

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JANUARY 31, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 8

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Rev. Ray Kauffman, retired pastor of the United Methodist Church in Chambersburg, guest of Representative Rob Kauffman.

REV. RAY KAUFFMAN, Guest Chaplain of the House of Representatives, offered the following prayer:

Good afternoon. It is good to be with you today, and I thank my great-nephew, Rob, for the invitation to be with you.

Let us pray:

Our Father and our God, creator and giver of every good and perfect gift, we praise You today and honor You. We thank You for creating a wonderful world of beauty and wonder and majestic colors, and even in the whiteness of the snow around us that covers most of our State even now, we are reminded of Your purity and love for each of us. But then, Lord, as the hands and feet and our vehicles touch that snow, it often loses its original beauty. It reminds us, Lord, even though You have given us dominion over the earth and Your creation, how often even our very presence affects the wholesomeness of things around us.

And so, Lord, we ask Your presence to be with us and for forgiveness where we have failed to live up to Your standards, either as individuals or as a State or as a nation.

Lord, today we would be remiss if we would not think of the people of Egypt and ask for guidance and direction there and for the nation and the people and the government and for nations everywhere, that You might bring peace not only to that nation but to nations throughout the world.

For those who represent our own nation, whether in military or civilian service, instill within each of us Your will and wisdom that we may be good servants of Your creation. That is why, Lord, we need to come to You individually and collectively to seek Your guidance and direction.

So, Heavenly Father, as we gather here today, the men and women who make up this body have a great responsibility to not only the residents of their district but to the nation and to the State. This is an awesome task, Lord, because You know how

different we are. Regardless of issues at hand, we often will find differences and often strain at a gnat and swallow a camel. May each of us know whoever and wherever we are called, that we are Your servants. As bills are discussed and presented, may the Representatives be led by Your spirit, not so much who is right or who is wrong or who has a different perspective or approach, but what is right and fair for the people of this great State.

May each Representative treat one another with respect and sensitivity with which they want to be treated. May all we do be done as unto You, Lord, so that we may see one another not as representing one political party or one philosophical persuasion or another, but as a servant of the most high God.

Lord, help us remember we are in this game of life together. We know our lives, like the new-fallen snow, do not always remain pure and white, and so, Lord, censor our thoughts, our words, our actions, and reactions that they might be seasoned with the salt of heaven so that we may reflect, at least in part, the character of the one who came to show us the way, Jesus Christ the Lord, in whose name I pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, January 27, 2011, will be postponed until printed.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chair for the purpose of an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republican members should report to the caucus room immediately. I would ask all Republican members to please report to our majority caucus room immediately for caucus. Thank you.

The SPEAKER. The gentleman from Allegheny County is recognized, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

The Democrats have already caucused. There will be no need for an additional caucus. Thank you.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. We will recess this House until 2 o'clock.

AFTER RECESS

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

The SPEAKER. The members will report to the floor. We are going to be taking the master roll call momentarily.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests a leave of absence for the gentleman from Chester County, Mr. LAWRENCE, for the day; the gentleman from Bucks County, Mr. PETRI, for the day; the gentleman, Mr. MAHER, from Allegheny County for the day; the gentleman, Mr. KILLION, from Delaware County for the day. Without objection, the leaves are granted.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. HORNAMAN, from Erie for the day; the gentleman, Mr. GEORGE, from Clearfield County for the day; and the gentleman, Mr. Dwight EVANS, from Philadelphia for the day. Without objection, the leaves of absence are granted.

HOUSE BILLS**INTRODUCED AND REFERRED**

No. 40 By Representatives PERRY, METCALFE, AUMENT, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, BRENNAN, BROOKS, BURNS, CALTAGIRONE, CARROLL, CAUSER, CHRISTIANA, CLYMER, CONKLIN, D. COSTA, COX, CREIGHTON, CUTLER, DALEY, DAY, DEASY, DELOZIER, DeLUCA, DENLINGER, DERMODY, DeWEESE, DUNBAR, ELLIS, EVANKOVICH, J. EVANS, EVERETT, FARRY, FLECK, GABLER, GEIST, GEORGE, GERGELY, GIBBONS, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HANNA, HARHAI, HARHART, HARPER, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M.K. KELLER, KILLION, KNOWLES, KORTZ, KOTIK, KRIEGER, KULA, LAWRENCE, LONGIETTI, MAHER, MAHONEY, MAJOR, MALONEY, MARKOSEK, MARSHALL, MATZIE, METZGAR, MICCARELLI, MICOZZIE, MILLARD, MILLER, MIRABITO, MOUL, MULLERY, MURPHY, MURT, MUSTIO, NEUMAN, OBERLANDER, O'NEILL, PASHINSKI, PAYNE, PEIFER, PETRARCA, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SACCONI, SAINATO, SAYLOR, SCAVELLO, SCHRODER, SIMMONS, K. SMITH, M. SMITH, S. H. SMITH, SONNEY, STABACK, STERN, STEVENSON, SWANGER, TALLMAN,

J. TAYLOR, TOBASH, TOEPEL, TOOHIL, TURZAI, VEREB, VULAKOVICH, WATSON, WHITE, MASSER and RAVENSTAHL

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in general principles of justification, for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; and providing for civil immunity for use of force.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 309 By Representatives GINGRICH, BAKER, BOYD, CALTAGIRONE, D. COSTA, DENLINGER, FLECK, GEIST, GOODMAN, HICKERNELL, JOSEPHS, KAUFFMAN, KORTZ, MAJOR, MANN, MILLER, MOUL, MURT, PYLE, RAPP, ROAE, ROSS, K. SMITH, STERN, SWANGER, VULAKOVICH, WATSON, YOUNGBLOOD and HESS

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, providing for a task force on drug-endangered children.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 310 By Representatives GINGRICH, BEAR, BOYD, D. COSTA, DAVIS, J. EVANS, EVERETT, FLECK, GEIST, GEORGE, GOODMAN, HARHART, HENNESSEY, HORNAMAN, HUTCHINSON, M.K. KELLER, KILLION, KORTZ, MAJOR, MARSHALL, MICOZZIE, MILLER, MILNE, MOUL, MURT, MYERS, D. O'BRIEN, PEIFER, PYLE, RAPP, READSHAW, ROCK, SCAVELLO, K. SMITH, STERN, SWANGER, J. TAYLOR, VULAKOVICH, YOUNGBLOOD, HESS and DENLINGER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for charitable contributions by taxpayers.

Referred to Committee on FINANCE, January 31, 2011.

No. 311 By Representatives GINGRICH, BAKER, BOBACK, BOYD, D. COSTA, DENLINGER, J. EVANS, FLECK, FRANKEL, GILLESPIE, GOODMAN, GRELL, GROVE, HARRIS, HESS, HORNAMAN, KAVULICH, M.K. KELLER, KILLION, KORTZ, LONGIETTI, MILNE, MOUL, MURT, O'NEILL, PICKETT, PYLE, SCHRODER, SWANGER, VULAKOVICH and WATSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for payment of court costs, restitution and fines.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 312 By Representatives STEVENSON, LONGIETTI, BROOKS, BEAR, BOBACK, BOYD, BRADFORD, CALTAGIRONE, CAUSER, CONKLIN, D. COSTA, CREIGHTON, CUTLER, DEASY, ELLIS, J. EVANS, EVERETT, FLECK, GABLER, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GROVE, HAHN, HARHART,

HENNESSEY, HESS, HICKERNELL, HUTCHINSON, JOSEPHS, KAUFFMAN, M.K. KELLER, KILLION, KNOWLES, KOTIK, KULA, MAJOR, MANN, MARSHALL, MARSICO, MICOZZIE, MILLARD, MURT, MUSTIO, OBERLANDER, O'NEILL, PAYNE, PEIFER, PYLE, RAPP, REICHLEY, ROCK, SCAVELLO, K. SMITH, STERN, SWANGER, VULAKOVICH, WATSON and WHITE

An Act designating U.S. Route 62 in Mercer County as the Mercer County Veterans Highway.

Referred to Committee on TRANSPORTATION, January 31, 2011.

No. 313 By Representatives STEVENSON, BOYD, CALTAGIRONE, CAUSER, CLYMER, ELLIS, FLECK, GEIST, GINGRICH, HARHART, HUTCHINSON, KNOWLES, KOTIK, MARSICO, METZGAR, MILLER, MURT, PEIFER, PYLE, RAPP, SCAVELLO and YOUNGBLOOD

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, further providing for definitions; and providing for floatplane recreation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 31, 2011.

No. 314 By Representatives STEVENSON, CALTAGIRONE, CAUSER, CHRISTIANA, CLYMER, D. COSTA, CREIGHTON, J. EVANS, EVERETT, FLECK, GABLER, GEIST, GIBBONS, GINGRICH, HARHART, HENNESSEY, HUTCHINSON, M.K. KELLER, KULA, LAWRENCE, LONGIETTI, MAJOR, MARSHALL, METZGAR, MILLARD, O'NEILL, PEIFER, PICKETT, PYLE, RAPP, READSHAW, REICHLEY and SCAVELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exceptions to operation of vehicle without official certificate of inspection.

Referred to Committee on TRANSPORTATION, January 31, 2011.

No. 315 By Representatives STEVENSON, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CONKLIN, D. COSTA, CREIGHTON, CUTLER, DeWEESE, ELLIS, EVERETT, FLECK, GABLER, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GROVE, HARHAI, HARHART, HARRIS, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, KOTIK, KRIEGER, KULA, LONGIETTI, MAJOR, MARSHALL, MARSICO, METCALFE, METZGAR, MILLARD, OBERLANDER, PAYNE, PEIFER, PETRARCA, PYLE, RAPP, READSHAW, REESE, REICHLEY, ROCK, SONNEY, TALLMAN, VULAKOVICH, WHITE, GILLEN and SACCONI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusion from the sales tax.

Referred to Committee on FINANCE, January 31, 2011.

No. 316 By Representatives ADOLPH, KILLION, BARRAR, AUMENT, BAKER, BEAR, BOYD, CALTAGIRONE, CARROLL, CAUSER, CLYMER, COHEN, D. COSTA, DEASY, DeLUCA, DeWEESE, J. EVANS, EVERETT, FLECK, GEIST, GEORGE, GILLEN, GINGRICH, GODSHALL, GOODMAN, HARHAI, HARRIS, HENNESSEY, KAUFFMAN, KAVULICH, W. KELLER, KORTZ, KOTIK, MAJOR, MANN, MILLARD, MILLER, MILNE, MURPHY, MURT, M. O'BRIEN, O'NEILL, PAYNE, PEIFER, PICKETT, PYLE, QUINN, RAPP, READSHAW, REICHLEY, ROCK, SANTARSIERO, SCAVELLO, SIMMONS, K. SMITH, SONNEY, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, YOUNGBLOOD, BOBACK, GABLER and HESS

An Act authorizing the Governor to award a distinguished military service medal; and making an appropriation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 31, 2011.

No. 317 By Representatives BENNINGHOFF, BARRAR, BOYD, CAUSER, CHRISTIANA, D. COSTA, CUTLER, DeLUCA, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GROVE, HARHART, HARKINS, HARRIS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KILLION, KORTZ, LONGIETTI, MANN, MARKOSEK, MARSHALL, MATZIE, METCALFE, METZGAR, MILLARD, MURPHY, MURT, MUSTIO, OBERLANDER, PAYNE, PETRARCA, PICKETT, PYLE, RAPP, READSHAW, REESE, REICHLEY, ROCK, SIMMONS, STEVENSON, SWANGER, TALLMAN, VULAKOVICH, WATSON, SAYLOR and SACCONI

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

Referred to Committee on JUDICIARY, January 31, 2011.

No. 318 By Representatives DeLUCA, D. COSTA, FABRIZIO, CALTAGIRONE, GEORGE, HARKINS, WHITE, JOSEPHS, YOUNGBLOOD, KOTIK, KIRKLAND, LONGIETTI, MURT and STURLA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for affordable small group health care coverage; and making inconsistent repeals.

Referred to Committee on INSURANCE, January 31, 2011.

No. 319 By Representatives DeLUCA, D. COSTA, CALTAGIRONE, FABRIZIO, GEORGE, HARHART, HARKINS, JOSEPHS, KIRKLAND, KOTIK, WHITE and YOUNGBLOOD

An Act providing for prohibition on health care provider self-referral.

Referred to Committee on HEALTH, January 31, 2011.

No. 320 By Representatives DeLUCA, D. COSTA, CALTAGIRONE, HARKINS, W. KELLER, MOUL, MURT, JOSEPHS, KIRKLAND, KOTIK, M. O'BRIEN, YOUNGBLOOD, STABACK and STURLA

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; providing for registration and permits for pharmacy technicians; and further providing for multiple licensure, for refusal to grant, revocation and suspension, for State Board of Pharmacy, for hearings and suspensions and for injunction.

Referred to Committee on PROFESSIONAL LICENSURE, January 31, 2011.

No. 321 By Representatives DeLUCA, D. COSTA, FABRIZIO, HARKINS, HORNAMAN, LONGIETTI, WHITE, JOSEPHS, YOUNGBLOOD and KOTIK

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in support of the indigent, repealing provisions relating to relatives' liability.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 322 By Representatives BOYD, CALTAGIRONE, CLYMER, D. COSTA, DeLUCA, FLECK, GEIST, GILLESPIE, GINGRICH, GOODMAN, HARRIS, HENNESSEY, HESS, HICKERNELL, JOSEPHS, KAUFFMAN, M.K. KELLER, KILLION, KOTIK, MAJOR, MICOZZIE, MILLARD, MURPHY, MURT, O'NEILL, RAPP, REICHLEY, K. SMITH and WATSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "claimant."

Referred to Committee on FINANCE, January 31, 2011.

No. 323 By Representatives BOYD, CALTAGIRONE, CAUSER, CLYMER, DeLUCA, FLECK, GEIST, GRELL, HARRIS, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, JOSEPHS, KAUFFMAN, M.K. KELLER, KILLION, KOTIK, METCALFE, MILLARD, MILLER, MUSTIO, REICHLEY, ROSS, SONNEY, VULAKOVICH and MURT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "installment sales method of reporting" for purposes of the personal income tax; and further providing for excluded transactions.

Referred to Committee on FINANCE, January 31, 2011.

No. 324 By Representatives DeLUCA, GEIST, D. COSTA, BARRAR, BOYD, BRENNAN, CALTAGIRONE, CLYMER, DENLINGER, FABRIZIO, GILLESPIE, HESS, HORNAMAN, W. KELLER, KORTZ, MANN, MATZIE, MILLARD, M. O'BRIEN, PASHINSKI, PRESTON, READSHAW, SAINATO and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for additional parking regulations.

Referred to Committee on TRANSPORTATION, January 31, 2011.

No. 325 By Representatives DeLUCA, GEIST, BARRAR, BOYD, CALTAGIRONE, D. COSTA, DAVIS, FABRIZIO, GILLESPIE, HARRIS, HESS, HORNAMAN, KAVULICH, W. KELLER, KNOWLES, KORTZ, MANN, MATZIE, MILLARD, MOUL, PASHINSKI, PAYNE, PYLE, READSHAW, SANTARSIERO, STABACK, VULAKOVICH, YOUNGBLOOD, J. TAYLOR and BOBACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the offense of homicide by vehicle while fleeing or attempting to elude police officer.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 326 By Representatives HARPER, BRIGGS, CLYMER, D. COSTA, DAVIS, DENLINGER, FLECK, GEORGE, GINGRICH, GODSHALL, HORNAMAN, KILLION, MILLER, MILNE, MURPHY, O'NEILL, ROSS, SANTARSIERO, SCAVELLO, SCHRODER, TOEPEL, WAGNER, WATSON, YOUNGBLOOD and BRADFORD

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," in small business and household pollution prevention program, further providing for grants for collection agents.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 31, 2011.

No. 327 By Representatives THOMAS, CLYMER and SWANGER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in liability for tortious acts of children, further providing for establishing liability in criminal or juvenile proceedings.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 328 By Representatives THOMAS, CLYMER, JOSEPHS, KAVULICH and SWANGER

An Act providing guidelines for preauthorized electronic funds transfers for financial institutions.

Referred to Committee on COMMERCE, January 31, 2011.

No. 329 By Representatives KOTIK, SAINATO, READSHAW, PASHINSKI, GERGELY, HARHAI, HORNAMAN, KORTZ, SWANGER and MURT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for qualifications of members.

Referred to Committee on STATE GOVERNMENT, January 31, 2011.

No. 330 By Representatives SHAPIRO, DePASQUALE, MARKOSEK, VEREB, BOBACK, BEAR, BRADFORD, BRENNAN, BRIGGS, CALTAGIRONE, CHRISTIANA, CLYMER, COHEN, CONKLIN, DEASY, DeLUCA, DeWEESE, FABRIZIO, FRANKEL, FREEMAN, GIBBONS, GINGRICH, GROVE, HACKETT, HAHN, HARKINS, HENNESSEY, HESS, HORNAMAN, JOHNSON, JOSEPHS, W. KELLER, KILLION, KORTZ, KOTIK, KULA, MAHONEY, MANN, MARSHALL, MARSICO, MILLARD, MUNDY, MURPHY, MURT, MUSTIO, M. O'BRIEN, O'NEILL, PAYTON, PETRI, QUINN, RAVENSTAHL, READSHAW, REED, SABATINA, SAMUELSON, SANTARSIERO, SCHRODER, K. SMITH, M. SMITH, STABACK, STERN, SWANGER, VULAKOVICH, WAGNER, WATSON, YOUNGBLOOD and CARROLL

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for Commonwealth portion of fines, etc. and for municipal corporation portion of fines, etc.; defining "interactive wireless communication device"; further providing for junior driver's license, for learners' permits and for suspension of operating privilege; prohibiting use of interactive wireless communication device; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment, for restraint systems and for applicability and uniformity of title.

Referred to Committee on TRANSPORTATION, January 31, 2011.

No. 331 By Representatives D. O'BRIEN, BAKER, BARRAR, BRENNAN, CLYMER, CUTLER, DePASQUALE, FABRIZIO, FREEMAN, GEORGE, HARHAI, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD, MURT, PASHINSKI, REICHLEY, ROAE, SCAVELLO, SCHRODER, SONNEY, SWANGER and VULAKOVICH

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

Referred to Committee on JUDICIARY, January 31, 2011.

No. 332 By Representatives KILLION, CALTAGIRONE, GEIST, GINGRICH, MANN, MICOZZIE, MILLER, MILNE, MUSTIO, VULAKOVICH and FLECK

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions; and providing for regulation of genetic counselors.

Referred to Committee on PROFESSIONAL LICENSURE, January 31, 2011.

No. 333 By Representatives KILLION, CALTAGIRONE, GEIST, GINGRICH, MANN, MICOZZIE, MILLER, MILNE, MUSTIO, VULAKOVICH and FLECK

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for regulation of genetic counselors.

Referred to Committee on PROFESSIONAL LICENSURE, January 31, 2011.

No. 334 By Representatives KILLION, BARRAR, CALTAGIRONE, DENLINGER, FLECK, GEIST, GINGRICH, MICOZZIE, PYLE and REICHLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in discipline, removal and retirement of judicial officers, further prohibiting magisterial district judges serving as arbitrators.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 335 By Representatives KILLION, CALTAGIRONE, CARROLL, D. COSTA, GEIST, GIBBONS, GINGRICH, HARKINS, KAVULICH, KORTZ, MAJOR, MARSHALL, MICOZZIE, MILLARD, MILLER, PICKETT, REICHLEY, ROSS, VULAKOVICH, WAGNER, WATSON and W. KELLER

An Act providing for the acquisition of property by the Commonwealth and local government units to mitigate flood hazards.

Referred to Committee on STATE GOVERNMENT, January 31, 2011.

No. 336 By Representatives KILLION, BOYD, D. COSTA, GEIST, GINGRICH, HARHART and MICOZZIE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

Referred to Committee on FINANCE, January 31, 2011.

No. 337 By Representatives KILLION, D. COSTA, GINGRICH, HARKINS, HENNESSEY, KORTZ, MICOZZIE, MOUL, PAYNE, REICHLEY, VULAKOVICH and HESS

An Act providing for licensing of elevator contractors and mechanics; and imposing duties on the Department of Labor and Industry.

Referred to Committee on LABOR AND INDUSTRY, January 31, 2011.

No. 338 By Representatives KILLION, D. COSTA, DENLINGER, J. EVANS, FLECK, GEIST, GINGRICH, GRELL, HENNESSEY, KORTZ, MICOZZIE, MILNE, O'NEILL and VEREB

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for immunity from liability, for complaint files and for amendment or expunction of information.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 339 By Representatives CUTLER, HARHART, HESS, HORNAMAN, LAWRENCE, METZGAR, PYLE, ROCK, SONNEY and SWANGER

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for payments to certain local taxing authorities to offset assessments reduced under this act.

Referred to Committee on LOCAL GOVERNMENT, January 31, 2011.

No. 340 By Representatives BAKER, GEIST, PICKETT, GINGRICH, D. COSTA, DeLUCA, HICKERNELL, MICOZZIE, MILLARD, MILNE, MOUL, RAPP, READSHAW, K. SMITH, TALLMAN, VULAKOVICH, WATSON and HESS

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for selling or furnishing liquor or malt or brewed beverages to minors, for restriction of operating privileges and for suspension of operating privilege.

Referred to Committee on JUDICIARY, January 31, 2011.

No. 341 By Representatives BAKER, PICKETT, CUTLER, MAJOR, CALTAGIRONE, P. COSTA, J. EVANS, EVERETT, GEIST, GINGRICH, GOODMAN, GROVE, HORNAMAN, JOSEPHS, KORTZ, MANN, MICOZZIE, MOUL, O'NEILL, READSHAW, REICHLEY and VULAKOVICH

An Act providing for electronic prescriptions and for duties of the Department of Health; establishing the Medical Assistance Health Information Technology Incentive Payment Program in the Department of Public Welfare; and imposing penalties.

Referred to Committee on HEALTH, January 31, 2011.

No. 342 By Representatives BAKER, GINGRICH, CUTLER, MICOZZIE, CALTAGIRONE, CAUSER, CLYMER, J. EVANS, FRANKEL, GEORGE, GOODMAN, HARHART, HENNESSEY, HUTCHINSON, JOSEPHS, M.K. KELLER, PAYTON, PICKETT, RAPP, READSHAW, REICHLEY, SCAVELLO, K. SMITH, VULAKOVICH, WAGNER and HESS

An Act establishing the Community-Based Health Care Provider Access (CHCPA) Program in the Department of Health; providing for hospital health clinics and for a tax credit; and making appropriations.

Referred to Committee on HEALTH, January 31, 2011.

No. 343 By Representatives BAKER, CAUSER, VULAKOVICH, GILLEN, BOBACK, BOYD, CALTAGIRONE, DeLUCA, EVANKOVICH, J. EVANS, FLECK, GEIST, GOODMAN, GRELL, GROVE, HARRIS, HICKERNELL, HORNAMAN, KAUFFMAN, KILLION, KIRKLAND, KORTZ, KULA, MARSICO, METZGAR, MICOZZIE, MILLER, MILNE, MOUL, PAYNE, PICKETT, PYLE, READSHAW, REICHLEY, SCAVELLO, K. SMITH, SONNEY, J. TAYLOR, WHITE, HESS and MUNDY

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, further providing for assistance to volunteer fire companies, ambulance service and rescue squads.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 31, 2011.

No. 344 By Representatives BAKER, PICKETT, CAUSER, MAJOR, CARROLL, CLYMER, DAY, DENLINGER, GINGRICH, GOODMAN, GROVE, HARHART, HARKINS, HARRIS, HORNAMAN, KORTZ, MANN, MICOZZIE, MILLARD, MURT, MUSTIO, RAPP, REICHLEY, SAINATO, STERN, VULAKOVICH, WATSON, FLECK, HESS and PERRY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; providing for regulation of certain operators of pipelines; and, in violations and penalties, further providing for civil penalties for gas pipeline safety violations.

Referred to Committee on CONSUMER AFFAIRS, January 31, 2011.

No. 345 By Representatives PETRI, BARRAR, SAINATO, FARRY, O'NEILL, WATSON, CALTAGIRONE, D. COSTA, DeWEESE, GOODMAN, MOUL, MURT, RAPP, WHITE and MICOZZIE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 31, 2011.

No. 346 By Representatives SONNEY, BARRAR, EVERETT, FABRIZIO, FLECK, GEIST, GEORGE, GROVE, HENNESSEY, HESS, KORTZ, LONGIETTI, MARSHALL, METZGAR, OBERLANDER, O'NEILL, PICKETT, PYLE, QUINN, READSHAW, REICHLEY, SCAVELLO, SWANGER and VULAKOVICH

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income."

Referred to Committee on GAMING OVERSIGHT, January 31, 2011.

No. 347 By Representatives SONNEY, CAUSER, CUTLER, DENLINGER, ELLIS, FABRIZIO, FLECK, GEIST, GODSHALL, GROVE, HESS, HUTCHINSON, KORTZ, MARSHALL, METCALFE, METZGAR, PYLE and STEVENSON

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods.

Referred to Committee on GAME AND FISHERIES, January 31, 2011.

No. 348 By Representatives SONNEY, BARRAR, FABRIZIO, FLECK, GEIST, HENNESSEY, HESS, KNOWLES, MILLER, OBERLANDER, O'NEILL, PICKETT, PYLE, QUINN and VULAKOVICH

An Act amending the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, further providing for conduct of business by individuals and partnerships.

Referred to Committee on PROFESSIONAL LICENSURE, January 31, 2011.

No. 349 By Representatives SONNEY, EVERETT, FABRIZIO, GROVE, HENNESSEY, KORTZ, MILLER, PYLE, REICHLEY and VULAKOVICH

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for licensing of eligible organizations to conduct games of chance.

Referred to Committee on GAMING OVERSIGHT, January 31, 2011.

No. 350 By Representatives SONNEY, BOYD, BROOKS, CUTLER, FABRIZIO, MILLARD, PICKETT, PYLE, REICHLEY and STEVENSON

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for administration and enforcement.

Referred to Committee on LABOR AND INDUSTRY, January 31, 2011.

No. 351 By Representatives SONNEY, BARRAR, CAUSER, DENLINGER, EVERETT, HUTCHINSON, PYLE and STEVENSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in film production tax credit, further providing for limitations; and authorizing an onsite use natural gas well tax credit.

Referred to Committee on FINANCE, January 31, 2011.

No. 352 By Representatives SONNEY, BOYD, COX, CUTLER, EVERETT, GEIST, GODSHALL, HARHART, PYLE, QUINN, REICHLEY and STEVENSON

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, further providing for the definition of "home improvement," for procedures for registration, for voidable clauses and for prohibited acts.

Referred to Committee on CONSUMER AFFAIRS, January 31, 2011.

REGULATORY REVIEW COMMITTEE DESIGNATIONS

The SPEAKER. In compliance with the provisions of Act 181 of 1982, as amended, the Regulatory Review Act, I am submitting for the record a listing of the jurisdiction of each standing committee for the House over the various State agencies, departments, boards, and commissions for the purpose of reviewing proposed regulations.

The following committee designations were submitted:

*Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

COMMITTEE REFERRALS

Aging and Older Adult Services Committee

Department of Aging (Except Office of Long Term Living)

Agriculture and Rural Affairs Committee

Department of Agriculture
Milk Marketing Board
Bureau of Farm Show
Agriculture Land Preservation Board
State Conservation Commission

Appropriations Committee

Budget
Auditor General
State Treasurer
Pennsylvania Infrastructure Investment Authority

Children and Youth Committee

Department of Public Welfare – (Only those regulations promulgated by the Office of Children, Youth and Families and the Office of Child Development and Learning, any other regulations issued by the Department of Public Welfare relating to child care.)

Commerce Committee

Department of Community and Economic Development
Securities Commission
Pennsylvania Housing Financing Agency
Pennsylvania Industrial Development Authority
Department of Banking

Consumer Affairs Committee

Public Utility Commission

Education Committee

Department of Education
Public School Employes' Retirement System
Higher Education Facilities Authority
PHEAA
State Board of Education
State Board of Private Academic Schools
State Board of Private Licensed Schools
Professional Standards and Practices Commission
State Public School Building Authority
Board of Governors of State System of Higher Education

Environmental Resources and Energy Committee

Department of Environmental Protection
Department of Conservation and Natural Resources
Environmental Quality Board
State Board for Sewage Treatment Plant and Waterworks Operators
Environmental Hearing Board

Finance Committee

Department of Revenue
 Board of Claims
 State Tax Equalization Board
 Board of Finance and Revenue
 Commonwealth Financing Authority

Gaming Oversight Committee

Gaming Control Board – (Except for regulations promulgated by the Board relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)
 Harness Racing Commission
 Horse Racing Commission

Health Committee

Department of Health (Only those regulations promulgated by the Office of Health Planning and Assessment and the Office of Quality Assurance with the exception of community programs.)
 Department of Public Welfare – (Only those regulations promulgated by the Office of Income Maintenance and the Office of Medical Assistance.)

Human Services Committee

Department of Drug and Alcohol Programs
 Department of Health – (Only those regulations promulgated by the Office of Health Promotion and Disease Prevention and the Bureau of Community Program Licensure and Certification.)
 Department of Public Welfare – (Only those regulations promulgated by the Office of Mental Health and Substance Abuse Services, Office of Developmental Programs, and the Office of Long Term Living.)

Insurance Committee

Department of Insurance
 State Workmen's Insurance Board
 Underground Storage Indemnification Fund

Judiciary Committee

State Police
 Pennsylvania Commission on Crime and Delinquency
 Department of Corrections
 Office of General Counsel
 Attorney General
 Board of Pardons
 Board of Probation and Parole
 State Ethics Commission
 Pennsylvania Commission on Sentencing
 Municipal Police Officers Education and Training Commission

Labor and Industry Committee

Civil Service Commission
 Department of Labor and Industry
 Unemployment Compensation Appeals Board of Review
 Labor Relations Board
 Workmen's Compensation Appeal Board
 Office for the Deaf and Hearing Impaired
 Industrial Board

Liquor Control Committee

Liquor Control Board
 Gaming Control Board – (Only those regulations relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)

Local Government Committee

Pennsylvania Municipal Retirement System

Professional Licensure Committee

Navigation Commission for the Delaware River
 Accountancy Board
 Architect Licensure Board
 Auctioneer Examiners Board
 Barber Examiners Board
 Certified Real Estate Appraisers Board
 Cosmetology Board
 Funeral Directors Board
 Landscape Architects Board
 Professional Engineers Board
 Real Estate Commission
 Vehicle Board
 Chiropractic Examiners Board
 Dentistry Board
 Medicine Board
 Nursing Home Administrators Board
 Occupational Therapy Education and Licensure Board
 Optometrical Examiners Board
 Osteopathic Medicine Board
 Pharmacy Board
 Physical Therapy Board
 Podiatry Board
 Psychology Board
 State Board of Social Workers, Marriage and Family Therapists and Professional Counselors
 Speech-Language and Hearing Examiners Board
 Veterinary Medical Examiners Board
 Nurse Board

State Government Committee

Department of General Services
 Department of State
 Human Relations Commission
 PPTN
 State Employees' Retirement Commission
 Governor's Office
 Public Employee Retirement Commission
 State Athletic Commission
 Independent Regulatory Review Commission
 Joint Committee on Documents

Tourism and Recreational Development Committee

Historical and Museum Commission

Transportation Committee

Department of Transportation
 Turnpike Commission
 State Transportation Commission

Veterans Affairs and Emergency Preparedness Committee

Department of Military and Veterans Affairs
 Pennsylvania Emergency Management Agency
 Department of Health – (Only those regulations promulgated by the
 Bureau of Emergency Medical Services.)

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

Adolph	Dunbar	Kortz	Readshaw
Aument	Ellis	Kotik	Reed
Baker	Emrick	Krieger	Reese
Barbin	Evankovich	Kula	Reichley
Barrar	Evans, J.	Longietti	Roae
Bear	Everett	Mahoney	Rock
Benninghoff	Fabrizio	Major	Roebuck
Bishop	Farry	Maloney	Ross
Bloom	Fleck	Mann	Sabatina
Boback	Frankel	Markosek	Saccone
Boyd	Freeman	Marshall	Sainato
Boyle, B.	Gabler	Marsico	Samuelson
Boyle, K.	Galloway	Masser	Santarsiero
Bradford	Geist	Matzie	Santoni
Brennan	Gerber	McGeehan	Saylor
Briggs	Gergely	Metcalfe	Scavello
Brooks	Gibbons	Metzgar	Schroder
Brown, R.	Gillen	Miccarelli	Shapiro
Brown, V.	Gillespie	Micozzie	Simmons
Brownlee	Gingrich	Millard	Smith, K.
Burns	Godshall	Miller	Smith, M.
Buxton	Goodman	Milne	Sonney
Caltagirone	Grell	Mirabito	Staback
Carroll	Grove	Moul	Stephens
Causar	Hackett	Mullery	Stern
Christiana	Hahn	Mundy	Stevenson
Clymer	Haluska	Murphy	Sturla
Cohen	Hanna	Murt	Swanger
Conklin	Harhai	Mustio	Tallman
Costa, D.	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Thomas
Cox	Harper	O'Brien, D.	Tobash
Creighton	Harris	O'Brien, M.	Toepel
Cruz	Heffley	O'Neill	Toohil
Culver	Helm	Oberlander	Truitt
Curry	Hennessey	Parker	Turzai
Cutler	Hess	Pashinski	Vereb
Daley	Hickernell	Payne	Vitali
Davidson	Hutchinson	Payton	Vulakovich
Davis	Johnson	Peifer	Wagner
Day	Josephs	Perry	Waters
Deasy	Kampf	Petrarca	Watson
DeLissio	Kauffman	Pickett	Wheatley
Delozier	Kavulich	Preston	White
DeLuca	Keller, F.	Pyle	Williams
Denlinger	Keller, M.K.	Quigley	Youngblood
DePasquale	Keller, W.	Quinn	
Dermody	Kirkland	Rapp	Smith, S.,
DeWeese	Knowles	Ravenstahl	Speaker
DiGirolamo			

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Evans, D. George	Hornaman Killion	Lawrence Maher	Petri
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The SPEAKER. One hundred ninety-five members having voted on the master roll call, a quorum is present.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER. HR 5 is over for the day.

* * *

Mr. WHEATELY called up **HR 41, PN 215**, entitled:

A Resolution designating the month of February 2011 as "Black History Month" in Pennsylvania.

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Dunbar	Kortz	Readshaw
Aument	Ellis	Kotik	Reed
Baker	Emrick	Krieger	Reese
Barbin	Evankovich	Kula	Reichley
Barrar	Evans, J.	Longietti	Roae
Bear	Everett	Mahoney	Rock
Benninghoff	Fabrizio	Major	Roebuck
Bishop	Farry	Maloney	Ross
Bloom	Fleck	Mann	Sabatina
Boback	Frankel	Markosek	Saccone
Boyd	Freeman	Marshall	Sainato
Boyle, B.	Gabler	Marsico	Samuelson
Boyle, K.	Galloway	Masser	Santarsiero
Bradford	Geist	Matzie	Santoni
Brennan	Gerber	McGeehan	Saylor
Briggs	Gergely	Metcalfe	Scavello
Brooks	Gibbons	Metzgar	Schroder
Brown, R.	Gillen	Miccarelli	Shapiro
Brown, V.	Gillespie	Micozzie	Simmons
Brownlee	Gingrich	Millard	Smith, K.
Burns	Godshall	Miller	Smith, M.
Buxton	Goodman	Milne	Sonney
Caltagirone	Grell	Mirabito	Staback
Carroll	Grove	Moul	Stephens
Causar	Hackett	Mullery	Stern
Christiana	Hahn	Mundy	Stevenson
Clymer	Haluska	Murphy	Sturla
Cohen	Hanna	Murt	Swanger
Conklin	Harhai	Mustio	Tallman
Costa, D.	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Thomas
Cox	Harper	O'Brien, D.	Tobash
Creighton	Harris	O'Brien, M.	Toepel
Cruz	Heffley	O'Neill	Toohil
Culver	Helm	Oberlander	Truitt
Curry	Hennessey	Parker	Turzai
Cutler	Hess	Pashinski	Vereb

Daley	Hickernell	Payne	Vitali
Davidson	Hutchinson	Payton	Vulakovich
Davis	Johnson	Peifer	Wagner
Day	Josephs	Perry	Waters
Deasy	Kampf	Petrarca	Watson
DeLissio	Kauffman	Pickett	Wheatley
Delozier	Kavulich	Preston	White
DeLuca	Keller, F.	Pyle	Williams
Denlinger	Keller, M.K.	Quigley	Youngblood
DePasquale	Keller, W.	Quinn	
Dermody	Kirkland	Rapp	Smith, S.,
DeWeese	Knowles	Ravenstahl	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-7

Evans, D.	Hornaman	Lawrence	Petri
George	Killion	Maher	

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

FILMING PERMISSION

The SPEAKER. The Speaker has given permission for WHTM-TV, channel 27, to videotape with audio on the House floor.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 108, PN 60**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for public access to procurement information.

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

Mr. **GRELL** offered the following amendment No. **A00206**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in general provisions,

Amend Bill, page 1, lines 12 and 13, by striking out "Except as provided" in line 12 and "under subsection (c), if" in line 13 and inserting

if

Amend Bill, page 2, line 4, by inserting after "contract" and any written determination made by the contracting officer which is related to the contract

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment clarifies a provision in the bill. The underlying bill requires that any sole source contracts be published on the Internet by the department for at least 5 days before executing the contract. The amendment simply extends that to clarify that they need to post both the contract and the sole source determination, which sets up the justification for a sole source contract to make that public inspection more meaningful. I would encourage the members to support the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-195

Adolph	Dunbar	Kortz	Readshaw
Aument	Ellis	Kotik	Reed
Baker	Emrick	Krieger	Reese
Barbin	Evankovich	Kula	Reichley
Barrar	Evans, J.	Longietti	Roae
Bear	Everett	Mahoney	Rock
Benninghoff	Fabrizio	Major	Roebuck
Bishop	Farry	Maloney	Ross
Bloom	Fleck	Mann	Sabatina
Boback	Frankel	Markosek	Saccone
Boyd	Freeman	Marshall	Sainato
Boyle, B.	Gabler	Marsico	Samuelson
Boyle, K.	Galloway	Masser	Santarsiero
Bradford	Geist	Matzie	Santoni
Brennan	Gerber	McGeehan	Saylor
Briggs	Gergely	Metcalfe	Scavello
Brooks	Gibbons	Metzgar	Schroder
Brown, R.	Gillen	Miccarelli	Shapiro
Brown, V.	Gillespie	Micozzie	Simmons
Brownlee	Gingrich	Millard	Smith, K.
Burns	Godshall	Miller	Smith, M.
Buxton	Goodman	Milne	Sonney
Caltagirone	Grell	Mirabito	Staback
Carroll	Grove	Moul	Stephens
Causer	Hackett	Mullery	Stern
Christiana	Hahn	Mundy	Stevenson
Clymer	Haluska	Murphy	Sturla
Cohen	Hanna	Murt	Swanger
Conklin	Harhai	Mustio	Tallman
Costa, D.	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Thomas
Cox	Harper	O'Brien, D.	Tobash
Creighton	Harris	O'Brien, M.	Toepel
Cruz	Heffley	O'Neill	Toohil
Culver	Helm	Oberlander	Truitt
Curry	Hennessey	Parker	Turzai
Cutler	Hess	Pashinski	Vereb
Daley	Hickernell	Payne	Vitali
Davidson	Hutchinson	Payton	Vulakovich
Davis	Johnson	Peifer	Wagner
Day	Josephs	Perry	Waters
Deasy	Kampf	Petrarca	Watson
DeLissio	Kauffman	Pickett	Wheatley
Delozier	Kavulich	Preston	White
DeLuca	Keller, F.	Pyle	Williams
Denlinger	Keller, M.K.	Quigley	Youngblood
DePasquale	Keller, W.	Quinn	
Dermody	Kirkland	Rapp	Smith, S.,
DeWeese	Knowles	Ravenstahl	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED—7

Evans, D. Hornaman Lawrence Petri
George Killion Maher

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

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 104, PN 57**, entitled:

An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for the definition of "public body."

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

Mr. **McGEEHAN** offered the following amendment No. **A00151**:

Amend Bill, page 1, line 8, by striking out "." and inserting
" and for penalties.

Amend Bill, page 2, line 14, by striking out all of said line and inserting

Section 2. Section 6 of the act is amended to read:
Section 6. Penalties.

A person who, under color of an employer's authority, violates this act shall be liable for a civil fine of not more than [\$500] \$10,000. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than six months. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

Section 3. The amendment of sections 2 and 6 of the act shall apply to a person who alleges a violation of the act on or after the effective date of this section.

Section 4. This act shall take effect in 60 days.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. McGeehan.

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

Mr. Speaker, what the amendment does is increase the civil penalties under the Gergely bill from \$500 to \$10,000. It also provides changes that will apply only to those alleged violations that occur after the effective date of 60 days, and it brings it in line with the Ellis bill. I ask for an affirmative vote.

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

Mr. TURZAI. Thank you, Mr. Speaker.
We are in support of amendment 151.

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

The following roll call was recorded:

YEAS—195

Adolph	Dunbar	Kortz	Readshaw
Aument	Ellis	Kotik	Reed
Baker	Emrick	Krieger	Reese
Barbin	Evankovich	Kula	Reichley
Barrar	Evans, J.	Longietti	Roae
Bear	Everett	Mahoney	Rock
Benninghoff	Fabrizio	Major	Roebuck
Bishop	Farry	Maloney	Ross
Bloom	Fleck	Mann	Sabatina
Boback	Frankel	Markosek	Saccone
Boyd	Freeman	Marshall	Sainato
Boyle, B.	Gabler	Marsico	Samuelson
Boyle, K.	Galloway	Masser	Santarsiero
Bradford	Geist	Matzie	Santoni
Brennan	Gerber	McGeehan	Saylor
Briggs	Gergely	Metcalfe	Scavello
Brooks	Gibbons	Metzgar	Schroder
Brown, R.	Gillen	Miccarelli	Shapiro
Brown, V.	Gillespie	Micozzie	Simmons
Brownlee	Gingrich	Millard	Smith, K.
Burns	Godshall	Miller	Smith, M.
Buxton	Goodman	Milne	Sonney
Caltagirone	Grell	Mirabito	Staback
Carroll	Grove	Moul	Stephens
Causer	Hackett	Mullery	Stern
Christiana	Hahn	Mundy	Stevenson
Clymer	Haluska	Murphy	Sturla
Cohen	Hanna	Murt	Swanger
Conklin	Harhai	Mustio	Tallman
Costa, D.	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Thomas
Cox	Harper	O'Brien, D.	Tobash
Creighton	Harris	O'Brien, M.	Toepel
Cruz	Heffley	O'Neill	Toohil
Culver	Helm	Oberlander	Truitt
Curry	Hennessey	Parker	Turzai
Cutler	Hess	Pashinski	Vereb
Daley	Hickernell	Payne	Vitali
Davidson	Hutchinson	Payton	Vulakovich
Davis	Johnson	Peifer	Wagner
Day	Josephs	Perry	Waters
Deasy	Kampf	Petrarca	Watson
DeLissio	Kauffman	Pickett	Wheatley
DeLozier	Kavulich	Preston	White
DeLuca	Keller, F.	Pyle	Williams
Denlinger	Keller, M.K.	Quigley	Youngblood
DePasquale	Keller, W.	Quinn	
Dermody	Kirkland	Rapp	Smith, S., Speaker
DeWeese	Knowles	Ravenstahl	
DiGirolamo			

NAYS—0

NOT VOTING—0

EXCUSED—7

Evans, D. Hornaman Lawrence Petri
George Killion Maher

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

On the question,

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

The SPEAKER. The Chair understands that all other amendments have been withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 105, PN 73**, entitled:

An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for the definitions of "employee" and "employer," for protection of employees, for enforcement and for penalties.

On the question,

Will the House agree to the bill on second consideration?

Mr. **WHITE** offered the following amendment No. **A00202**:

Amend Bill, page 1, line 8, by striking out ""employee" and "employer,"" and inserting

"employee," "employer" and "wrongdoing,"

Amend Bill, page 1, line 12, by striking out ""employee" and" and inserting

"employee,"

Amend Bill, page 1, line 12, by inserting after ""employer"" and "wrongdoing"

Amend Bill, page 2, lines 11 through 18, by striking out "A public body or any" in line 11 and all of lines 12 through 18 and inserting

The Commonwealth of Pennsylvania, its political subdivisions, and their instrumentalities and every individual, copartnership, association, corporation, domestic or foreign, or other entity, the legal representative, trustee in bankruptcy, receiver or trustee of any individual, copartnership, association or corporation or other entity, or the legal representative of a deceased person, who or which employed or employs any employee for some portion of a day during a calendar year.

Amend Bill, page 2, by inserting between lines 19 and 20

"Wrongdoing." A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a public body's code of conduct or ethics [designed to protect the interest of the public or the employer].

Amend Bill, page 2, line 20, by striking out "3(a)."

Amend Bill, page 2, lines 22 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. White.

The gentleman indicates that he is withdrawing the amendment. The Speaker thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. The Speaker understands that all other amendments have been withdrawn?

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 103, PN 56**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for prohibited activities and for penalties.

On the question,

Will the House agree to the bill on second consideration?

Ms. **DeLISSIO** offered the following amendment No. **A00158**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in ethics standards and financial disclosure, further providing for restricted activities; and

Amend Bill, page 1, line 6, by inserting after "Sections" 1103(g),

Amend Bill, page 1, by inserting between lines 8 and 9 § 1103. Restricted activities.

* * *

(g) Former official or employee.—

(1) No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

(2) No former public official or public employee may, within one year of leaving public office or public employment, be employed by, receive compensation from, assist or act in a representative capacity for a business that has received a State contract if the former public official or public employee had influence over the decision to award the State contract to the business. For the purposes of this paragraph, the term "business" shall include all of a business's parent, subsidiary and sister businesses.

* * *

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Speaker recognizes the lady, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

This is a very straightforward amendment that simply requires public officials and public employees to wait a period

of 2 years to work for, assist, or act in a representative capacity for a business that has received a State contract if that person had influence over the decision to award the contract. This further seeks to put an end to the revolving door of public/private sector employment that has been going on for far too long.

This concept is not dissimilar to the noncompete agreements that I have used over the past 25 years in a number of the businesses that I have worked for. A further example is if this amendment had been in place previously and influence could have been established, a likely outcome would have been that the former Governor and his former chief of staff would have been prohibited from joining the law firm where they are now employed.

Our current Governor in his inaugural speech spoke about reform and said that the voters expect it, the voters demand it, and, may I add, my constituents are counting on it. Thank you.

GERMANENESS QUESTIONED

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

If I may, briefly, on HB 103, I would like to point out that this bill deals primarily with the fines, penalties, and suspensions of lobbyists as it is currently drafted. This bill passed this chamber unanimously last session 194 to 0.

Mr. Speaker, while I agree with the substance of this amendment, and in fact it is very similar to one of my own bills that would place a ban on executive appointments that require Senate approval for a similar length of time, I do not believe, Mr. Speaker, that this amendment as drafted is germane to the bill before us. The bill itself deals only with penalties and what happens if you do not file the proper paperwork, Mr. Speaker, and this amendment would actually expand the definition of "acts" that individuals would engage in.

Therefore, Mr. Speaker, I would like to make a motion that this amendment is not germane to the underlying bill.

The SPEAKER. The gentleman from Lancaster County, Mr. Cutler, has raised the question of whether amendment A00158 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

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

Mr. TURZAI. Mr. Speaker, just that we are starting off a new session – if we believe that the amendment is not germane to the bill, how would we vote, sir? If we believe it is not germane to the bill – the amendment.

The SPEAKER. Those that believe the amendment is not germane will vote "no"; those who believe it is germane will vote "yes."

Mr. TURZAI. I would urge all of our members, per my colleague from Lancaster County, to vote "no," indicating that the amendment is not germane to the underlying bill sponsored by the maker from Lancaster County.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, given the number of new members that we have in our session and the fact that this issue of germaneness has not come up yet in this session, could the Parliamentarian give a brief description of what it means for something to not be germane or to be germane to a particular bill?

The SPEAKER. The Speaker would direct the gentleman to rule 27 of the House rules, which basically says that questions involving whether an amendment is germane to the subject shall be decided by the House. So germaneness is not a question that the Speaker unilaterally decides; it is something that a vote of this House will determine.

Does the gentleman seek further recognition?

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Deasy	Kirkland	Ravenstahl
Bishop	DeLissio	Kortz	Readshaw
Boyle, B.	DeLuca	Kotik	Roebuck
Boyle, K.	DePasquale	Kula	Sabatina
Bradford	Dermody	Longietti	Sainato
Brennan	DeWeese	Mahoney	Samuelson
Briggs	Fabrizio	Mann	Santarsiero
Brown, V.	Frankel	Markosek	Santoni
Brownlee	Freeman	Matzie	Shapiro
Burns	Galloway	McGeehan	Smith, K.
Buxton	Gerber	Mirabito	Smith, M.
Caltagirone	Gergely	Mullery	Staback
Carroll	Gibbons	Mundy	Sturla
Cohen	Goodman	Murphy	Thomas
Conklin	Haluska	Myers	Vitali
Costa, D.	Hanna	Neuman	Wagner
Costa, P.	Harhai	O'Brien, M.	Waters
Cruz	Harkins	Parker	Wheatley
Curry	Johnson	Pashinski	White
Daley	Josephs	Payton	Williams
Davidson	Kavulich	Petrarca	Youngblood
Davis	Keller, W.	Preston	

NAYS—108

Adolph	Farry	Maloney	Reichley
Aument	Fleck	Marshall	Roae
Baker	Gabler	Marsico	Rock
Barrar	Geist	Masser	Ross
Bear	Gillen	Metcalfe	Saccone
Benninghoff	Gillespie	Metzgar	Saylor
Bloom	Gingrich	Miccarelli	Scavello
Boback	Godshall	Micozzie	Schroder
Boyd	Grell	Millard	Simmons
Brooks	Grove	Miller	Sonney
Brown, R.	Hackett	Milne	Stephens
Causer	Hahn	Moul	Stern
Christiana	Harhart	Murt	Stevenson
Clymer	Harper	Mustio	Swanger
Cox	Harris	O'Brien, D.	Tallman
Creighton	Heffley	O'Neill	Taylor
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt

Denlinger	Hutchinson	Pickett	Turzai
DiGirolamo	Kampf	Pyle	Vereb
Dunbar	Kauffman	Quigley	Vulakovich
Ellis	Keller, F.	Quinn	Watson
Emrick	Keller, M.K.	Rapp	
Evankovich	Knowles	Reed	Smith, S.,
Evans, J.	Krieger	Reese	Speaker
Everett	Major		

NOT VOTING—0

EXCUSED—7

Evans, D.	Hornaman	Lawrence	Petri
George	Killion	Maher	

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

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

Mr. **STURLA** offered the following amendment
No. **A00120**:

Amend Bill, page 1, line 2, by inserting after "Statutes,"
in ethics standards and financial disclosure, further
providing for restricted activities; and

Amend Bill, page 1, line 6, by inserting after "Sections"
1103(i),

Amend Bill, page 1, by inserting between lines 8 and 9
§ 1103. Restricted activities.

* * *

(i) Former executive-level employee.—

(1) No former executive-level State employee may for a period of two years from the time that he terminates employment with this Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participated in recruiting to this Commonwealth or that he actively participated in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existent plant or facility within this Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

(2) No executive-level State employee may for a period of two years from the time that the employee terminates employment with the Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business if the employee made a regulatory or licensing decision directly related to the business or the industry of which the business is a part. For purposes of this paragraph, the term "business" shall include all of a business's parent, subsidiary and sister businesses.

* * *

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

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would stop the executive branch revolving door in terms of disallowing executive-level employees with regulatory or licensing authority from accepting employment or receiving compensation or fees for services from a person or entity that regulated or licensed that entity for a period of 2 years after leaving their position. This is the same prohibition that we currently have applied to members and employees of the Pennsylvania Gaming Control Board which regulate that industry.

And the timeliness of this, I think we saw in the last administration a person that negotiated leases with gas and oil companies for State lands and then literally within a matter of days went and was employed by some of the same people that they were negotiating with. This is to try and stop this practice. While I am not accusing that person or anyone else of any wrongdoing, it certainly does not pass the smell test when it comes to appropriateness in State government.

So I would encourage members to, I am assuming, rule that this is germane and then to vote "yes" on it.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

And thank you to the gentleman from Lancaster County for his comments.

Like the prior amendment, I, too, have concerns about this practice. Unfortunately, I think it is important that we take a look at exactly whom this amendment would apply to. It certainly would not apply to any executive agency that has already turned over. They are on their way out; they are already going to be engaged in this, and we cannot retroactively put this on them.

More importantly, Mr. Speaker, it is questionable if it even could be applied to those individuals already in the process of being hired, because they have already undertaken that employment contract, if you will, and they will be going through the necessary approval or perhaps even Senate confirmation in order to gain their new employment.

Given the fact that it certainly does not apply to the prior and will likely not apply to future individuals in the executive agency, Mr. Speaker, I think we have got ample time to properly vet this amendment through the committee process. I think it is well worth looking at. As I mentioned previously, I had a proposal that would have banned the executive appointments that require Senate confirmation. I think it is an important piece of our system to ensure the integrity of it. However, given that it most likely will not be in effect for the next 4 years, Mr. Speaker, I would urge the gentleman to introduce the bill. I would be happy to work with him individually on it, particularly since we are from the same county.

GERMANENESS QUESTIONED

Mr. CUTLER. But likewise, Mr. Speaker, since the underlying bill only deals with penalties – only deals with suspensions and the fines for not properly reporting; it does not actually expand the scope of the underlying act, Mr. Speaker – I would also argue that this amendment is not germane to the underlying bill, Mr. Speaker, and would like to make an according motion to rule that this amendment is not germane to the underlying bill that deals solely with fines, suspensions, and penalties for lobbyists, not the actual expansion of the act.

The SPEAKER. The gentleman from Lancaster County, Mr. Cutler, has raised the question of whether amendment A120 is germane.

Under House rule 27, the questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would argue that in fact this is germane.

We are talking about reform bills here and trying to encourage reform in the State of Pennsylvania. Now, the previous speaker said that he did not think this could take effect for 4 years; in fact, this would take effect the day that the Governor signed this into law.

What we will see and I will predict is that if you vote for this not to be germane – and I will introduce a bill later on – that in the interim, while that bill goes through the process and we wait days and weeks and perhaps months, that you will see that revolving door of people leaving State government that just regulated an industry going to work for that industry. And we will keep account of those people, and every time that happens, we will remind members that they wanted to put it off just a little longer. They wanted to put off reform just another day.

There is nothing that prohibits this amendment from being accepted into this bill. It is the same subject; it is the same title. It is simply a matter of whether you have the will or not to stop this practice in the State of Pennsylvania. You can either stop it the day that this bill gets signed or you can stop it a year from now or 2 years from now or 5 years from now or never. But today you have the opportunity to stop this practice, and I would encourage members to say that it is germane and to vote for the underlying amendment.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I rise in support of the gentleman from Lancaster's motion. But while I rise to support it, Mr. Speaker, I obviously need to address the comments that were just made from the other gentleman from Lancaster regarding this motion.

I found great amusement that somehow this would become immediately effective if it were to get over to the Senate and go to the Governor, and the reason that is, Mr. Speaker, is I would hope that the same gentleman that made that notation would

make strong that message to any appointments to the Gaming Board that that caucus has to make this year, Mr. Speaker.

We have worked thoroughly together on major reform bills that for one reason or the other left this chamber or did not leave this chamber, Mr. Speaker, and it certainly, while supporting this motion that this is not germane, does not mean that we will not work together with the gentleman on a reform bill coming forward. So we have let 4 years go by, Mr. Speaker; we hope that we can work together over the next 2 on some of these major reforms.

The SPEAKER. On the question, those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Deasy	Kirkland	Ravenstahl
Bishop	DeLissio	Kortz	Readshaw
Boyle, B.	DeLuca	Kotik	Roebuck
Boyle, K.	DePasquale	Kula	Sabatina
Bradford	Dermody	Longietti	Sainato
Brennan	DeWeese	Mahoney	Samuelson
Briggs	Fabrizio	Mann	Santarsiero
Brown, V.	Frankel	Markosek	Santoni
Brownlee	Freeman	Matzie	Shapiro
Burns	Galloway	McGeehan	Smith, K.
Buxton	Gerber	Mirabito	Smith, M.
Caltagirone	Gergely	Mullery	Staback
Carroll	Gibbons	Mundy	Sturla
Cohen	Goodman	Murphy	Thomas
Conklin	Haluska	Myers	Vitali
Costa, D.	Hanna	Neuman	Wagner
Costa, P.	Harhai	O'Brien, M.	Waters
Cruz	Harkins	Parker	Wheatley
Curry	Johnson	Pashinski	White
Daley	Josephs	Payton	Williams
Davidson	Kavulich	Petrarca	Youngblood
Davis	Keller, W.	Preston	

NAYS—108

Adolph	Farry	Maloney	Reichley
Aument	Fleck	Marshall	Roae
Baker	Gabler	Marsico	Rock
Barrar	Geist	Masser	Ross
Bear	Gillen	Metcalfe	Sacccone
Benninghoff	Gillespie	Metzgar	Saylor
Bloom	Gingrich	Miccarelli	Scavello
Boback	Godshall	Micozzie	Schroder
Boyd	Grell	Millard	Simmons
Brooks	Grove	Miller	Sonney
Brown, R.	Hackett	Milne	Stephens
Causar	Hahn	Moul	Stern
Christiana	Harhart	Murt	Stevenson
Clymer	Harper	Mustio	Swanger
Cox	Harris	O'Brien, D.	Tallman
Creighton	Heffley	O'Neill	Taylor
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Pickett	Turzai
DiGirolamo	Kampf	Pyle	Vereb
Dunbar	Kauffman	Quigley	Vulakovich

Ellis	Keller, F.	Quinn	Watson
Emrick	Keller, M.K.	Rapp	
Evankovich	Knowles	Reed	Smith, S.,
Evans, J.	Krieger	Reese	Speaker
Everett	Major		

NOT VOTING—0

EXCUSED—7

Evans, D.	Hornaman	Lawrence	Petri
George	Killion	Maher	

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

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

Mr. **DeLUCA** offered the following amendment
No. **A00153**:

Amend Bill, page 1, line 2, by inserting after "Statutes,"
in ethics standards and financial disclosure, further
providing for definitions and for statement of financial
interests; and,

Amend Bill, page 1, lines 6 through 8, by striking out all of said
lines and inserting

Section 1. Section 1102 of Title 65 of the Pennsylvania
Consolidated Statutes is amended by adding a definition to read:
§ 1102. Definitions.

The following words and phrases when used in this chapter shall
have, unless the context clearly indicates otherwise, the meanings
given to them in this section:

* * *

"Lobbyist." Any individual, association, corporation,
partnership, business trust or other entity that engages in lobbying on
behalf of a principal for economic consideration. The term includes an
attorney at law while engaged in lobbying.

* * *

Section 2. Section 1105(b) of Title 65 is amended by adding a
paragraph to read:

§ 1105. Statement of financial interests.

* * *

(b) Required information.—The statement shall include the
following information for the prior calendar year with regard to the
person required to file the statement:

* * *

(11) If the person required to file the statement is a
member of the General Assembly, the identity of each member of
the person's immediate family who is registered as a lobbyist
under Chapter 13A (relating to lobbying disclosure).

* * *

Section 3. Sections 13A07(f)(2) and 13A09(c)(1) and (e) of Title
65 are amended to read:

Amend Bill, page 3, line 7, by striking out "2" and inserting

4

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

The SPEAKER. On that question, the Speaker recognizes the
gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is it strengthens the
bill, HB 103. As we know, we are passing legislation here that
gives more transparency to the public. We are hearing out there
that the public wants more transparency, and it is about time
that we do something. I commend the sponsor of the bill for
doing that. What this amendment does, it requires that any
member of the General Assembly disclose any of their
immediate family members who are registered as lobbyists.

Now, I do not know, we hear about germaneness and I would
hope that this would be germane to this bill, because it is
certainly an important amendment to the people of the
Commonwealth of Pennsylvania when we talk about
transparency. This would go a long way in trying to give the
people the confidence of this chamber to make sure that they
have confidence in us, that any of our members, any of our
family who is going to be lobbying up here, that we disclose it.
There is nothing wrong with it, but certainly, we have an
opportunity to let the public know in the information world and
also in the guise of transparency to okay this amendment.

I would appreciate an affirmative vote on this, Mr. Speaker.

The SPEAKER. On the question, the Speaker recognizes the
gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I agree with the prior speaker, Mr. Speaker, that this is an
important underlying principle, that we have to have not only
transparency but accountability in the legislative process.
Mr. Speaker, it was for that reason that I voted in the affirmative
to ban General Assembly members to be partners in a law firm
that engaged in the business of lobbying, in the prior session.
Unfortunately, Mr. Speaker, that motion was reconsidered last
time and we now have this amendment before us for our
consideration.

In reviewing the definition of "lobbyist" as drafted,
Mr. Speaker, it is clear that it is intended to include
attorneys-at-law while engaging in lobbying. It also includes
partnerships under the definition, both of which I agree with.
However, when we get to the statement of financial interest,
Mr. Speaker, the only piece that is required to be reported is
whether or not you have an immediate family member that is a
lobbyist.

Mr. Speaker, this amendment as drafted does not require us
as legislators to disclose whether or not we are partners in a law
firm that engages in lobbying. Mr. Speaker, if we are going to
have disclosure, and I think we should, I also think it should be
complete. Mr. Speaker, as a partner in a law firm, you will
personally financially gain from the profits of lobbying.

Mr. Speaker, the immediate family could go far outside our
immediate home. Perhaps it is a spouse, and you would
personally benefit from that, but it could also be brother, sister,
siblings, or any other variety, as some of the other amendments
would have further down the list and would expand that
definition, whether or not you financially gain from it.

Mr. Speaker, an amendment of this breadth I believe
deserves to be contemplated in the committee process, and as
previously stated, this bill was very carefully and very narrowly

drawn, Mr. Speaker. It only deals with fines, penalties, and the suspension term for "lobbyist" as it is drafted. It was done so in the hopes to get agreement not only with us as legislators but also with the lobbying community as well as the Governor's Mansion, sir.

GERMANENESS QUESTIONED

Mr. CUTLER. With that said, I would again make the motion that this is not germane. And more importantly, Mr. Speaker, I also believe that we should take a more in-depth look at this in the committee process and make sure that we thoroughly vet the entire issue and not inadvertently miss one individual or group as it is currently drafted.

Mr. Speaker, I would like to make the motion that this amendment is not germane to the underlying bill due to the narrow drafting of HB 103.

The SPEAKER. The gentleman from Lancaster County, Mr. Cutler, has raised the question of whether amendment A153 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

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

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

I rise in support of the motion put forth by my colleague from Lancaster County and would ask the members to vote "no."

Please understand, this is an underlying amendment that we would absolutely take into account in a separate bill and ask the appropriate committee assigned to by the Speaker to review it. But in consistency, the motion for germaneness as set forth in rule 27 indicates that germaneness is a subject that shall be decided by the House, and the maker of the bill has drafted a very tight bill that passed last session unanimously and it deals with, it deals with enhancing penalties and fines for unlawful acts by lobbyists and/or principals. It does not address disclosures on the statements of financial interest. That is a separate subject that should be dealt in a separate bill to be brought to committee and vetted.

To be consistent with the maker of the bill's position as to what his bill does and whether amendments are germane or not, he has set forth those arguments, and I think he is right on. This amendment is not germane. It does not mean it does not have merit. We will certainly entertain it as a separately introduced bill in the committee process – not on the floor, in the committee process – and we would ask everybody to please vote "no" on germaneness, that this is not germane to the underlying bill. We understand that everybody is, but please vote "no" on the germaneness issue.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Will the gentleman stand for interrogation? Either the majority leader or Mr. Cutler.

The SPEAKER. The gentleman from Lancaster indicates he will stand for interrogation. The member may proceed.

Mr. DeLUCA. Mr. Speaker, as I have been following your train of thought, you are telling me that you would like to expand on this, that you are in favor of it and you would like to expand on it in the committee process. Is that correct?

Mr. CUTLER. Yes, Mr. Speaker.

Mr. DeLUCA. I think this is very important and I think you do too. Am I correct?

Mr. CUTLER. Yes, sir.

AMENDMENT WITHDRAWN

Mr. DeLUCA. Therefore, I will withdraw this amendment, if I could, Mr. Speaker, and I would hope that we could get together and expeditiously move this legislation. Also, in some of the situations you want to put in, law firms I have no problem with. I think we ought to make it better, and I would suggest that I would withdraw this amendment and I would like to work with you to expedite, not keep it going until next year, but to expedite this important piece of legislation that I believe the Pennsylvania citizens are demanding. Is that okay with you?

Mr. CUTLER. Mr. Speaker, I certainly cannot speak for the committee process or the committee members on whichever committee that this bill will end up on, but I will certainly work with you to try to find some language that would actually broaden the depth of this so that we can discuss it further.

Mr. DeLUCA. Well, I am sure the majority leader is in favor of that because of the fact that he has been talking about transparency, and I would hold him to that transparency. I will withdraw the amendment hoping that the majority leader would move this bill after it has been introduced.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

Amendment A153 is withdrawn.

For the information of the members, you are always able to withdraw an amendment.

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

Mr. **FRANKEL** offered the following amendment
No. **A00157**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in ethics standards and financial disclosure, further providing for definitions, for restricted activities and for statement of financial interests; and,

Amend Bill, page 1, line 3, by inserting after "providing"
for definitions,

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. The definition of "immediate family" in section 1102 of Title 65 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 1102. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Domestic partner." An otherwise unrelated person who resides with an individual if evidence exists to establish that at least three of the following apply:

(1) The person and the individual have entered into a domestic partnership agreement which is recognized by a governmental entity.

(2) The person and the individual hold common ownership of real property or have a common leasehold interest in property.

(3) The person and the individual hold joint title to a motor vehicle.

(4) The person and the individual list a common address on their respective driver's licenses.

(5) The person and the individual have joint bank or credit accounts.

(6) The person or the individual has designated the other as a beneficiary:

(i) in a life insurance policy;

(ii) for retirement benefits; or

(iii) in a will.

(7) The person or the individual has assigned the other power of attorney or health care power of attorney.

"Immediate family." A parent, spouse, domestic partner, child, brother or sister.

Section 2. Sections 1103(f) and 1105(b)(6) of Title 65 are amended to read:

§ 1103. Restricted activities.

(f) Contract.—No public official or public employee or his spouse, domestic partner or child or any business in which the person or his spouse, domestic partner or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

§ 1105. Statement of financial interests.

(b) Required information.—The statement shall include the following information for the prior calendar year with regard to the person required to file the statement:

(6) The name and address of the source and the amount of any gift or gifts valued in the aggregate at \$250 or more and the circumstances of each gift. This paragraph shall not apply to a gift or gifts received from a spouse, domestic partner, parent, parent by marriage, sibling, child, grandchild, other family member or friend when the circumstances make it clear that the motivation for the action was a personal or family relationship. However, for the purposes of this paragraph, the term "friend" shall not include a registered lobbyist or an employee of a registered lobbyist.

Section 3. The definition of "immediate family" in section 13A03 of Title 65 is amended and the section is amended by adding a definition to read:

§ 13A03. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Domestic partner." An otherwise unrelated person who resides with an individual if evidence exists to establish that at least three of

the following apply:

(1) The person and the individual have entered into a domestic partnership agreement which is recognized by a governmental entity.

(2) The person and the individual hold common ownership of real property or have a common leasehold interest in property.

(3) The person and the individual hold joint title to a motor vehicle.

(4) The person and the individual list a common address on their respective driver's licenses.

(5) The person and the individual have joint bank or credit accounts.

(6) The person or the individual has designated the other as a beneficiary:

(i) in a life insurance policy;

(ii) for retirement benefits; or

(iii) in a will.

(7) The person or the individual has assigned the other power of attorney or health care power of attorney.

"Immediate family." An individual's spouse, domestic partner, child, parent, brother, sister and like relative-in-law.

Section 4. Sections 13A07(f)(2) and 13A09(c)(1) and (e) of Title 65 are amended to read:

Amend Bill, page 3, line 7, by striking out "2" and inserting

5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

My amendment does two things that close glaring loopholes in both the State Ethics Act and the Lobbying Disclosure Act and would prohibit a public official, a public employee, from benefiting from contracting with not just a spouse, a family member or someone, but somebody that they live with – a domestic partner.

In this country today, out of 66 million couples, 58 million couples are married, 6 1/2 million are not. Here in the State of Pennsylvania, 2.4 million couples are married, 270,000 are not. This would make sure that for a public official who may be living with somebody, that he or she cannot benefit in the same way that they cannot benefit from a contract, a gift to a child or a spouse. Otherwise we are saying to people, to State employees and State public officials, that it is okay, that this class will be able to circumvent these laws. It is a glaring, glaring gap in the coverage for these laws.

In fact, I was speaking with a lobbyist the other morning who was talking to me, and he said, you know, that makes a lot of sense; I live next door to a couple, one who is a high-level State employee, who have been living together for 30 years. Right now our laws would not cover that couple. They could easily circumvent our intent here.

My bill simply makes sure that we resolve this so that it is crystal clear, crystal clear that under our Lobbying Disclosure Act and under our State Ethics Act, we are going to make sure that not any public official or State employee can benefit from gifts or contracts that inure to their benefit through their spouse, their children, relatives, and their domestic partners.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Like the prior amendment, Mr. Speaker, I believe that this amendment goes far afield of the bill's original intent regarding penalties and fines for lobbyists.

Mr. Speaker, but more importantly, I have concerns about the actual definition of "domestic partner." While I agree that we need to tighten up the reporting requirements surrounding the disclosure laws, section 1102, subsection (2), defines any person, an individual, who holds common ownership of real property or has a common leasehold interest in property. Mr. Speaker, if you own property with another individual, it may not be your intent to be a domestic partner but suddenly the definition includes you. Mr. Speaker, I believe that that is a much broader issue than can be addressed in the amendment process in dealing with HB 103. I would also offer that this definition of "domestic partner" needs to be further evaluated in the committee process.

Mr. Speaker, this could include anyone. It could be brothers, sisters, adult children still residing in a home residence, grandparents, grandchildren, or other people who either reside or co-own property together.

Mr. Speaker, this idea also deserves to be thoroughly vetted in a committee and the committee process, not brought out at the eleventh hour here on the House floor as an amendment. Mr. Speaker, I would offer that amendment 157 is also not germane to the underlying bill in regards to the fines, penalties, for lobbyists who fail to properly disclose on their paperwork.

GERMANENESS QUESTIONED

Mr. CUTLER. Mr. Speaker, therefore, I would like to make the motion that HB 103, amendment 157, is not germane to the underlying issue regarding fines and other penalties for lobbyists as opposed to actually expanding the definition of those individuals who are required to report.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Lancaster County, Mr. Cutler, has raised the question of whether amendment A157 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Let me say that the definition of what a "domestic partner" is, is quite clear and much more elaborate than the one that was described by my colleague just now. In fact, the definition which we have included in our amendment is exactly the same definition used by the Pennsylvania Employees Benefit Trust Fund and similar language in several local ordinances around the State, including those in Pittsburgh, in Philadelphia, in Allentown, and many other cities across the State.

This is language that is not based on one issue of co-ownership or property. There is a list of seven factors that will define what a domestic partnership is, and you have to meet at least three of those criteria. It includes things, not just of a joint title to a piece of property, but a common address on their respective driver's licenses; two individuals have a joint bank account or credit account; two individuals have designated each other in a life insurance policy. This has much more depth to the definition than merely having the title of a piece of property together. You have to meet three of these criteria. So if this is not germane, we are literally telling 10 percent of Pennsylvania – and you have got to imagine that probably 10 percent of public officials and employees fit this category – that they are exempt from this law. Is that what my colleague is trying to say?

And I do not understand – germaneness? Germaneness is basically including this category which very much fits into the definition of "spouse," of "relative" and so forth, and not excluding them. It is a gap in these two bills that you could drive a truck through if you want to have ethical behavior in this State from public officials. We should not be ruling this not germane. It is so germane; it is so crystal clear so germane. Two hundred and seventy thousand couples in this State are domestic partners, and I guarantee you that there are a lot of them that are public officials and State employees. You are giving them a free pass by voting that this is not germane.

I ask all my colleagues to vote that this is germane, and let us vote this amendment to make this a truly improved comprehensive ethics bill. Thank you.

The SPEAKER. The Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I endorse and affirm everything that my colleague, the gentleman from Allegheny County, just said. Two hundred and seventy thousand people who can get away with this; you can certainly drive through several trucks. But there is something else we are doing here, my friends. If we vote that this is not germane, we are saying there are circumstances in which you have an incentive not to marry. Why would the legislature, why would the legislature promote policy which is an incentive not to marry? That is my general question.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

On the question, the Speaker recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I would like to clarify the honorable gentleman's comments from Allegheny County, because I believe that he misunderstood the underlying motion that I was making.

Mr. Speaker, we are not saying that domestic partners are exempt from the underlying law. The question is actually much simpler than that. The question is, does the amendment deal with fines and penalties for lobbyists? And, Mr. Speaker, the answer to that is unequivocally no; it does not. It expands those individuals who have to report. It is something that deserves to be properly vetted in the committee process, and I would urge a vote that this is not germane to the underlying bill as it is currently drafted. Thank you.

The SPEAKER. The Speaker recognizes the minority leader. Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, briefly, if we are dealing with a bill that deals with penalties, all this amendment would do is add people who are subject to those penalties.

It is certainly germane. It makes a good bill better, and I ask the members to support the amendment.

The SPEAKER. The Speaker thanks the gentleman.

On the question, those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring, Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-85

Table listing names of members who voted 'YEAS' (85 total). Includes names like Barbin, Bishop, Boyle, B. etc.

NAYS-110

Table listing names of members who voted 'NAYS' (110 total). Includes names like Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R. etc.

NOT VOTING-0

EXCUSED-7

Table listing names of members who were not voting or excused: Evans, D. George, Hornaman Killion, Lawrence Maher, Petri.

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

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

Mr. FRANKEL offered the following amendment No. A00185:

Amend Bill, page 1, line 3, by inserting after "for" where it occurs the first time definitions, for

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. The definition of "immediate family" in section 13A03 of Title 65 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read: § 13A03. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Domestic partner." An otherwise unrelated person who resides with an individual if evidence exists to establish that at least three of the following apply:

(1) The person and the individual have entered into a domestic partnership agreement which is recognized by a governmental entity.

(2) The person and the individual hold common ownership of real property or have a common leasehold interest in property.

(3) The person and the individual hold joint title to a motor vehicle.

(4) The person and the individual list a common address on their respective driver's licenses.

(5) The person and the individual have joint bank or credit accounts.

(6) The person or the individual has designated the other as a beneficiary:

(i) in a life insurance policy;

(ii) for retirement benefits; or

(iii) in a will.

(7) The person or the individual has assigned the other power of attorney or health care power of attorney.

"Immediate family." An individual's spouse, domestic partner, child, parent, brother, sister and like relative-in-law.

Section 2. Sections 13A07(f)(2) and 13A09(c)(1) and (e) of Title 65 are amended to read:

Amend Bill, page 3, line 7, by striking out "2" and inserting

3

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

AMENDMENT WITHDRAWN

The SPEAKER. The Speaker is informed the amendment has been withdrawn.

The Speaker understands that all the other amendments have been withdrawn?

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 107, PN 59**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for competitive sealed proposals.

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

Mr. **STURLA** offered the following amendment No. **A00196**:

Amend Bill, page 1, line 2, by inserting after "providing" for competitive sealed bidding and

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting

Section 1. Section 512(a) of Title 62 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 512. Competitive sealed bidding.

(a) Conditions for use.—Contracts shall be awarded by competitive sealed bidding except as otherwise provided in subsection (i) or section 511 (relating to methods of source selection).

* * *

(i) Mandatory competitive bidding.—Notwithstanding any provision of law to the contrary, every Commonwealth agency, every independent Commonwealth agency, the State Treasurer, the Attorney General, the Auditor General, the General Assembly and all legislative agencies and the Judicial Department shall use competitive bidding in awarding any contract with a private collection agency.

Section 2. Section 513(e) of Title 62 is amended to read:

Amend Bill, page 1, line 17, 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, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with a whistleblower lawsuit that is currently before the U.S. District Court which alleges mismanagement. It would ensure that the financial enforcement section of the Office of Attorney General, which acts as a collection agency for approximately 200 agencies, boards and commissions, and universities of the Commonwealth, would in fact be doing things in a manner that would get the approval of those agencies, particularly when they

come to agreements on lesser amounts of dollars to get collected. It just clarifies some questions that might still be out there as it relates to this.

What this amendment does is it ensures that those collection agencies that are doing collecting for the Commonwealth would be competitively bid. There would be no sole source contracts out there for collection agencies. And then there is a follow-up amendment which would make sure that the agencies that are collecting for it would also sign off on those collection agreements.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

HB 107 deals with the competitive sealed proposal method of the Procurement Code. Specifically, it strengthens the internal control structure to allow the evaluator, so the evaluator has independence from those bidding on the bill.

I will oppose the gentleman from Lancaster County's amendment because it deals with the process of collecting money owed to the Commonwealth. This process is prescribed in the Fiscal Code, not the Procurement Code.

GERMANENESS QUESTIONED

Mr. DUNBAR. With that being said, Mr. Speaker, I make the motion that this is not germane to the underlying bill.

The SPEAKER. The gentleman from Westmoreland County, Mr. Dunbar, has raised the question of whether amendment A196 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the gentleman does not want to be recognized?

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Deasy	Kirkland	Ravenstahl
Bishop	DeLissio	Kortz	Readshaw
Boyle, B.	DeLuca	Kotik	Roebuck
Boyle, K.	DePasquale	Kula	Sabatina
Bradford	Dermody	Longiatti	Sainato
Brennan	DeWeese	Mahoney	Samuelson
Briggs	Fabrizio	Mann	Santarsiero
Brown, V.	Frankel	Markosek	Santoni
Brownlee	Freeman	Matzie	Shapiro
Burns	Galloway	McGeehan	Smith, K.
Buxton	Gerber	Mirabito	Smith, M.
Caltagirone	Gergely	Mullery	Staback
Carroll	Gibbons	Mundy	Sturla

Cohen	Goodman	Murphy	Thomas
Conklin	Haluska	Myers	Vitali
Costa, D.	Hanna	Neuman	Wagner
Costa, P.	Harhai	O'Brien, M.	Waters
Cruz	Harkins	Parker	Wheatley
Curry	Johnson	Pashinski	White
Daley	Josephs	Payton	Williams
Davidson	Kavulich	Petrarca	Youngblood
Davis	Keller, W.	Preston	

NAYS—108

Adolph	Farry	Maloney	Reichley
Aument	Fleck	Marshall	Roae
Baker	Gabler	Marsico	Rock
Barrar	Geist	Masser	Ross
Bear	Gillen	Metcalfe	Saccone
Benninghoff	Gillespie	Metzgar	Saylor
Bloom	Gingrich	Miccarelli	Scavello
Boback	Godshall	Micozzie	Schroder
Boyd	Grell	Millard	Simmons
Brooks	Grove	Miller	Sonney
Brown, R.	Hackett	Milne	Stephens
Causar	Hahn	Moul	Stern
Christiana	Harhart	Murt	Stevenson
Clymer	Harper	Mustio	Swanger
Cox	Harris	O'Brien, D.	Tallman
Creighton	Heffley	O'Neill	Taylor
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Pickett	Turzai
DiGirolamo	Kampf	Pyle	Vereb
Dunbar	Kauffman	Quigley	Vulakovich
Ellis	Keller, F.	Quinn	Watson
Emrick	Keller, M.K.	Rapp	
Evankovich	Knowles	Reed	Smith, S.,
Evans, J.	Krieger	Reese	Speaker
Everett	Major		

NOT VOTING—0

EXCUSED—7

Evans, D.	Hornaman	Lawrence	Petri
George	Killion	Maher	

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

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

Mr. **STURLA** offered the following amendment
No. **A00198**:

Amend Bill, page 1, line 2, by inserting after "Statutes,"
providing for debt collection contracts; and
Amend Bill, page 1, lines 5 and 6, by striking out all of said lines
and inserting

Section 1. Title 62 of the Pennsylvania Consolidated Statutes is
amended by adding a section to read:

§ 109. Debt collection contracts.

Contracts entered into by the Office of Attorney General for
debts to be collected under section 204(c) of the act of October 15,
1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
shall include a provision that before reaching a compromise with a

debtor to pay less than the full settlement owed, the Office of Attorney
General must present the referring agency with documentation to
justify the discount and receive approval from the referring agency to
enter into an agreement for such payments.

Section 2. Section 513(e) of Title 62 is amended to read:

Amend Bill, page 1, line 17, by striking out "2" and inserting
3

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

The SPEAKER. On that question, the Speaker recognizes the
gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this is the second part of that same process of
dealing with amendments that refer to the lawsuit of
Kimmitt v. Corbett. What was alleged in that lawsuit was that
collection agencies were accepting lesser dollars than were
agreed to and that that was signed off by the Attorney General's
Office without the referring agency signing off on those. This
would simply ensure that taxpayer dollars are not being
frivolously sent, paying commissions to private collection
agencies that are not meeting the expectations of those agencies.

Again, I would encourage a favorable action on this, and
I imagine that we are probably going to get the same claim that
this is not germane. If that is the case, I would certainly hope
that we could have this bill run through committee
expeditiously so that we can make sure that the maximum
amount of tax dollars are being saved for the citizens of
Pennsylvania; we are not awarding no-bid contracts and we are
not allowing people to do deep discounts to selected people.

GERMANENESS QUESTIONED

The SPEAKER. Will the House agree to the amendment? On
that question, the Chair recognizes the gentleman, Mr. Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

Again, I would argue that it is not germane. This should be
an amendment to the Commonwealth Attorneys Act. But I will
agree with Representative Sturla that it should be vetted in
committee, that this is an amendment to the Procurement Code.
An amendment to the Procurement Code is inappropriate as the
amendment adds a section to the general provision of the
Procurement Code relating to debt collections, which are not
specifically mentioned in the Procurement Code.

So again, I would make the motion that this is not germane
to the underlying bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Westmoreland County,
Mr. Dunbar, has raised the question of whether amendment
A198 is germane.

Under House rule 27, questions involving whether an
amendment is germane to the subject shall be decided by the
House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker seeing no one
seeking recognition, those who believe the amendment is
germane will vote "aye"; those who believe the amendment is
not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Deasy	Kirkland	Ravenstahl
Bishop	DeLissio	Kortz	Readshaw
Boyle, B.	DeLuca	Kotik	Roebuck
Boyle, K.	DePasquale	Kula	Sabatina
Bradford	Dermody	Longietti	Sainato
Brennan	DeWeese	Mahoney	Samuelson
Briggs	Fabrizio	Mann	Santarsiero
Brown, V.	Frankel	Markosek	Santoni
Brownlee	Freeman	Matzie	Shapiro
Burns	Galloway	McGeehan	Smith, K.
Buxton	Gerber	Mirabito	Smith, M.
Caltagirone	Gergely	Mullery	Staback
Carroll	Gibbons	Mundy	Sturla
Cohen	Goodman	Murphy	Thomas
Conklin	Haluska	Myers	Vitali
Costa, D.	Hanna	Neuman	Wagner
Costa, P.	Harhai	O'Brien, M.	Waters
Cruz	Harkins	Parker	Wheatley
Curry	Johnson	Pashinski	White
Daley	Josephs	Payton	Williams
Davidson	Kavulich	Petrarca	Youngblood
Davis	Keller, W.	Preston	

NAYS—108

Adolph	Farry	Maloney	Reichley
Aument	Fleck	Marshall	Roae
Baker	Gabler	Marsico	Rock
Barrar	Geist	Masser	Ross
Bear	Gillen	Metcalfe	Saccone
Benninghoff	Gillespie	Metzgar	Saylor
Bloom	Gingrich	Miccarelli	Scavello
Boback	Godshall	Micozzie	Schroder
Boyd	Grell	Millard	Simmons
Brooks	Grove	Miller	Sonney
Brown, R.	Hackett	Milne	Stephens
Causar	Hahn	Moul	Stern
Christiana	Harhart	Murt	Stevenson
Clymer	Harper	Mustio	Swanger
Cox	Harris	O'Brien, D.	Tallman
Creighton	Heffley	O'Neill	Taylor
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Pickett	Turzai
DiGirolamo	Kampf	Pyle	Vereb
Dunbar	Kauffman	Quigley	Vulakovich
Ellis	Keller, F.	Quinn	Watson
Emrick	Keller, M.K.	Rapp	
Evankovich	Knowles	Reed	Smith, S., Speaker
Evans, J.	Krieger	Reese	
Everett	Major		

NOT VOTING—0

EXCUSED—7

Evans, D.	Hornaman	Lawrence	Petri
George	Killion	Maher	

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

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

The SPEAKER. It is the Speaker's understanding that all other amendments have been withdrawn.

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

STATEMENT BY MRS. DAVIDSON

The SPEAKER. For what purpose does the lady from Delaware County, Mrs. Davidson, seek recognition?

Mrs. DAVIDSON. Amendment No. 169.

The SPEAKER. The Speaker's understanding is that the lady would like to speak on an amendment that she had previously withdrawn? Is that correct?

Mrs. DAVIDSON. It was my understanding that I would be allowed to have a few words about the amendment.

The SPEAKER. The gentlelady is in order under unanimous consent.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

As my colleague, Mr. Dunbar, seeks to improve the competitiveness of awarding State contracts, I, too, want to strengthen the fairness and openness of our contracting process, understanding that millions of tax dollars are being spent. I would like to eliminate sole source contracting for all State agencies, all branches and agencies. Sole source contracting is not good for business and it is not good for the taxpayer.

I understand from my other colleague, Representative Doug Reichley, that he was going to work with me on this bill and put it through the committee process. As a result, I will withdraw the amendment at this time.

The SPEAKER. The Speaker thanks the gentlelady.

And as a matter of information to the members, I would remind them that the use of members' names is not the appropriate manner in which they are identified. They should be identified either by their county or their home municipality and would ask the members' awareness of that procedure.

STATEMENT BY MR. REICHLEY

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Reichley, rise?

Mr. REICHLEY. I just want a personal privilege, Mr. Speaker. Or under unanimous consent, whatever the preference of the Chair is.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. REICHLEY. Thank you, Mr. Speaker.

I did speak with the gentlelady from Delaware County. I had introduced legislation substantially covering the substance of her amendment in HBs 383 and 2167 in the last session, and I did assure her that I would work with her as we try to move forward in a very bipartisan fashion in this session to incorporate her ideas, and we look forward to having the participation from the gentlelady.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 109, PN 84**, entitled:

An Act amending the act of July 10, 1968 (P.L.316, No.154), known as the Legislative Code of Ethics, further providing for definitions, for prohibitions and for civil remedies.

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

Mr. **FRANKEL** offered the following amendment No. **A00166**:

Amend Bill, page 2, by inserting between lines 13 and 14

(4.1) "Domestic partner" means an otherwise unrelated person who resides with an individual if evidence exists to establish that at least three of the following apply:

(i) The person and the individual have entered into a domestic partnership agreement which is recognized by a governmental entity.

(ii) The person and the individual hold common ownership of real property or have a common leasehold interest in property.

(iii) The person and the individual hold joint title to a motor vehicle.

(iv) The person and the individual list a common address on their respective drivers' licenses.

(v) The person and the individual have joint bank or credit accounts.

(vi) The person or the individual has designated the other as a beneficiary:

(A) in a life insurance policy;

(B) for retirement benefits; or

(C) in a will.

(vii) The person or the individual has assigned the other power of attorney or health care power of attorney.

Amend Bill, page 2, line 14, by striking out "(4.1)" and inserting (4.2)

Amend Bill, page 2, by inserting between lines 23 and 24

(5.1) "Immediate family" means the individual's spouse, domestic partner, child, parent, sibling and like relative-in-law.

Amend Bill, page 2, line 24, by striking out "(5.1)" and inserting (5.2)

Amend Bill, page 2, by inserting between lines 29 and 30

(5.3) "Lobbyist" has the meaning given in 65 Pa.C.S. § 13A03 (relating to definitions).

Amend Bill, page 5, line 26, by inserting after "spouse"
, domestic partner

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Let me be clear exactly what this amendment does. It would close a loophole in the Legislative Code of Ethics so that a member would be prohibited from acting as a principal in any transaction involving the Commonwealth or any Commonwealth agency in which the member's domestic partner has a substantial personal economic interest.

Now, I am kind of getting a feel for what the strategy is here on the floor, not wanting to deal with this issue, but it seems to me that if we vote against this, whether it is with a "no" vote or a procedural vote, all of us are just sticking our heads in the

sand. This is the world we live in. We live in a world where people live together in domestic partnerships, long-term, interdependent – financially interdependent, emotionally interdependent – relationships. Two hundred and seventy thousand Pennsylvanians live this way.

It seems to me the right thing to do to close this extraordinary, gaping hole in this extraordinary effort to reform our laws. Both sides of the aisle here agree that we are doing some important things here, but we are creating an enormous exemption for a class of people that I believe our intention is to cover under our Ethics Act, and to ignore it – do not want to deal with it – we are not doing our jobs thoroughly or correctly in order to address this issue.

Again, we can all stick our heads in the sand and say this does not exist, we do not want to deal with this, but this is germane; this is meaningful; this makes this a better piece of legislation as opposed to accepting an entire class of people who can circumvent our intent here today.

So I ask my colleagues, let us vote this amendment. Let us improve our State ethics law. Let us not deal with procedural moves. Let us have an honest debate and not put it off for another day. We should take care of this now. Here and now is the time and the moment of reform. Let us tie up all the loose ends.

I urge you to support my amendment. Thank you very much.

GERMANENESS QUESTIONED

The SPEAKER. Will the House agree to the amendment? On the question, the Speaker recognizes the gentleman, Mr. Marshall.

Mr. MARSHALL. Thank you, Mr. Speaker.

I respect my colleague, I appreciate his remarks, and I have heard the testimony from many of my other colleagues on the floor on this, and I still feel that this motion is not germane to the bill and I ask for that.

The SPEAKER. The gentleman, Mr. Marshall, has moved that the amendment is not germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker. I will be brief.

I obviously understand the routine here, but to say that this is not germane, I would like to understand exactly why my colleague from Beaver County believes it is not germane; it is so germane. I cannot understand how we can consider it not relevant to what we are talking about, closing a loophole. Two hundred and seventy thousand Pennsylvanians fit under the classification. We say to them, if you are going to be a public official or a State employee, you can act unethically with your domestic partner. That is, Mr. Speaker, the essence of germaneness. Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.
 Another chance to discourage marriage among 270,000 Pennsylvanians. Anybody who votes that this is not germane is doing just that. I think it is germane.
 Thank you, Mr. Speaker.
 The SPEAKER. The Speaker thanks the lady.
 On the question, those who believe the amendment to be germane will vote "aye"; those who believe the amendment not to be germane will vote "no."

On the question recurring,
 Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—85

Barbin	DeLissio	Kirkland	Ravenstahl
Bishop	DeLuca	Kortz	Readshaw
Boyle, B.	DePasquale	Kotik	Roebuck
Boyle, K.	Dermoddy	Kula	Sabatina
Bradford	DeWeese	Longiotti	Sainato
Brennan	Fabrizio	Mahoney	Samuelson
Briggs	Frankel	Mann	Santarsiero
Brown, V.	Freeman	Markosek	Santoni
Brownlee	Galloway	Matzie	Shapiro
Burns	Gerber	McGeehan	Smith, K.
Buxton	Gergely	Mirabito	Smith, M.
Caltagirone	Gibbons	Mullery	Staback
Carroll	Goodman	Mundy	Sturla
Cohen	Haluska	Murphy	Thomas
Conklin	Hanna	Myers	Vitali
Costa, D.	Harhai	Neuman	Wagner
Costa, P.	Harkins	O'Brien, M.	Waters
Cruz	Johnson	Parker	Wheatley
Curry	Josephs	Pashinski	White
Daley	Kavulich	Payton	Williams
Davis	Keller, W.	Preston	Youngblood
Deasy			

NAYS—110

Adolph	Everett	Major	Reese
Aument	Farry	Maloney	Reichley
Baker	Fleck	Marshall	Roae
Barrar	Gabler	Marsico	Rock
Bear	Geist	Masser	Ross
Benninghoff	Gillen	Metcalfe	Saccone
Bloom	Gillespie	Metzgar	Saylor
Boback	Gingrich	Miccarelli	Scavello
Boyd	Godshall	Micozzie	Schroder
Brooks	Grell	Millard	Simmons
Brown, R.	Grove	Miller	Sonney
Causer	Hackett	Milne	Stephens
Christiana	Hahn	Moul	Stern
Clymer	Harhart	Murt	Stevenson
Cox	Harper	Mustio	Swanger
Creighton	Harris	O'Brien, D.	Tallman
Culver	Heffley	O'Neill	Taylor
Cutler	Helm	Oberlander	Tobash
Davidson	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Petrarca	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Knowles	Rapp	Smith, S., Speaker
Evans, J.	Krieger	Reed	

NOT VOTING—0

EXCUSED—7

Evans, D. George	Hornaman Killion	Lawrence Maher	Petri
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. It is the Chair's understanding that the remainder of the amendments have been withdrawn?
 Thank you. The Speaker thanks the gentleman.

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

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations. The clerk will read the bills.

The following bills were read:

- HB 103;
- HB 104;
- HB 105;
- HB 107;
- HB 108; and
- HB 109.

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

The SPEAKER. For the information of the members, there will be no further votes.

**HOUSE BILL
 INTRODUCED AND REFERRED**

No. 377 By Representatives EVERETT, BAKER, BENNINGHOFF, BARRAR, BEAR, BOYD, R. BROWN, BUXTON, CALTAGIRONE, CARROLL, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, DAY, DeLUCA, DENLINGER, DUNBAR, FLECK, FRANKEL, GABLER, GEIST, GILLEN, GODSHALL, GROVE, HAHN, HALUSKA, HARKINS, HARRIS, HELM, HESS, HORNAMAN, M.K. KELLER, KIRKLAND, KNOWLES, KRIEGER, LAWRENCE, LONGIETTI, MAHONEY, MAJOR, MALONEY, MASSER, METCALFE, METZGAR, MILLARD, MUSTIO, OBERLANDER, PEIFER, PETRARCA, PICKETT, PYLE, RAPP, REED, REICHLEY, ROAE, ROCK, SACCONI, SAYLOR, SCAVELLO, CULVER, S. H. SMITH, SONNEY, STERN, STEVENSON, TALLMAN, TURZAI, VULAKOVICH, BLOOM, BROOKS, TOEPEL, MOUL and F. KELLER

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for exemptions.

Referred to Committee on LABOR AND INDUSTRY, January 31, 2011.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 15, PN 143**, entitled:

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer investments.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 15 be recommitted to the Appropriations Committee.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business or announcements, the Speaker recognizes the lady, Ms. Culver from Northumberland County, who moves that this House adjourn until Monday, February 7, 2011, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:38 p.m., e.s.t., the House adjourned.