commitment and then put together a scheme of bills which is going to bring into the justice system and, mark my words, into incarceration children? That is one thing I want to say.

The other thing I want to say is to remind everybody here that there is a high school in the suburbs that gave out computers to students, which they took home, and which took pictures of the family, unbeknown to the students and the family, in the bosom of their household when they had every expectation that they would have their actions and their words be private. Are we making that a crime? I want you to remember what the lady from Philadelphia said, who is an excellent attorney and knows her criminal law, there is no crime now on the books. There is one errant district attorney. I voted to return this bill to the Judiciary Committee so it could be done right. And I regret that I have to say this about my colleagues and the people from this side of the aisle, but it is not done right. We could not get it sent back so it would be done.

So I am asking, unless you are willing to make a crime out of the teachers who sent these things home to take pictures of folks in their houses, then you ought to be voting "no" on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Anyone else seeking recognition before I call on the prime sponsor of the bill?

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—163

| | | | |
|----------|-----------|------------|-------------|
| Adolph | Farry | Longiotti | Reese |
| Baker | Fleck | Maher | Reichley |
| Barbin | Freeman | Major | Roae |
| Barrar | Gabig | Mann | Rock |
| Bear | Gabler | Markosek | Rohrer |
| Belfanti | Galloway | Marshall | Ross |
| Beyer | Geist | Marsico | Sainato |
| Boback | Gerber | Matzie | Samuelson |
| Boyd | Gergely | McGeehan | Santarsiero |
| Boyle | Gibbons | McI. Smith | Santoni |
| Bradford | Gillespie | Metcalfe | Saylor |

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|-------------|--------------|-------------|------------|
| Brennan | Gingrich | Metzgar | Scavello |
| Brooks | Godshall | Miccarelli | Schroder |
| Burns | Goodman | Micozzie | Seip |
| Buxton | Grell | Millard | Shapiro |
| Caltagirone | Grove | Miller | Siproth |
| Carroll | Grucela | Milne | Smith, K. |
| Casorio | Hahn | Moul | Smith, M. |
| Causer | Hanna | Murt | Smith, S. |
| Christiana | Harhai | Mustio | Solobay |
| Clymer | Harhart | O'Brien, D. | Sonney |
| Conklin | Harper | O'Brien, M. | Staback |
| Costa, D. | Harris | O'Neill | Stern |
| Costa, P. | Helm | Oberlander | Stevenson |
| Cox | Hennessey | Pallone | Swanger |
| Creighton | Hess | Pashinski | Tallman |
| Cutler | Hickernell | Payne | Taylor, J. |
| Daley | Hornaman | Peifer | Taylor, R. |
| Day | Houghton | Perry | Toepel |
| Deasy | Hutchinson | Perzel | True |
| Delozier | Kauffman | Petrarca | Truzai |
| DeLuca | Keller, M.K. | Petri | Vereb |
| Denlinger | Keller, W. | Phillips | Vulakovich |
| DePasquale | Kessler | Pickett | Wansacz |
| Dermody | Killion | Pyle | Waters |
| DiGirolamo | Kirkland | Quigley | Watson |
| Donatucci | Knowles | Quinn | White |
| Eachus | Kotik | Rapp | Yudichak |
| Evans, D. | Krieger | Ravenstahl | |
| Evans, J. | Kula | Readshaw | McCall, |
| Everett | Lentz | Reed | Speaker |
| Fairchild | | | |

NAYS—36

| | | | |
|----------|-----------|-----------|------------|
| Bishop | Frankel | Manderino | Roebuck |
| Briggs | George | Melio | Sabatina |
| Brown | Haluska | Mirabito | Sturla |
| Cohen | Harkins | Mundy | Thomas |
| Cruz | Johnson | Murphy | Vitali |
| Curry | Josephs | Myers | Wagner |
| DeWeese | Kortz | Parker | Wheatley |
| Drucker | Levdansky | Payton | Williams |
| Fabrizio | Mahoney | Preston | Youngblood |

NOT VOTING—0

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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.

STATEMENT BY MR. GROVE

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Grove, under unanimous consent, without objection.

Mr. GROVE. Thank you, Mr. Speaker.

I just would like to thank my colleagues for their vote on the final passage of HB 2189, and I would also like to thank the District Attorneys Association for their help and leadership in educating our youth on the devastating effects of sexting. I would also like to thank the chairmen of the Judiciary Committees, Representative Caltagirone and Representative Marsico, for their help and leadership, along with the

hardworking staff members of our Judiciary Committee: Karen Coates, Tamara Fox, and Dave Tyler. And finally, a heartfelt thank-you to Majority Leader Eachus for his help with the unanimous bipartisan amendment, along with Mike Schwoyer and Steve Tuckey.

So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 712, PN 4003**, 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 third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Philadelphia County, Representative John Taylor.

Mr. J. TAYLOR. Thank you, Mr. Speaker.

I would like to first start out in the course of asking for support for HB 712 by really thanking the majority chairman of the House Urban Affairs Committee, Curt Thomas, as well as our chairman, Chris Ross, and their staff, for really their perseverance and their patience in working through and grinding through a concept that has been around for about 8 years; their staff as well – Jon Castelli and Malcolm Haynes as well as Christine Goldbeck and Amy Hockenberry – for all their work with all the many stakeholders in this legislation.

Mr. Speaker, this concept will really provide— It is enabling legislation that is going to provide an important tool to our local governments to rid our Commonwealth of the 300,000 abandoned, blighted properties that exist in many of our communities, and we tried to, through this legislation, create a mechanism to move properties along more efficiently through the acquisition process and the disposition process to make sure that they get into the proper hands and do not sit forever. This provides an incentive for local governments to move property along that right now is sitting and nothing is happening to it, no taxes are being collected, it is a blighted situation on the entire community, and try to move it as quickly as possible into private hands and use that process to do that.

This is a concept that is being used right now successfully in six other States. I think, again, it is a great tool; it is an important tool to your local governments. If you check with them, they probably need a specific item like this to move property along, and I would ask for your support.

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

The Chair recognizes the gentleman from Philadelphia County, Representative Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

There is one thing that— I would love to support this bill, and John is my neighbor and good friend. I think there is something that is missing in this bill, and I think it is the ability to recoup some of the value that is in the house. So if I am, for instance, a low-income homeowner and I owe \$25,000 in taxes and my property is valued at \$100,000, and that is what the market would yield, if it were sold, I would not be able to share in any of those profits and the land bank could acquire the property for that \$25,000, where I think there is an issue of equity there for folks who have these properties. I think there is one piece that is missing. This is a great bill, and I would love to see this issue worked out in the Senate somehow, some way.

So I am going to support this bill with the hope that we work this issue out here in the Senate. Thank you.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 712, and, Mr. Speaker, I want to extend my sincere thanks and appreciation to Representative John Taylor. Representative Taylor has been trying to advance this concept for the last few terms, but as you know, when I took over Urban Affairs as majority chairman, I did not want some of these issues lying around; our counties, our municipalities need help. So, Mr. Speaker, one of the first things that we did was to convene a very comprehensive task force to look at this issue.

We brought in national land bank experts from Michigan, and I would like to just take a minute to thank my staff, Malcolm Haynes and Jon Castelli, for their hard work. I want to thank the minority chairman's staff, Republican staff, for their help. And I would like to thank the Philadelphia Redevelopment Authority, the office of Mayor Luke Ravenstahl, the Housing Alliance of Pennsylvania, City of Allentown Housing Rehab, City of Allentown Community and Economic Development, Allentown Redevelopment Authority, East Liberty Development, Inc. in Pittsburgh, Philadelphia Association of Community Development Corporations, Urban Redevelopment Authority of Pittsburgh, Pennsylvania School Boards Association, Pennsylvania League of Cities and Municipalities, Pennsylvania Boroughs Association, Pennsylvania Association of Township Supervisors, Cumberland County Redevelopment Authority, Community Legal Services of Philadelphia, County Commissioners Association of Pennsylvania, Philadelphia City Council. I would like to thank the Honorable Jannie Blackwell, the Honorable Marian Tasco, and other city council people called in and said that we need this to look a certain way. So we developed a comprehensive amendment, which reshaped the concept. We came back and introduced subsequent amendments, which now have put together a 21st century land bank bill, which I am convinced is going to help every municipality in Pennsylvania that is dealing with blight and dealing with decaying neighborhoods.

So I say to Representative John Taylor and I say to my leadership, thank you for taking this giant step forward, and I urge a "yes" vote for HB 712.

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—190

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

NAYS—8

| | | | |
|-----------|----------|------|--------|
| Brooks | Gabig | Moul | Roae |
| Denlinger | Metcalfe | Rapp | Rohrer |

NOT VOTING—1

Payton

EXCUSED—3

| | | |
|-------------|-------|--------|
| Benninghoff | Ellis | Oliver |
|-------------|-------|--------|

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 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1320 be removed from the tabled bill calendar.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1320 be recommitted to the Committee on Appropriations.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 255, PN 2059**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, adding definitions; and providing for licensure of prosthetists, orthotists, pedorthists and orthotic fitters.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 255 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 255 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **HB 575, PN 3196**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star, Bronze Star and Bronze Star for Valor.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 575 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 575 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **HB 1072, PN 3779**, entitled:

An Act providing inmates released from State correctional institutions with access to voter registration materials; and imposing duties on the Department of Corrections.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1072 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 1072 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **HB 1280, PN 3780**, entitled:

An Act establishing an emergency medical services memorial flag; and imposing duties on the Pennsylvania Emergency Health Services Council and the Bureau of Emergency Medical Services in the Department of Health.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1280 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 1280 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **SB 1115, PN 1484**, entitled:

An Act designating the Donora-Monessen Bridge in Washington and Westmoreland Counties as the Stan Musial Bridge.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1115 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 1115 be removed from the tabled bill calendar and placed on the active calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1042 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.

INTERROGATION

The SPEAKER. The House will come to order.

The Chair recognizes the gentleman from Jefferson County, the minority leader, Representative Smith.

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

I would request a brief interrogation of the majority leader relative to our schedule and something to give the members an idea of what to expect in the next day or two.

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

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

As we all are aware, things seem to be moving along reasonably well, but this process does take time to iron out details. Certainly, we are aware that the Senate has indicated that their plans are to amend the Appropriations bill in their Appropriations Committee sometime later this evening. At that point we will have an official document available.

I am just curious what the majority leader's plans are, given that that could be 6 o'clock, 7 o'clock, 8 o'clock. We do not really know exactly when they will be able to facilitate that, as things have to be reviewed and rereviewed. I would appreciate your indication of what your intentions are.

Mr. EACHUS. Well, thank you, Mr. Leader.

I think in my conversations with our staff, it seems that the work is, as you say, making real progress, that the staff is doing their line-by-line analysis so that we can be ready for a conversation with both of our caucuses. You know, part of the challenge right now is to figure out how we block out the time to have the proper deliberations within each caucus, whether it is as this drafting takes place; it could be fairly late before we get a printout. I am inclined to make sure that what we have is an opportunity to really kind of vet all the issues, and what I continue to hear from my members over here is that many of them want to try and do that in the morning so that we can have a time that we block out so that we can really be fresh and focused on what the issues are inside the work that happens tonight.

I do not know what your inclination is, but I would like to try to do it in coordination with you because I think it makes sense for the chamber.

The SPEAKER. The gentleman is in order.

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

Just a further kind of question response, I guess. I would agree that given the uncertainty of just when the Senate will

take their action this evening and allow for us a little bit of time to kind of just prepare that information, to get it ready in form that the members are accustomed for that kind of review, I certainly would support your plans to allow the staff that preparation time this evening and have the full caucuses tomorrow, approximately whatever time you are comfortable with.

Mr. EACHUS. Well, speaking directly to my membership, I know we had discussed trying to do this later on. It looks like it could be later than sooner. My inclination is to try and do that in a coordinated way so that the House, as a chamber, can look at this document simultaneously. My recommendation would be to try and do that at 10 a.m. tomorrow, to go into caucus, get a fresh start, focus on the issues, give it enough time so we can properly get through a real good conversation that is deliberative in nature, Mr. Leader. So that would be, if you are interested in coordinating that in a timely fashion, I would be for that.

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

I appreciate that, and that is pretty agreeable to me.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

Mr. EACHUS. So with that, I will call a Democratic caucus for 10 a.m. tomorrow. I will leave it to the Republican folks to do their timing as well.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Smith. The gentleman is recognized.

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

We will also caucus tomorrow at 10 o'clock. We are going to have our members just come up real quick for a short caucus just right now, just to kind of get you squared up as to what else to expect overall with what we know about the budget, but we will have a full budget caucus tomorrow at 10.

The SPEAKER. There will be no further votes.

For what purpose does the gentleman from Bucks, Representative Clymer, rise?

Mr. CLYMER. Unanimous consent, to determine whether we are going to have meetings tomorrow. I am on two committees that are meeting tomorrow at 10 o'clock, and I would like to have those canceled because I think this is much more important, but I cannot cancel them; that is the problem.

ANNOUNCEMENT BY MR. PETRARCA

The SPEAKER. For what purpose does the gentleman from Westmoreland, Representative Petrarca, rise?

Mr. PETRARCA. To make an announcement, Mr. Speaker.

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

Mr. PETRARCA. I would like to announce a meeting of the Southwest Caucus at the conclusion of session in my office, 220 Irvis Office Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

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

Mr. MYERS. Thank you, Mr. Speaker.

Just to remind the members of the Health and Human Services Committee that we are holding our meeting in about 5 minutes in the Ryan Building, 205.

The SPEAKER. The Chair thanks the gentleman.

There will be a Health and Human Services Committee meeting in room 205 of the Ryan Building in 5 minutes.

**GAMING OVERSIGHT
COMMITTEE MEETING**

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

Mr. SANTONI. Thank you, Mr. Speaker.

Just for the record and the members of the House Gaming Oversight Committee, we had an informational meeting scheduled for tomorrow at 9:30. We were going to be briefed on the implementation of the table games that are coming to Pennsylvania in July. After consultation with the leaders, it looks like we are going to postpone that to a future date. We will let the members of the committee know when that will be at the appropriate time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Any further announcements?

**VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS COMMITTEE MEETING**

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

Mr. MELIO. Thank you, Mr. Speaker.

We were going to have a Veterans Affairs and Emergency Preparedness Committee meeting at 10 a.m. in room 205 of the Ryan Office Building. We are going to make that 9:30 a.m. Is that all right?

The SPEAKER. If you think a half hour is enough time.

Mr. MELIO. We will come from that meeting and go to the other.

The SPEAKER. That is fine.

Mr. MELIO. Thank you.

The SPEAKER. As long as you are completed within the half hour.

Mr. MELIO. Thank you.

The SPEAKER. There will be a Veterans Affairs and Emergency Preparedness Committee meeting in room 205 of the Ryan Office Building tomorrow morning at 9:30.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Dom Costa, who moves that this House do now adjourn until Wednesday, June 30, 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 4:48 p.m., e.d.t., the House adjourned.