

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 7, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 18

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

The SPEAKER. The prayer today will be offered by Bishop Richard McCray, Church of God, Norristown, PA.

BISHOP RICHARD S. McCRAY, Guest Chaplain of the House of Representatives, offered the following prayer:

Most holy and precious God, it is You we come to. We ask for Your guidance and for Your wisdom and for Your direction for Your servants that You have called for this time, for this season, to make decisions that will affect the lives of Your people.

We pray for peace in the midst of the storms. We pray for calm. We ask that Your Holy Spirit would be with them in every decision, that our great State will become known for the wisdom and the guidance, that there will be a transformation, that there will be a change in our State, that there will be jobs, that there will be housing situations turned around, that our education will be known in this country par excellence.

We thank You, God, for these men and women that have been chosen by Your people to govern this State. We pray for our Governor, our Senators, our Representatives, our officers and our teachers, our hospitals and our schools. We pray for peace, and we ask all this in Your wonderful name. 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 Wednesday, March 2, 2011, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 3, PN 1037 (Amended) By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

TRANSPORTATION.

HB 40, PN 1038 (Amended) By Rep. MARSICO

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.

JUDICIARY.

HB 208, PN 1039 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duties of drivers in accidents involving death or personal injury and for subsequent convictions of certain offenses.

TRANSPORTATION.

HB 898, PN 954 By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sale or transfer of firearms.

JUDICIARY.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 107 By Representatives YOUNGBLOOD, BISHOP, BOBACK, CALTAGIRONE, D. COSTA, CRUZ, DONATUCCI, GINGRICH, JOSEPHS, KIRKLAND, KORTZ, MOUL, PASHINSKI, REICHLEY and SABATINA

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

Referred to Committee on CHILDREN AND YOUTH, March 3, 2011.

No. 110 By Representatives MICOZZIE, DeLUCA, GRELL, GROVE, FABRIZIO, BENNINGHOFF, CALTAGIRONE, CLYMER, GEIST, GINGRICH, HORNAMAN, JOSEPHS, KORTZ, LONGIETTI, MILLER, MILNE, MOUL, MUNDY, READSHAW, STURLA and VULAKOVICH

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the Medical Care Availability and Reduction of Error Fund administered by the Insurance Department.

Referred to Committee on INSURANCE, March 3, 2011.

No. 115 By Representatives GOODMAN, BARRAR, BOYD, B. BOYLE, COHEN, D. COSTA, FABRIZIO, GIBBONS, HORNAMAN, MATZIE, MURPHY, M. O'BRIEN, SABATINA, STURLA, SWANGER, WHITE and YOUNGBLOOD

A Resolution directing the Legislative Budget and Finance Committee to study the fiscal impact of electing the Insurance Commissioner of the Commonwealth by popular vote.

Referred to Committee on INSURANCE, March 4, 2011.

No. 117 By Representatives SCHRODER, BENNINGHOFF, BOYD, D. COSTA, DAVIS, DENLINGER, EVERETT, GABLER, GIBBONS, GINGRICH, GOODMAN, GROVE, HESS, JOSEPHS, KAUFFMAN, KIRKLAND, KNOWLES, MASSER, MILNE, MOUL, O'NEILL, PETRI, PICKETT, READSHAW, REICHLEY, SWANGER, J. TAYLOR, THOMAS, VULAKOVICH and WAGNER

A Resolution urging the Department of General Services to conduct an energy audit on the buildings within the State Capitol Complex to evaluate energy consumption and identify opportunities for reduced energy use within the complex.

Referred to Committee on STATE GOVERNMENT, March 4, 2011.

HOUSE BILLS INTRODUCED AND REFERRED

No. 115 By Representatives GIBBONS, CUTLER, DEASY, DeLUCA, GROVE, KAVULICH, KIRKLAND, MARSHALL and VULAKOVICH

An Act providing for abuse of office, for false reports and for penalties.

Referred to Committee on STATE GOVERNMENT, March 4, 2011.

No. 136 By Representatives B. BOYLE, K. BOYLE, DALEY, DePASQUALE, FABRIZIO, GIBBONS, GOODMAN, HARKINS, JOSEPHS, W. KELLER, KULA, MATZIE, McGEEHAN, MURPHY, MURT, M. O'BRIEN, PASHINSKI, READSHAW, STURLA and TOOHL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, reenacted and amended June 21, 1939 (P.L.520, No.281), in Uninsured Employers Guaranty Fund, further providing for reimbursement and for assessments.

Referred to Committee on LABOR AND INDUSTRY, March 3, 2011.

No. 797 By Representatives FARRY, MURPHY, BARRAR, DiGIROLAMO, MARSHALL, O'NEILL, BISHOP, BRADFORD, CALTAGIRONE, CLYMER, COHEN, D. COSTA, DALEY, DAVIS, DEASY, J. EVANS, EVERETT, FLECK, GIBBONS, GINGRICH, GOODMAN, GROVE, HALUSKA, HARKINS, HESS, HORNAMAN, JOSEPHS, W. KELLER, KOTIK, KULA, LONGIETTI, MANN, MASSER, McGEEHAN, MICCARELLI, MICOZZIE, M. O'BRIEN, PETRARCA, PYLE, QUIGLEY, REICHLEY, SABATINA, J. TAYLOR, TOOHL, VULAKOVICH, WAGNER, GEIST, WATSON, KIRKLAND, B. BOYLE and DeLUCA

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 3, 2011.

No. 800 By Representatives REESE, EVANKOVICH, KRIEGER, DUNBAR, TURZAI, ADOLPH, AUMENT, BENNINGHOFF, BOYD, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, DALEY, DAVIS, DAY, DeLUCA, DENLINGER, ELLIS, FARRY, FLECK, GABLER, GEIST, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HARRIS, HEFFLEY, HELM, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KNOWLES, LONGIETTI, MAJOR, MARSHALL, MARSICO, METCALFE, METZGAR, MILLER, MILNE, MOUL, OBERLANDER, O'NEILL, PEIFER, PETRARCA, PYLE, QUIGLEY, RAPP, REED, ROAE, ROCK, SACCONI, SAYLOR, CULVER, SIMMONS, SONNEY, STERN, SWANGER, TALLMAN, TOOHL, TRUITT, VULAKOVICH, WATSON and PERRY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for prohibited use of public assistance funds.

Referred to Committee on HEALTH, March 3, 2011.

No. 903 By Representatives PICKETT, BAKER, DONATUCCI, FLECK, GEIST, GINGRICH, HESS, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, SCAVELLO, STEVENSON, SWANGER, WATSON, MAJOR, MOUL, VEREB, RAPP and ROCK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

Referred to Committee on TRANSPORTATION, March 3, 2011.

No. 904 By Representatives DAVIS, DeLUCA, CALTAGIRONE, D. COSTA, DALEY, DAVIDSON, FABRIZIO, GOODMAN, HORNAMAN, JOSEPHS, W. KELLER, KORTZ, MANN, McGEEHAN, MURPHY, MURT, M. O'BRIEN, PASHINSKI, QUINN, SANTARSIERO, SWANGER, TALLMAN and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, March 3, 2011.

No. 905 By Representatives YOUNGBLOOD, BISHOP, CALTAGIRONE, CRUZ, DALEY, DONATUCCI, FABRIZIO, GINGRICH, HALUSKA, KORTZ, MANN, MOUL, PAYTON, READSHAW, REICHLEY, SABATINA and WATSON

An Act providing for visitation and inspection of family day-care homes and for reporting; and making a related repeal.

Referred to Committee on CHILDREN AND YOUTH, March 3, 2011.

No. 906 By Representatives MILLER, DePASQUALE, BARRAR, BENNINGHOFF, BRENNAN, CALTAGIRONE, CARROLL, CONKLIN, DALEY, DAVIDSON, DEASY, EVERETT, DeLUCA, GERGELY, GINGRICH, GROVE, HARKINS, HORNAMAN, KILLION, KORTZ, KOTIK, MASSER, MATZIE, MUSTIO, M. O'BRIEN, PASHINSKI, PAYNE, PERRY, RAPP, READSHAW, REICHLEY, SAINATO, SANTONI, SAYLOR, STURLA, J. TAYLOR, WAGNER, YOUNGBLOOD, HALUSKA, FABRIZIO, MICCARELLI and FARRY

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 definitions, for games of chance permitted, for prize limits, for insured games, for limited sales, for recordkeeping, for eligible organizations' use of locations for conducting small games of chance, for separate individual prize limitations and for revocation of licenses; providing for licensed establishments; further providing for enforcement, for penalties and for advertising; and providing for transfer from General Fund to State Lottery Fund.

Referred to Committee on GAMING OVERSIGHT, March 3, 2011.

No. 907 By Representatives BAKER, DENLINGER, STERN, KAUFFMAN, AUMENT, BEAR, BOYD, BROOKS, CAUSER, CLYMER, CUTLER, DALEY, DiGIROLAMO, FLECK, GIBBONS, GINGRICH, GROVE, HARRIS, HESS, HICKERNELL, HUTCHINSON, KILLION, KIRKLAND, KNOWLES, KORTZ, KRIEGER, LAWRENCE, LONGIETTI, MALONEY, MARSHALL, METCALFE, METZGAR, MURT, OBERLANDER, PERRY, PICKETT, RAPP, READSHAW,

ROAE, SCHRODER, STEVENSON, SWANGER, TOEPEL, VULAKOVICH, WATSON, O'NEILL, J. TAYLOR, GEIST, KAVULICH and GILLEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time relating to criminal proceedings, further providing for no limitation applicable and for other offenses.

Referred to Committee on JUDICIARY, March 3, 2011.

No. 908 By Representatives BAKER, DENLINGER, STERN, KAUFFMAN, AUMENT, BEAR, BOYD, BROOKS, CAUSER, CLYMER, CUTLER, DALEY, DiGIROLAMO, FLECK, GIBBONS, GINGRICH, GROVE, HARHART, HARRIS, HESS, HICKERNELL, HUTCHINSON, KILLION, KIRKLAND, KNOWLES, KORTZ, KRIEGER, LAWRENCE, LONGIETTI, MALONEY, MARSHALL, METCALFE, MURT, OBERLANDER, PERRY, PICKETT, RAPP, READSHAW, ROAE, SCHRODER, STEVENSON, SWANGER, TOEPEL, VULAKOVICH, WATSON, O'NEILL, J. TAYLOR, GEIST and GILLEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a notary public or a holder of a professional or occupational license.

Referred to Committee on JUDICIARY, March 3, 2011.

No. 909 By Representatives HARRIS, BENNINGHOFF, CALTAGIRONE, CLYMER, COX, CREIGHTON, DALEY, DAY, EVERETT, FLECK, GABLER, GEIST, GEORGE, GINGRICH, GOODMAN, GRELL, GROVE, HARPER, HESS, HICKERNELL, JOSEPHS, KAUFFMAN, KAVULICH, KILLION, KORTZ, KULA, LONGIETTI, MAJOR, MILLER, MIRABITO, MOUL, MUNDY, OBERLANDER, O'NEILL, PASHINSKI, PAYTON, PICKETT, QUIGLEY, READSHAW, ROCK, SAINATO, SANTARSIERO, SCAVELLO, STERN, STEVENSON, SWANGER, J. TAYLOR, VEREB, VULAKOVICH, WHEATLEY and QUINN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for an exception to the marriage license period for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or emergency.

Referred to Committee on JUDICIARY, March 3, 2011.

No. 912 By Representatives MICOZZIE, RAPP, DeLUCA, GRELL, GROVE, KILLION, ROAE, SCHRODER, SONNEY, B. BOYLE, D. COSTA, AUMENT, BAKER, BARRAR, BENNINGHOFF, BURNS, CALTAGIRONE, CARROLL, CLYMER, COX, CUTLER, DENLINGER, EVERETT, GABLER, GEIST, GIBBONS, GILLEN, KAUFFMAN, KORTZ, LONGIETTI, METCALFE, OBERLANDER, O'NEILL, PYLE, REICHLEY, SAINATO, STERN, SWANGER and TALLMAN

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

Referred to Committee on INSURANCE, March 3, 2011.

No. 913 By Representatives MICOZZIE, DeLUCA, GROVE, FABRIZIO, BENNINGHOFF, CALTAGIRONE, GEIST, GINGRICH, HORNAMAN, KORTZ, MILNE, MUNDY, READSHAW, STURLA and VULAKOVICH

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in insurance, further providing for the Medical Care Availability and Reduction of Error Fund.

Referred to Committee on INSURANCE, March 3, 2011.

No. 914 By Representatives MICOZZIE, DeLUCA, FABRIZIO, CALTAGIRONE, GINGRICH, HORNAMAN, KORTZ, LONGIETTI, MILNE, MUNDY, READSHAW, STURLA and VULAKOVICH

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in insurance, further providing for the Medical Care Availability and Reduction of Error Fund.

Referred to Committee on INSURANCE, March 3, 2011.

No. 915 By Representatives ADOLPH, REICHLEY, CHRISTIANA, GRELL, KILLION, PETRI, SCAVELLO, BEAR, GINGRICH, MILLARD, MUSTIO, PICKETT, BOBACK, CLYMER, GODSHALL, GROVE, HARRIS, HELM, KNOWLES, MICOZZIE, PAYNE, SWANGER and VULAKOVICH

An Act amending the act of July 6, 2010 (P.L. , No.1A), known as the General Appropriation Act of 2010, by further providing for the appropriation of Federal funds and reducing the State appropriation to the Department of Education for basic education.

Referred to Committee on APPROPRIATIONS, March 3, 2011.

No. 916 By Representatives PERRY, AUMENT, BAKER, BLOOM, BOYD, CLYMER, COX, CREIGHTON, CUTLER, EVANKOVICH, EVERETT, FLECK, GABLER, GILLEN, GRELL, GROVE, HESS, HICKERNELL, KAUFFMAN, KNOWLES, METCALFE, MILLER, MOUL, PICKETT, ROCK, STERN and QUINN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions and for establishment and maintenance of employer's reserve accounts; providing for relief from charges; further providing for qualifications required to secure compensation, for ineligibility for compensation and for rate and amount of compensation; providing for effect of severance pay on benefits; further providing for rules of procedure; and providing for applicability.

Referred to Committee on LABOR AND INDUSTRY, March 3, 2011.

No. 917 By Representatives STERN, GEIST and FLECK

An Act designating the bridge carrying State Route 2014 over the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County, as the Sgt. 1st Class Daniel Lightner Memorial Bridge.

Referred to Committee on TRANSPORTATION, March 3, 2011.

No. 918 By Representatives GIBBONS, CUTLER, EVERETT, GROVE, HORNAMAN, HUTCHINSON, KIRKLAND, MURT, M. O'BRIEN, READSHAW, STURLA and VULAKOVICH

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly.

Referred to Committee on STATE GOVERNMENT, March 3, 2011.

No. 919 By Representatives GIBBONS, GROVE, MARSHALL and MURT

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, eliminating the office of Lieutenant Governor and providing for State Treasurer.

Referred to Committee on STATE GOVERNMENT, March 3, 2011.

No. 920 By Representatives GIBBONS, AUMENT, CUTLER, DEASY, EVERETT, GRELL, GROVE, HORNAMAN, KIRKLAND, READSHAW, ROAE and VULAKOVICH

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members and for the Legislative Reapportionment Commission.

Referred to Committee on STATE GOVERNMENT, March 3, 2011.

No. 921 By Representatives GIBBONS, BENNINGHOFF, DeLUCA, GROVE, HORNAMAN and KIRKLAND

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for recall of elected public officers.

Referred to Committee on STATE GOVERNMENT, March 3, 2011.

No. 922 By Representatives GIBBONS, BENNINGHOFF, DeLUCA, GROVE, HORNAMAN and KIRKLAND

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for recall election of State and local officers, for recall petition process, for review of recall petitions, for recall election and for prohibited practices.

Referred to Committee on STATE GOVERNMENT, March 3, 2011.

No. 923 By Representatives ADOLPH, KILLION, BOYD, D. COSTA, GEIST, GILLEN, GINGRICH, W. KELLER, KORTZ, MILLER, MURT, PYLE, QUINN, RAPP, SONNEY and J. TAYLOR

An Act providing limitations on tax abatements and exemptions given by local taxing authorities for residential properties.

Referred to Committee on LOCAL GOVERNMENT, March 3, 2011.

No. 924 By Representatives STEPHENS, CLYMER, CUTLER, GEIST, GINGRICH, GROVE, KILLION, KNOWLES, MALONEY, MURT, SONNEY, VEREB, WATSON, FLECK, O'NEILL and OBERLANDER

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

Referred to Committee on JUDICIARY, March 3, 2011.

No. 925 By Representatives M. K. KELLER, PERRY, BAKER, BENNINGHOFF, BLOOM, BOYD, BROOKS, CAUSER, CREIGHTON, DELOZIER, D. EVANS, EVERETT, FLECK, GABLER, GEIST, GEORGE, GILLESPIE, GINGRICH, GROVE, HESS, HUTCHINSON, KAUFFMAN, KILLION, KORTZ, KOTIK, KULA, MAJOR, MARSICO, MASSER, MILLER, MOUL, PAYNE, PICKETT, PYLE, REICHLEY, ROCK, SAINATO, SONNEY, SWANGER, TALLMAN, VEREB, VULAKOVICH and BEAR

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

Referred to Committee on GAME AND FISHERIES, March 3, 2011.

No. 926 By Representatives BROOKS, BAKER, BOBACK, CAUSER, CLYMER, EVERETT, FLECK, GABLER, GEIST, GINGRICH, HARHART, HORNAMAN, KORTZ, MILLER, MILNE, PEIFER, PICKETT, SCAVELLO, SWANGER and TALLMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for registration.

Referred to Committee on TRANSPORTATION, March 4, 2011.

No. 927 By Representatives DELOZIER, ADOLPH, BOYD, CUTLER, FARRY, GEIST, GINGRICH, GRELL, GROVE, KORTZ, MARSHALL, MILLER, MOUL, VULAKOVICH and WATSON

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

Referred to Committee on LABOR AND INDUSTRY, March 4, 2011.

No. 928 By Representatives HORNAMAN, FABRIZIO, HARKINS, J. EVANS, SONNEY, CALTAGIRONE, JOSEPHS, KORTZ, KOTIK, MAHONEY, MURT, PASHINSKI, READSHAW and SAINATO

An Act making an appropriation to the Department of Conservation and Natural Resources for the purpose of maintaining service at Presque Isle State Park.

Referred to Committee on APPROPRIATIONS, March 4, 2011.

No. 929 By Representatives READSHAW, CALTAGIRONE, DONATUCCI, KORTZ, DALEY, MUSTIO, M. O'BRIEN, PASHINSKI and JOSEPHS

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

Referred to Committee on INSURANCE, March 4, 2011.

No. 930 By Representatives READSHAW, CALTAGIRONE, DeLUCA, BRENNAN, D. COSTA, FABRIZIO, GEIST, KIRKLAND, M. O'BRIEN, PASHINSKI, K. SMITH and STABACK

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 for athletic trainers.

Referred to Committee on PROFESSIONAL LICENSURE, March 4, 2011.

No. 931 By Representatives READSHAW, GEIST, CALTAGIRONE, DALEY, KORTZ, KULA and K. SMITH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for salaried mayor not to receive fees and for duties of solicitor and outside counsel.

Referred to Committee on LOCAL GOVERNMENT, March 4, 2011.

No. 932 By Representatives READSHAW, GEIST, M. O'BRIEN, BRENNAN, CALTAGIRONE, D. COSTA, FABRIZIO, KIRKLAND, PASHINSKI, K. SMITH and STABACK

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 for athletic trainers.

Referred to Committee on PROFESSIONAL LICENSURE, March 4, 2011.

No. 933 By Representatives READSHAW, KORTZ, REICHLEY, CALTAGIRONE, DALEY, FABRIZIO, GEIST, GIBBONS, GOODMAN, KULA, MAHONEY, M. O'BRIEN, PETRARCA, SAINATO, SANTARSIERO and K. SMITH

An Act amending the act of December 18, 1984 (P.L.1004, No.204), entitled "An act extending benefits to police chiefs or heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," further providing for salary of nonunion police officers.

Referred to Committee on LABOR AND INDUSTRY, March 4, 2011.

No. 934 By Representatives METCALFE, AUMENT, BARRAR, BOYD, CAUSER, CLYMER, D. COSTA, COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS, EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL, GROVE, HELM, HICKERNELL, KAUFFMAN, KNOWLES, KRIEGER, MAHER, MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE, RAPP, REED, ROAE, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY, STEVENSON, TALLMAN, TRUITT and VULAKOVICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, defining "proof of identification"; in the Secretary of the Commonwealth, providing for requirements relating to voter identification; and, in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges.

Referred to Committee on STATE GOVERNMENT, March 4, 2011.

No. 935 By Representatives PYLE, AUMENT, BAKER, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CHRISTIANA, CLYMER, COX, CUTLER, DAY, DENLINGER, ELLIS, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GERGELY, GILLEN, GILLESPIE, GROVE, HARHART, HARRIS, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KNOWLES, KRIEGER, LAWRENCE, MAHER, MARSHALL, METCALFE, METZGAR, MILLER, MOUL, MURT, MUSTIO, OBERLANDER, PAYNE, PEIFER, PICKETT, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SAYLOR, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOEPEL, TURZAI, VULAKOVICH, HELM and KORTZ

An Act providing for the possession of firearms in motor vehicles; prohibiting certain acts; imposing duties on employers; and providing for civil immunity under certain circumstances and for enforcement.

Referred to Committee on JUDICIARY, March 4, 2011.

No. 936 By Representatives REESE, BOYD, DeLUCA, DUNBAR, EVANKOVICH, GILLESPIE, HARRIS, KAUFFMAN, KRIEGER, MARSHALL, METZGAR, MURT, MUSTIO, PYLE, REED, SACCONI, SCHRODER, VULAKOVICH, WAGNER and FARRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Referred to Committee on STATE GOVERNMENT, March 4, 2011.

No. 938 By Representatives VULAKOVICH, BUXTON, D. COSTA, EVERETT, FABRIZIO, GABLER, GEIST, GILLEN, HUTCHINSON, KILLION, KORTZ, LONGIETTI, MAJOR, MARSHALL, READSHAW, SANTARSIERO and SWANGER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, establishing and providing for contributions to the Spaying and Neutering Fund.

Referred to Committee on APPROPRIATIONS, March 4, 2011.

No. 939 By Representatives VULAKOVICH, BARRAR, BOBACK, CLYMER, P. COSTA, CREIGHTON, DAY, DENLINGER, GEIST, GROVE, HESS, KAUFFMAN, W. KELLER, KNOWLES, KORTZ, MOUL, SCHRODER, STERN, TALLMAN and WAGNER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for general and specific powers, for gross terminal revenue deductions and for itemized budget reporting.

Referred to Committee on GAMING OVERSIGHT, March 4, 2011.

No. 940 By Representatives PERRY, GEIST, DALEY, CLYMER, FLECK, HARHAI, HESS, HUTCHINSON, KORTZ, MILLER, READSHAW and SCHRODER

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 exclusions from the sales and use tax.

Referred to Committee on FINANCE, March 4, 2011.

No. 941 By Representatives GOODMAN, BARRAR, B. BOYLE, D. COSTA, CUTLER, DENLINGER, FABRIZIO, GIBBONS, HARKINS, MATZIE, MURPHY, M. O'BRIEN, SABATINA, STURLA, WHITE and YOUNGBLOOD

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of the Insurance Commissioner; and further providing for the qualifications thereof.

Referred to Committee on INSURANCE, March 4, 2011.

No. 942 By Representatives SCHRODER, BEAR, BOYD, CLYMER, D. COSTA, CUTLER, DENLINGER, GABLER, GILLEN, GRELL, GROVE, KAUFFMAN, LAWRENCE, METCALFE, METZGAR, MOUL, PERRY, PYLE, REICHLEY, ROAE, SWANGER and TRUITT

An Act providing for voluntary payroll deduction for political contributions, for regulation of labor organization political contributions, for enforcement and for penalties; and imposing powers and duties on the Department of State.

Referred to Committee on STATE GOVERNMENT, March 4, 2011.

No. 943 By Representatives SCHRODER, BOBACK, BOYD, CALTAGIRONE, CARROLL, COHEN, D. COSTA, GINGRICH, GROVE, HENNESSEY, HORNAMAN, MILLARD, MOUL, MULLERY, MURT, PICKETT, RAPP and ROAE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in children's health care, further providing for legislative findings and intent, for definitions, for Children's Health Advisory Council and for outreach.

Referred to Committee on INSURANCE, March 4, 2011.

No. 944 By Representatives SCHRODER, D. COSTA, HARKINS, HORNAMAN, M. K. KELLER, PICKETT, QUINN, WAGNER and WATSON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of service voltage.

Referred to Committee on CONSUMER AFFAIRS, March 4, 2011.

No. 945 By Representatives GOODMAN, BOBACK, BOYD, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, COHEN, CONKLIN, D. COSTA, DALEY, DAY, DEASY, DeWEESE, FABRIZIO, FARRY, FLECK, FREEMAN, GABLER, GEORGE, GIBBONS, GODSHALL, GRELL, GROVE, HALUSKA, HARHAI, HARKINS, HESS, HORNAMAN, JOSEPHS, KAVULICH, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAHONEY, MARSICO, MATZIE, McGEEHAN, MICOZZIE, MILLARD, MILLER, MIRABITO, MULLERY, MUNDY, MURPHY, MUSTIO, O'NEILL, PYLE, REED, REICHLEY, ROAE, SAINATO, SANTONI, SCAVELLO, SCHRODER, K. SMITH, STEVENSON, VULAKOVICH, WAGNER, WATSON, WHITE and PETRARCA

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for expiration of authority.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 4, 2011.

No. 947 By Representatives SCHRODER, AUMENT, BARRAR, BOBACK, BOYD, BROOKS, CONKLIN, D. COSTA, CREIGHTON, CUTLER, DeLUCA, FLECK, GABLER, GINGRICH, GRELL, GROVE, HARRIS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, MILNE, MOUL, PYLE, ROAE, SWANGER, TALLMAN, TRUITT and WATSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for budget by operation of law.

Referred to Committee on APPROPRIATIONS, March 4, 2011.

No. 948 By Representatives SCHRODER, BAKER, AUMENT, BLOOM, BOYD, COX, CREIGHTON, CUTLER, DENLINGER, FLECK, GILLEN, GINGRICH, GROVE, HARRIS, HICKERNELL, HUTCHINSON, KNOWLES, MILLER, MOUL, MUSTIO, PETRI, PICKETT, PYLE, RAPP, ROAE, ROCK, SAYLOR, STERN, SWANGER, TALLMAN, VULAKOVICH and METCALFE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for health care services.

Referred to Committee on INSURANCE, March 4, 2011.

No. 949 By Representatives SCHRODER, CUTLER, BAKER, BARRAR, BOYD, COHEN, D. COSTA, DENLINGER, GEIST, GINGRICH, GRELL, GROVE, MUNDY, MURT, QUINN, RAPP, SWANGER, TOEPEL, VULAKOVICH and WATSON

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for suspension, removal, discipline and other sanctions within the Judiciary, for the Judicial Conduct Board and the Court of Judicial Discipline.

Referred to Committee on JUDICIARY, March 4, 2011.

No. 950 By Representatives SCHRODER, CALTAGIRONE, DENLINGER, MILLER, MOUL, MURT and VULAKOVICH

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of condominiums, cooperatives and planned communities, further providing for quorums; and providing for management of substantial condominiums, substantial cooperatives and substantial planned communities.

Referred to Committee on URBAN AFFAIRS, March 4, 2011.

No. 951 By Representatives SCHRODER, D. COSTA, FABRIZIO, GEORGE, GINGRICH, GOODMAN, GROVE, HORNAMAN, KAVULICH, MILLER, MOUL, MURT, PYLE, ROAE, SWANGER, TRUITT, WATSON and WHITE

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for the definitions of "telemarketing" and "telephone solicitation call" and for unlawful acts and penalties.

Referred to Committee on CONSUMER AFFAIRS, March 4, 2011.

No. 952 By Representatives SCHRODER, CALTAGIRONE, CLYMER, D. COSTA, GILLESPIE, HORNAMAN, KAUFFMAN, KNOWLES, MICOZZIE, MILNE, M. O'BRIEN, PYLE, RAPP, SWANGER, TALLMAN and VEREB

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for penalties and for Accelerated Rehabilitative Disposition.

Referred to Committee on TRANSPORTATION, March 4, 2011.

No. 953 By Representatives SCHRODER, CARROLL, COHEN, D. COSTA, CREIGHTON, DALEY, GEORGE, GIBBONS, GINGRICH, GOODMAN, HARHART, HESS, METZGAR, MILNE, MUNDY, PICKETT, PYLE, ROCK and TRUITT

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for additional powers of certain public utility corporations.

Referred to Committee on COMMERCE, March 4, 2011.

No. 954 By Representatives BARRAR, BOBACK, BOYD, BRENNAN, CONKLIN, D. COSTA, DEASY, DeLUCA, DENLINGER, FARRY, FLECK, GABLER, GIBBONS, GOODMAN, GROVE, HARHAI, HARHART, HARRIS, HESS, HORNAMAN, KAUFFMAN, KILLION, KORTZ, KULA, MARSHALL, MARSICO, METZGAR, MUNDY, MURT, D. O'BRIEN, O'NEILL, PAYNE, PYLE, READSHAW, REICHLEY, ROAE, SACCONI, SAINATO, SCAVELLO, K. SMITH, SWANGER, J. TAYLOR, VULAKOVICH and WHITE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for State Gaming Fund.

Referred to Committee on APPROPRIATIONS, March 4, 2011.

No. 955 By Representatives BARRAR, BAKER, BEAR, BOBACK, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, CLYMER, COHEN, D. COSTA, DAVIDSON, DEASY, DENLINGER, DeWEESE, ELLIS, J. EVANS, EVERETT, FLECK, FREEMAN, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HALUSKA, HARRIS, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, KAVULICH, M. K. KELLER, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MULLERY, MURPHY, MURT, O'NEILL, PAYNE, PETRARCA, PICKETT, PYLE, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO, SANTARSIERO, SCHRODER, SONNEY, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, THOMAS, TOEPEL, VEREB, VULAKOVICH, WAGNER, WATSON, WHITE and YOUNGBLOOD

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for expiration of authority.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 4, 2011.

No. 956 By Representatives MATZIE, CALTAGIRONE, DONATUCCI, FABRIZIO, HORNAMAN, JOSEPHS, KORTZ, MANN, METZGAR, PASHINSKI and VITALI

An Act amending the act of July 20, 1974 (P.L.537, No.184), referred to as the Honey Sale and Labeling Act, further providing for a standard of identity for manufactured honey.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 7, 2011.

No. 957 By Representatives McGEEHAN, DeLUCA, BRENNAN, DALEY, DONATUCCI, GOODMAN, HORNAMAN, KORTZ, KOTIK, SAINATO, SWANGER, VULAKOVICH and WHEATLEY

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for refusal of benefits.

Referred to Committee on STATE GOVERNMENT, March 7, 2011.

No. 958 By Representatives WATSON, DONATUCCI, KAUFFMAN, REICHLEY, BAKER, CALTAGIRONE, CLYMER, COHEN, CUTLER, DAY, FLECK, GIBBONS, GINGRICH, GOODMAN, GRELL, GROVE, HARHART, HARRIS, KOTIK, KULA, MILNE, MUSTIO, O'NEILL, RAPP, READSHAW, STERN, STEVENSON, SWANGER, VULAKOVICH and QUINN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

Referred to Committee on HEALTH, March 7, 2011.

No. 959 By Representatives PRESTON, BRENNAN, BUXTON, CALTAGIRONE, DONATUCCI, HENNESSEY, JOSEPHS, KORTZ, MILLARD, SAINATO and VULAKOVICH

An Act providing funding for standards and for implementation of a 211 abbreviated dialing code for information and human services referral telephone service; establishing the 211 Advisory Board; and making an appropriation.

Referred to Committee on CONSUMER AFFAIRS, March 7, 2011.

No. 960 By Representatives GINGRICH, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CLYMER, D. COSTA, CREIGHTON, CUTLER, DENLINGER, ELLIS, EVANKOVICH, EVERETT, FLECK, GABLER, GEIST, GIBBONS, GILLEN, GILLESPIE, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HARHART, HARPER, HARRIS, HEFFLEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KNOWLES, KORTZ, KRIEGER, LAWRENCE, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, MILLARD, MILLER, MILNE, MOUL, MURT, MUSTIO, OBERLANDER, O'NEILL, PAYNE, PERRY, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, ROSS, SAYLOR, SCAVELLO, SCHRODER, K. SMITH, SONNEY, STERN, STEVENSON, STURLA, SWANGER, TALLMAN, TOBASH, TOEPEL, TOOHIL, VULAKOVICH and WATSON

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for fraud detection system and for income eligibility verification system.

Referred to Committee on HEALTH, March 7, 2011.

No. 961 By Representatives SIMMONS, AUMENT, BAKER, BRENNAN, CAUSER, COX, CREIGHTON, DAY, DENLINGER, EVANKOVICH, EVERETT, FABRIZIO, FLECK, GEIST, GILLEN, GROVE, HEFFLEY, HORNAMAN, KAUFFMAN, F. KELLER, KILLION, LAWRENCE, LONGIETTI, MUSTIO, OBERLANDER, PYLE, READSHAW, REICHLEY, SAINATO, STEVENSON, VEREB and WATSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driver's license issuance and content and for State and local administration.

Referred to Committee on TRANSPORTATION, March 7, 2011.

No. 962 By Representatives BENNINGHOFF, CALTAGIRONE, D. COSTA, CUTLER, GABLER, HORNAMAN, HUTCHINSON, LAWRENCE, METCALFE, MILNE, RAPP, READSHAW, ROAE, TRUITT and VULAKOVICH

An Act prohibiting public funding of certain plaques projects.

Referred to Committee on STATE GOVERNMENT, March 7, 2011.

No. 963 By Representatives BENNINGHOFF, BOBACK, CALTAGIRONE, CLYMER, D. COSTA, DAVIS, DENLINGER, EVERETT, FARRY, FLECK, FRANKEL, GILLEN, GINGRICH, GROVE, HARHART, HARRIS, JOSEPHS, KAVULICH, KNOWLES, MILLARD, D. O'BRIEN, PICKETT, RAPP, K. SMITH, SONNEY, SWANGER and VULAKOVICH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for original birth record.

Referred to Committee on CHILDREN AND YOUTH, March 7, 2011.

No. 964 By Representatives BENNINGHOFF, BARRAR, BOYD, CAUSER, DENLINGER, EVERETT, FLECK, GABLER, GINGRICH, GROVE, MAJOR, MOUL, PICKETT, PYLE, ROCK, SONNEY, STEVENSON and SWANGER

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

Referred to Committee on LABOR AND INDUSTRY, March 7, 2011.

No. 965 By Representatives BENNINGHOFF, BOBACK, BOYD, BROOKS, CALTAGIRONE, CAUSER, CLYMER, D. COSTA, CUTLER, DAVIS, DeLUCA, DENLINGER, FARRY, FLECK, GABLER, GILLEN, GINGRICH,

GOODMAN, GRELL, HARRIS, HORNAMAN, JOSEPHS, KAVULICH, KNOWLES, LAWRENCE, LONGIETTI, MARSHALL, MILLARD, MILLER, MILNE, MUNDY, MURT, M. O'BRIEN, PICKETT, PYLE, RAPP, READSHAW, REICHLEY, ROAE, SCHRODER, K. SMITH, STERN, SWANGER, VULAKOVICH, WAGNER and WHITE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, defining "prerecorded political message"; and further providing for advertising.

Referred to Committee on STATE GOVERNMENT, March 7, 2011.

No. 966 By Representatives BENNINGHOFF, CALTAGIRONE, CAUSER, COHEN, CUTLER, DAY, DENLINGER, ELLIS, EVERETT, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GROVE, HARRIS, KAUFFMAN, KULA, MURT, MYERS, PETRARCA, PYLE, RAPP, ROCK, SWANGER, VULAKOVICH and YOUNGBLOOD

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 sales and use tax exclusions.

Referred to Committee on APPROPRIATIONS, March 7, 2011.

No. 967 By Representatives BENNINGHOFF, AUMENT, BLOOM, CAUSER, CHRISTIANA, CLYMER, CUTLER, EVERETT, FLECK, GILLEN, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HICKERNELL, KAUFFMAN, KNOWLES, MAJOR, MANN, METCALFE, MILNE, MOUL, MUSTIO, PICKETT, PYLE, RAPP, REED, ROSS, SONNEY, STERN, STEVENSON, VULAKOVICH and WATSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

Referred to Committee on STATE GOVERNMENT, March 7, 2011.

No. 968 By Representatives BENNINGHOFF, CHRISTIANA, CUTLER, DAY, EVANKOVICH, FLECK, GINGRICH, GROVE, HALUSKA, HARRIS, KAUFFMAN, KULA, MAHONEY, MAJOR, METCALFE, MILLARD, MUNDY, MUSTIO, PICKETT, PYLE, REICHLEY, ROAE, ROSS, SANTONI, SONNEY, VULAKOVICH and WHEATLEY

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for place of filing certain statements and reports.

Referred to Committee on STATE GOVERNMENT, March 7, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 199, PN 170

Referred to Committee on TRANSPORTATION, March 3, 2011.

SB 265, PN 242

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 3, 2011.

SB 353, PN 447

Referred to Committee on URBAN AFFAIRS, March 3, 2011.

BILLS REREPORTED FROM COMMITTEE

HB 372, PN 337 By Rep. ADOLPH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

APPROPRIATIONS.

HB 373, PN 338 By Rep. ADOLPH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers.

APPROPRIATIONS.

HB 374, PN 713 By Rep. ADOLPH

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

APPROPRIATIONS.

HB 377, PN 884 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 562, PN 540 By Rep. ADOLPH

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions; and abrogating a regulation.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 915, PN 978 By Rep. ADOLPH

An Act amending the act of July 6, 2010 (P.L. , No.1A), known as the General Appropriation Act of 2010, by further providing for the appropriation of Federal funds and reducing the State appropriation to the Department of Education for basic education.

APPROPRIATIONS.

LEAVES OF ABSENCE

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

On that, the Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. HENNESSEY, from Chester County for the day; for the gentleman, Mr. MILNE, from Chester County for the day; for the lady, Mrs. WATSON, from Bucks County for the day; for the gentleman, Mr. GROVE, from York County for the week; for the gentleman, Mr. KILLION, from Delaware County for the week. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests leave of absence for the gentleman, Mr. BUXTON, from Dauphin County for the day; the gentleman, Mr. COHEN, from Philadelphia County for the day; the gentleman, Mr. DePASQUALE, from York County for the day; the gentleman, Mr. JOHNSON, from Philadelphia County for the day; the lady, Ms. WAGNER, from Allegheny County for the day; and the gentleman, Mr. CRUZ, from Philadelphia for the week. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—192

Adolph	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, D.	Lawrence	Reed
Barbin	Evans, J.	Longietti	Reese
Barrar	Everett	Maher	Reichley
Bear	Fabrizio	Mahoney	Roae
Benninghoff	Farry	Major	Rock
Bishop	Fleck	Maloney	Roebuck
Bloom	Frankel	Mann	Ross
Boback	Freeman	Markosek	Sabatina
Boyd	Gabler	Marshall	Saccone
Boyle, B.	Galloway	Marsico	Sainato
Boyle, K.	Geist	Masser	Samuelson
Bradford	George	Matzie	Santarsiero
Brennan	Gerber	McGeehan	Santoni
Briggs	Gergely	Metcalfe	Saylor
Brooks	Gibbons	Metzgar	Scavello
Brown, R.	Gillen	Miccarelli	Schroder

Brown, V.	Gillespie	Micozzie	Shapiro
Brownlee	Gingrich	Millard	Simmons
Burns	Godshall	Miller	Smith, K.
Caltagirone	Goodman	Mirabito	Smith, M.
Carroll	Grell	Moul	Sonney
Causser	Hackett	Mullery	Staback
Christiana	Hahn	Mundy	Stevens
Clymer	Haluska	Murphy	Stern
Conklin	Hanna	Murt	Stevenson
Costa, D.	Harhai	Mustio	Sturla
Costa, P.	Harhart	Myers	Swanger
Cox	Harkins	Neuman	Tallman
Creighton	Harper	O'Brien, D.	Taylor
Culver	Harris	O'Brien, M.	Thomas
Curry	Heffley	O'Neill	Tobash
Cutler	Helm	Oberlander	Toepel
Daley	Hess	Parker	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hornaman	Payne	Turzai
Day	Hutchinson	Payton	Verab
Deasy	Josephs	Peifer	Vitali
DeLissio	Kampf	Perry	Vulakovich
Delozier	Kauffman	Petrarca	Waters
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S., Speaker
Dunbar	Kortz	Rapp	
Ellis	Kotik		

ADDITIONS—0

NOT VOTING—0

EXCUSED—11

Buxton	DePasquale	Johnson	Wagner
Cohen	Grove	Killion	Watson
Cruz	Hennessey	Milne	

LEAVES ADDED—1

O'Brien, D.

LEAVES CANCELED—2

Hennessey Watson

The SPEAKER. One hundred and ninety-two members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some guests.

To the left of the Speaker, we welcome Marta Moszczenska, the consul general of Canada in Buffalo; David F.J. Marshall, consul and senior trade commissioner at the Canadian consulate in Philadelphia; Paul Gillis, Philadelphia consulate staff; and Dan Kolundzic and Bryan Roth, the Buffalo consulate staff. They are guests of Representative Jerry Stern. Please welcome our guests to the hall of the House.

SARAH BISHOP PRESENTED

The SPEAKER. For the purpose of presenting a citation, the Speaker welcomes Representative Ellis and Representative Stevenson, who are invited to the rostrum for the purpose of presenting a citation. With the Representatives is Sarah Bishop, who will be accepting this citation in recognition of her distinction as Distinguished Young Woman of Pennsylvania 2011.

Along with Sarah, seated to the left of the Speaker, are her mother, Lori Bishop; Fred and Shirley Smith, the Distinguished Young Women of Pennsylvania State cochairpersons; Barbara Brandon, the Distinguished Young Women of Butler County chairperson; and Richard Heslop, president of the Johnstown Kiwanis Club, the sponsor of the State program.

The Speaker recognizes the gentleman, Mr. Ellis.

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

The SPEAKER. The gentleman may proceed.

Mr. ELLIS. I apologize, Mr. Speaker. But thank you very much, Mr. Speaker. And quite honestly, colleagues, I cannot think of a better way to start a Monday session day than with the introduction of someone as special as we have here today.

It is my honor to present to you a resident of Butler County, the 2010 Butler County Junior Miss, Sarah Bishop. I would also mention that Sarah's other family members who were unable to join her today include her father, Scott, and her three little sisters. So maybe down the road we will have another Bishop here receiving the same honor.

But in all seriousness, Mr. Speaker, after being awarded Butler County's Junior Miss in 2010, she advanced to the State level where she was fortunate enough to become Pennsylvania's first Distinguished Young Woman. So it is quite an honor to have her here today. She is grateful for the amazing opportunity and is excited to travel, representing Pennsylvania in Mobile, Alabama, this summer to compete for America's Distinguished Young Woman.

Mr. Speaker, Sarah is a senior at Butler Area High School. She is contemplating where to attend college, but she is passionate about studying musical theater and making that her career path. Sarah, my colleagues and I wish you well.

Sarah is actively involved in local and high school musicals, the Pennsylvania Music Educators Association, and the Butler Golden Tornado Marching Band. Sarah plays the piano and the trumpet and is well versed in dance, singing, and acting.

Mr. Speaker, Sarah's honors include the National Honor Society, becoming Butler County's Musician of Note in 2008, 2009, and 2011. She also represented the Butler thespian troupe as the president, and she was awarded the performance scholarship at the thespian State convention. She also won first place at the regional and State levels of Pennsylvania's Junior Academy of Science. She also at that event, Mr. Speaker, won a scholarship for overall best behavioral project, and she also received first chair at the PMEA (Pennsylvania Music Educators Association) State-level festivals in 2009 and 2010. So as I said, Mr. Speaker, you can see she really is quite distinguished here in Pennsylvania.

At this point, Mr. Speaker, I would like to turn it over to Representative Dick Stevenson, who is going to say a few words as well.

The SPEAKER. The gentleman, Mr. Stevenson, may proceed.

Mr. STEVENSON. Thank you, Mr. Speaker.

As you have already heard, Sarah is a distinguished young woman. Her accomplishments surely are worthy of note to those of us here in the House of Representatives, but truly, to all Pennsylvanians.

At the Junior Miss competition, Sarah sang "If I Had My Way" and spoke on the topic of public schools, fearing that their performance arts departments, the funding might be reduced.

Sarah is singing today as well, so I am pleased to welcome, in addition to providing her with a citation from the House of Representatives today, signed by the Representative and myself, Representative Ellis and myself, I am pleased to welcome her today to the microphone so that we can hear her and truly appreciate her talent. Mr. Speaker and colleagues, Sarah will now perform one of our country's most patriotic songs, "God Bless America." Sarah.

The SPEAKER. Sarah, if you could just hold on one second until we get their attention.

Would the members please take their seats and clear the aisles. If we could have your attention just for a few minutes.

You go whenever you are ready.

("God Bless America" was sung by Sarah Bishop.)

The SPEAKER. The Speaker thanks the young lady and hopes she recognizes that she had more of their attention than I will have of their attention for the rest of the week.

GUESTS INTRODUCED

The SPEAKER. The Speaker would also like to recognize other guests of Representative Dick Stevenson, although I do not think they are going to sing. They are over here to the left of the Speaker. Please welcome Tim Bonner and Jim Veder, guests of Representative Dick Stevenson. Welcome to the hall of the House, gentlemen.

Let us also welcome, located to the left of the Speaker, members of the Master Builders' Association – Jon O'Brien, Jack Ramage, and Robert McCall. They are guests of Representative Matt Smith. Gentlemen, welcome to the hall of the House.

The Speaker would like to recognize, in the well of the House, serving as guest pages, Megan Keller, Mark Mendez, Bernard Dunham, James Johnson, Stephanie Rios, and Rhiannon Trate, who are cadets with the 811th Squadron Civil Air Patrol of Reading, and they are the guests of Representative Jim Cox. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. M. SMITH called up **HR 53, PN 405**, entitled:

A Resolution recognizing and honoring the Master Builders' Association of Western Pennsylvania on its 125th anniversary.

* * *

Mr. HESS called up **HR 84, PN 777**, entitled:

A Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Pennsylvania chapters of the National Multiple Sclerosis Society for their work; and recognizing the week of March 14 through 20, 2011, as "Multiple Sclerosis Awareness Week" in Pennsylvania.

* * *

Mr. GOODMAN called up **HR 88, PN 781**, entitled:

A Resolution congratulating the American Cancer Society for its commitment to research and public service and designating the week of March 14 through 20, 2011, as "Daffodil Days Awareness Week" in Pennsylvania.

* * *

Mr. MAHER called up **HR 95, PN 852**, entitled:

A Resolution designating March 29, 2011, as "Pennsylvania Farm Bureau Day."

* * *

Mr. CAUSER called up **HR 98, PN 886**, entitled:

A Resolution designating the week of March 21 through 27, 2011, as "Maple Producers Week" in Pennsylvania.

* * *

Ms. JOSEPHS called up **HR 100, PN 924**, entitled:

A Resolution recognizing March 8, 2011, as "International Women's Day" in Pennsylvania.

* * *

Mr. STEVENSON called up **HR 101, PN 925**, entitled:

A Resolution designating the month of March 2011 as "Brain Injury Awareness Month" in Pennsylvania.

* * *

Mr. MARKOSEK called up **HR 102, PN 926**, entitled:

A Resolution congratulating the Pittsburgh Supercomputing Center on the 25th anniversary of its founding.

* * *

Mr. STERN called up **HR 103, PN 927**, entitled:

A Resolution recognizing the week of May 7 through 15, 2011, as "National Travel and Tourism Week" and March 15, 2011, as "Tourism Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Buxton	DePasquale	Johnson	Wagner
Cohen	Grove	Killion	Watson
Cruz	Hennessey	Milne	

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Under unanimous consent, the Speaker recognizes the gentleman, Mr. Dick Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker. Under unanimous consent.

I have remarks I would like to submit for the record on HR 101.

The SPEAKER. The Speaker thanks the gentleman.

Mr. STEVENSON. Thank you.

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

Thank you, Mr. Speaker.

Before us this afternoon is a resolution that has the potential to impact every person in this chamber, every athlete within our Commonwealth, every soldier that enters combat, and every family that calls Pennsylvania home.

At any point in our lives and in those of our constituents and their families, someone can suffer a brain injury.

A brain injury can occur at any time and at any place. The effects of such an injury can be devastating and life-altering.

A brain injury can be anything from a bump on the head while getting out of a car, to a routine tackle in a football game, to a serious vehicle crash or combat assault.

In fact, Mr. Speaker, the death of brain cells – as the result of trauma or illness – disrupts neural pathways that can affect the way a person thinks, feels, and acts. It is also the leading cause of disability and death from birth through the age of 40.

Ten million Americans live every day with an acquired brain injury, and more than 130,000 Pennsylvanians are living with a long-term disability due to traumatic brain injury.

Unfortunately, many of those afflicted did not know immediately the severity of their injuries. Without prompt and proper treatment of brain injuries, symptoms easily can be missed. A person can be underdiagnosed or misdiagnosed, resulting sometimes in even greater injury.

As the chairman of the House Brain Injury Caucus, I feel it is important to raise awareness of brain injuries among our colleagues and among our population of 12.5 million residents, and for all of us to be aware that the cost of treating, rehabilitation, and caring for the victims of traumatic brain injury nationwide is nearly \$30 billion each year.

In addition to the short-term and long-term impact these types of injuries have on the finances of government, the Centers for Disease Control and Prevention estimates that 25 percent to 87 percent of inmates have a history of traumatic brain injury. Furthermore, a study has found that 20 percent of the juvenile justice population has been unconscious for 20 minutes or more due to a traumatic brain injury.

On the athletic fields and arenas, 50,000 to 125,000 mild traumatic brain injuries, such as concussions, result from sports and recreation accidents in Pennsylvania each year, and more than 32,000 Pennsylvania children under the age of 21 have a medical history that includes hospitalization from traumatic brain injury.

Fortunately for our residents, our State is home to a number of leading research centers and we have some of the very finest organizations devoted to brain injury. All of us working together – from trauma teams to nonprofit organizations to governmental agencies – can seek to raise awareness of this condition in an effort to prevent and effectively treat these traumatic injuries.

It is for this reason and many others that I have sponsored HR 101. At this time I respectfully would ask for the unanimous support of our membership to recognize March 2011 as "Brain Injury Awareness Month" in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The House will come to order. If we could have the members' attention. The following order of business is a condolence resolution and we would appreciate the courtesy of the members. Members will please take their seats.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. GILLEN called up **HR 52, PN 404**, entitled:

A Resolution recognizing and honoring the life and service of United States Army Staff Sergeant Sean M. Flannery and paying tribute to his ultimate sacrifice in the line of duty while on patrol in Kandahar Province, Afghanistan.

On the question,
Will the House adopt the resolution?

The SPEAKER. The members will please stand as a sign of respect, and we will have a moment of silence in honor of the fallen soldier.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of United States Army S. Sgt. Sean M. Flannery.)

The SPEAKER. The members may be seated.

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

The following roll call was recorded:

YEAS—192

Adolph	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, D.	Lawrence	Reed
Barbin	Evans, J.	Longietti	Reese
Barrar	Everett	Maher	Reichley
Bear	Fabrizio	Mahoney	Roae
Benninghoff	Farry	Major	Rock
Bishop	Fleck	Maloney	Roebuck
Bloom	Frankel	Mann	Ross
Boback	Freeman	Markosek	Sabatina
Boyd	Gabler	Marshall	Saccone
Boyle, B.	Galloway	Marsico	Sainato
Boyle, K.	Geist	Masser	Samuelson
Bradford	George	Matzie	Santarsiero
Brennan	Gerber	McGeehan	Santoni
Briggs	Gergely	Metcalfe	Saylor
Brooks	Gibbons	Metzgar	Scavello
Brown, R.	Gillen	Miccarelli	Schroder
Brown, V.	Gillespie	Micozzie	Shapiro
Brownlee	Gingrich	Millard	Simmons
Burns	Godshall	Miller	Smith, K.
Caltagirone	Goodman	Mirabito	Smith, M.
Carroll	Grell	Moul	Sonney
Causier	Hackett	Mullery	Staback
Christiana	Hahn	Mundy	Stephens
Clymer	Haluska	Murphy	Stern

Conklin	Hanna	Murt	Stevenson
Costa, D.	Harhai	Mustio	Sturla
Costa, P.	Harhart	Myers	Swanger
Cox	Harkins	Neuman	Tallman
Creighton	Harper	O'Brien, D.	Taylor
Culver	Harris	O'Brien, M.	Thomas
Curry	Heffley	O'Neill	Tobash
Cutler	Helm	Oberlander	Toepel
Daley	Hess	Parker	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hornaman	Payne	Turzai
Day	Hutchinson	Payton	Vereb
Deasy	Josephs	Peifer	Vitali
DeLissio	Kampf	Perry	Vulakovich
DeLozier	Kauffman	Petrarca	Waters
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S., Speaker
Dunbar	Kortz	Rapp	
Ellis	Kotik		

NAYS—0

NOT VOTING—0

EXCUSED—11

Buxton	DePasquale	Johnson	Wagner
Cohen	Grove	Killion	Watson
Cruz	Hennessey	Milne	

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

* * *

Mr. SAINATO called up **HR 104, PN 928**, entitled:

A Resolution honoring the life of Charles "Chuck" William Tanner, former general manager of the Pittsburgh Pirates, who died on February 11, 2011.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Speaker recognizes the gentleman, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise here this afternoon to honor the memory of Charles "Chuck" Tanner, a name that is synonymous with western Pennsylvania and Pennsylvania.

Charles "Chuck" Tanner was a true legend in western Pennsylvania. He was born on the 4th of July in 1928. He signed his first contract with the Milwaukee Braves. On April 12, 1955, in his first plate appearance, on the first pitch, he hit a home run. He went on to play for the Chicago Cubs, the Cleveland Indians, and the Los Angeles Angels during his 8-year career, but his baseball career was not about his play; it was about his manager's skills.

In 1977, the year I graduated high school, Chuck Tanner came to the Pittsburgh Pirates. It was a very unusual situation. The Pittsburgh Pirates fans will remember that they traded Manny Sanguillén, star catcher for the Pirates, to the Oakland

Athletics in order to secure Chuck Tanner, and that, I think, was probably the first time in baseball that you traded a player to get a manager.

Two years later the Pittsburgh Pirates won the World Series, the last time we were in the World Series, and won. We were down three games to one, and no one gave them much of a chance to come back, but Chuck Tanner's positive, always there, ready, you know, never-say-lose attitude brought them back.

During that week in 1971, his mother died during the series, and I have heard this story many times. He was there at the game, and I know Chuck has said, you know, "Chuck, you're here," and he went back and he said, "My mother would have wanted me to be here," and that was the inspiration. Chuck was a great baseball man, but he was also a great individual. Anybody who knew him would know that.

He is from Neshannock Township in my district. I met Chuck Tanner in the early nineties. My good friend and my original campaign chairman, Joe Trimble, who was a very well-respected member of our community, was a childhood friend of Chuck Tanner's. He introduced me to him at a breakfast up in Croton when Chuck was giving a speech for the church. And it was a real thrill for me, because I grew up in an era when the Pirates were great and Chuck was the manager and we used to listen on our radios before each game was on TV, not like it is today, and, you know, having a chance to meet Chuck Tanner was a real thrill for you. It was really something to be proud of. And in my course of serving in the legislature over the years, I had a chance to really get to know Chuck Tanner well. On Wednesdays, when I am not here with you, every Wednesday Chuck, when he was in town, would be at Chuck Tanner's Restaurant, which he had in Neshannock. And he had sold the restaurant but he was still there frequently, and he and a lot of the old-timers would tell baseball stories and just talk about the events of the day, and he would tell us some great stories.

And I had a chance to be with him at many banquets, and in 2004 when Neshannock won the State championship, Chuck was the main speaker. And after he gave his speech, and did what he had to do, I had to follow him. I said the worst thing you could ever do is follow Chuck Tanner when you are presenting a citation, because he could keep rooms in silence with baseball stories.

But I will say this, and I have used this phrase many times when talking about political speeches, and I have told people, when you give a political speech, try to keep it short. I said, the only guy I can sit there and listen to give a speech for about an hour is Chuck Tanner, because he could tell baseball stories and everyone would be interested and the time would just fly by. And I said that on many occasions, and I truly meant that, because the way he would tell stories, it was amazing.

So this is a special day that we do honor Chuck Tanner, because he was such a community asset to us in western Pennsylvania. Whether it be Pittsburgh, New Castle, Butler – you name it – he was out doing things, and he did a lot in the community. He did it for free. He could have been paid lots of dollars to give speeches and stuff, but he would do a banquet if they asked him. If you walked in the restaurant and there would be a young kid there and asked for an autograph, he could not wait to take out a pen and give it to him. He always wore his hat, his flap-down hat.

And he would always ask, if you would go to breakfast – and we have one of our members here on the floor that played for Chuck, Mr. DeWeese; it was fantasy camp, but he did play for Chuck for a couple of years – and he would say, how is my player doing? So I do think we need to bring that up. So one of our colleagues did play under Chuck Tanner. I do not know of anyone else who may have.

But I do thank you, Mr. Speaker, for giving me the opportunity to address this. Chuck's funeral was a little while back, and you had players from all over the country come in to pay their last respects. And when you think back and you think about his life, and Jim Leyland, I think, made the best comments that I read in the paper, he said, we are sad, we feel bad, but Chuck lived a great life; he did what he wanted to do; he did it with dignity, respect, honor. And I think that is how we all will remember Chuck Tanner, because when you live a life like he did with such a positive attitude, and sometimes many of us forget how things are; we are down. He was never down. Anytime you met him, it was always positive. It was always "pro" things, never "anti" anything, and I think that is what is so important, and that is what always amazed me about Chuck Tanner. He was one of us. He was a very successful man. He achieved the ultimate in winning the World Series in 1979, but he never forgot where he came from. He was an average guy who you would meet on the street, and he would make you feel important. And I think that is what Chuck Tanner's true legacy was, his character and his attitude. His baseball accomplishments were fantastic, but his attitude and character were his greatest assets.

So thank you, Mr. Speaker, and may Chuck rest in peace. He will never be forgotten in Pennsylvania and this country for the great attitude he had. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

Adolph	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, D.	Lawrence	Reed
Barbin	Evans, J.	Longietti	Reese
Barrar	Everett	Maher	Reichley
Bear	Fabrizio	Mahoney	Roae
Benninghoff	Farry	Major	Rock
Bishop	Fleck	Maloney	Roebuck
Bloom	Frankel	Mann	Ross
Boback	Freeman	Markosek	Sabatina
Boyd	Gabler	Marshall	Saccone
Boyle, B.	Galloway	Marsico	Sainato
Boyle, K.	Geist	Masser	Samuelson
Bradford	George	Matzie	Santarsiero
Brennan	Gerber	McGeehan	Santoni
Briggs	Gergely	Metcalf	Saylor
Brooks	Gibbons	Metzgar	Scavello
Brown, R.	Gillen	Miccarelli	Schroder
Brown, V.	Gillespie	Micozzie	Shapiro
Brownlee	Gingrich	Millard	Simmons
Burns	Godshall	Miller	Smith, K.
Caltagirone	Goodman	Mirabito	Smith, M.
Carroll	Grell	Moul	Sonney

Causer	Hackett	Mullery	Staback
Christiana	Hahn	Mundy	Stephens
Clymer	Haluska	Murphy	Stern
Conklin	Hanna	Murt	Stevenson
Costa, D.	Harhai	Mustio	Sturla
Costa, P.	Harhart	Myers	Swanger
Cox	Harkins	Neuman	Tallman
Creighton	Harper	O'Brien, D.	Taylor
Culver	Harris	O'Brien, M.	Thomas
Curry	Heffley	O'Neill	Tobash
Cutler	Helm	Oberlander	Toepel
Daley	Hess	Parker	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hornaman	Payne	Turzai
Day	Hutchinson	Payton	Vereb
Deasy	Josephs	Peifer	Vitali
DeLissio	Kampf	Perry	Vulakovich
Delozier	Kauffman	Petrarca	Waters
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik		

NAYS—0

NOT VOTING—0

EXCUSED—11

Buxton	DePasquale	Johnson	Wagner
Cohen	Grove	Killion	Watson
Cruz	Hennessey	Milne	

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

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of announcements, the Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. I would ask our Republican members to please report to our caucus room. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman, Mr. Frankel, for the purpose of an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

I would like to announce a Democratic caucus. Thank you.

RECESS

The SPEAKER. This House stands in recess until 3 o'clock, unless sooner recalled by the Speaker.

AFTER RECESS

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

The SPEAKER. Members will please report to the floor.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of the lady from Bucks County, Mrs. Watson, and she will be added back to the master roll.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 372, PN 337**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney

Carroll	Grell	Moul	Staback
Causser	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

* * *

The House proceeded to third consideration of **HB 373, PN 338**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causser	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

* * *

The House proceeded to third consideration of **HB 377, PN 884**, entitled:

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.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

For what purpose does the gentleman, Mr. McGeehan, seek recognition?

Mr. **McGEEHAN**. On final passage, Mr. Speaker.

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

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

Thank you for the opportunity to speak on this important piece of legislation, important in the fact that it leaves out really an important component of the UCC code (Uniform Construction Code).

Mr. Speaker, this issue should not be unfamiliar to the vast majority of members who have served some time here. I will refer back to about 10 years ago when Pennsylvania had the shameful distinction of having more deaths on college campuses than any other State in the country, and if you think back to that time when we acknowledged the problem and when we offered a solution to the problem, it was very much like the environment we have today. We had a House controlled by a Republican majority, we had a Senate controlled by a Republican majority, and we had a Governor who was a Republican. That is where the similarities end, because in that era, Republicans and Democrats decided that one death, let alone the greatest number of deaths in the country, deserved the attention of the members in this body and in the Senate and the executive branch.

And we went to work collectively, and I am proud to say as a member back then of the House Labor Relations Committee, Republicans and Democrats worked together to craft what I believe was one of the most important pieces of legislation this body ever undertook. And through months and months of work, we came up with the dormitory sprinkler loan program, and that allowed colleges and universities across the Commonwealth to retrofit their facilities.

I can tell you, it was a great success, and I will tell you in one simple example: We went from the greatest loss of life on college campuses of any State in the country; 10 years later, we have zero deaths on college campuses. That is a legacy this House can be proud of. That is a legacy that Republicans and Democrats can be proud of.

And, Mr. Speaker, I had the greatest compliment ever paid to the work that we did here. I was at an event by the State System, and one of the presidents of one of our State System universities came to me and said, you know, for the first time, parents are asking me not just about the academic prowess of our particular

institution, not only about our athletic accomplishments; they are asking me, is this facility safe for my child? And they were proud to say yes, because they took advantage of the good work that this body did.

Mr. Speaker, we have a lot of obligations as members of this House. Yes, I have listened to the arguments of the sponsor of this piece of legislation and I listened to the great work of the attempted amendments to this piece of legislation, and I listen and I am mindful about the economic challenges home builders face. I am also mindful of the economic constraints in which potential home buyers are placed, and we have to weigh those obligations, and I take those obligations and questions seriously. But I do not think there is a greater obligation that we have as a body and as individuals, we do not have a greater obligation than ensuring the health and protection of the individuals we are charged with representing.

The example I pointed to in the dorm sprinkler bill should be an example that we take up in dealing with home sprinklers. Mr. Speaker, it has been proven; statistical data is unchallenged when it comes to the safety record of sprinklers. I know that many of the arguments have been made about, well, you know, we have made great advances. We now have smoke detectors, and they are part of a requirement in building new construction, and that is true, and that is a good step forward to protect people from the devastation of fires. But someone gave the analogy once, and I think it probably rings more true today: The difference between having a smoke alarm in your house and having a sprinkler in your house, and they used the analogy, if your coat was on fire, would you rather have somebody tell you your coat is on fire or would you rather have somebody put that fire out? Well, that is the difference, Mr. Speaker, when we are dealing with the question of whether we should sprinkle individual homes.

Mr. Speaker, it is unchallenged that sprinklers save lives. We do not have to look any further than this Commonwealth. Tens of thousands of people tonight, Mr. Speaker, can put their heads on a pillow, parents and students alike, because of the work this body did. Tens of thousands of people can put their heads on a pillow and be confident that the tragedy of a fire death will never visit them or somebody they love. We have that moral obligation to extend that to every citizen in this Commonwealth, to the 13 million people who live in this Commonwealth, not just to the students who seek to attend colleges or universities in Pennsylvania.

Mr. Speaker, there have been doomsday scenarios from the home builders; there have been doomsday scenarios from other interested parties. I hope the doomsday scenario I have in my mind never comes true. I want Pennsylvania to be proud to say that not only do we have zero deaths on college campuses, but we have zero deaths in home fires. And the only way to do that, Mr. Speaker, is to uphold the current UCC requirements that demand, that demand a commonsense approach to new home building, and that is to provide the greatest and best proven fire protection in America. That is sprinkling homes. We are doing a great disservice, Mr. Speaker, to the people we are charged with representing.

I hope, Mr. Speaker, that that reality does not come to pass. I hope it does not come true in my district; I hope it does not come true in your district. If we pass **HB 377** without those

requirements that many of us sought to provide in this bill, I fear that we will be back again in this House to undo the damage we have done here.

I take my obligation seriously to protect the health, life, and safety of individuals. I know that everyone else in this House does as well. But in my estimation, the only way to do that is to require homes to be sprinkled – no ifs, ands, or buts. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. William Keller, from Philadelphia.

Mr. W. KELLER. Thank you, Mr. Speaker.

Last week I stood at this microphone and tried to use humor to persuade my colleagues to keep the sprinklers in place in Pennsylvania. But I know it is not a humorous situation. I know that there is going to be a tragedy somewhere in the future because of the actions we are about to take here today. The proof is 10 years ago when the Representative from Philadelphia worked with the legislature, worked with the Governor. It is a proven fact, from the highest amount of deaths in dormitories in the nation to zero, because sprinklers were made available. That is what we are talking about today. This is what should be forefront in our minds. There is a tragedy out there waiting to happen if we pass this bill in the form it is in today.

There are always consequences to what we do, and this is a consequence we should not, we should not put ourselves in the situation to face. We do not want to see family members up here of a firefighter or a family that is tragically affected by a fire in a home that should have been sprinkled, and we are taking them out today.

Mr. Speaker, I listened to the majority leader on swearing-in day, and as my old Irish grandmother used to say, never say anything you do not mean because you can never take it back. On that day, the majority leader said, we are going to use the committee process to get bills right, to let the committee do their work. Well, I am going to tell you, the committee did not do their work on this bill. We did not have hearings. We did not bring in the people from the universities to tell what a success they have had with this. And all the bad things that the builders were saying and everybody else did not come true. It was a very effective, probably one of the best pieces of legislation that went unnoticed.

MOTION TO RECOMMIT

Mr. W. KELLER. We have to go back and let the committee do a better job on this process. I would like to make a motion, Mr. Speaker.

The SPEAKER. For the purpose of making a motion, the gentleman will state it.

Mr. W. KELLER. Mr. Speaker, so that the committee can do their job and we can bring the experts in and we can get this right – I agree, there are probably things that we have to do, but there are instances where we can sprinkle new residential homes and we should, because the ability is there to do it. Because we have to bring people in and we have to listen to them, I make a motion that we recommit HB 377 to Labor and Industry so that the committee can do its work and we can come out and get a better bill for the citizens of Pennsylvania.

I believe it is germane, Mr. Speaker.

The SPEAKER. I do not think you were recognized for that comment.

Mr. W. KELLER. Oh, I am sorry.

The SPEAKER. The gentleman has moved that HB 377 be recommitted to the Committee on Labor and Industry.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

This bill has been fully vetted, and we would ask all the members to please vote against the motion to recommit to Labor and Industry. Thank you.

The SPEAKER. The Speaker recognizes the minority leader, Mr. Dermody, on the question.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I believe the gentleman's motion is a motion to recommit for hearings that were never held on the bill, and I believe that is a smart move, and I ask our members to vote for recommitment. Thank you, Mr. Speaker.

The SPEAKER. On the question, those voting in favor of recommitting the bill will vote "aye"; those opposed to recommitting the bill will vote "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—58

Barbin	DeLuca	Mahoney	Sabatina
Bishop	Dermody	Matzie	Samuelson
Boyle, B.	DeWeese	McGeehan	Santarsiero
Boyle, K.	Donatucci	Murphy	Shapiro
Bradford	Evans, D.	Myers	Smith, K.
Briggs	Fabrizio	Neuman	Smith, M.
Brown, V.	Freeman	O'Brien, D.	Sturla
Brownlee	Galloway	O'Brien, M.	Thomas
Burns	Gerber	Parker	Vitali
Conklin	Gergely	Payton	Waters
Costa, D.	Josephs	Preston	Wheatley
Costa, P.	Keller, W.	Ravenstahl	White
Curry	Kirkland	Readshaw	Williams
Davis	Kortz	Roebuck	Youngblood
DeLissio	Kula		

NAYS—134

Adolph	Fleck	Krieger	Quinn
Aument	Frankel	Lawrence	Rapp
Baker	Gabler	Longietti	Reed
Barrar	Geist	Maher	Reese
Bear	George	Major	Reichley
Benninghoff	Gibbons	Maloney	Roae
Bloom	Gillen	Mann	Rock
Boback	Gillespie	Markosek	Ross
Boyd	Gingrich	Marshall	Saccone
Brennan	Godshall	Marsico	Sainato
Brooks	Goodman	Masser	Santoni
Brown, R.	Grell	Metcalfe	Saylor
Caltagirone	Hackett	Metzgar	Scavello
Carroll	Hahn	Miccarelli	Schroder
Causer	Haluska	Micozzie	Simmons
Christiana	Hanna	Millard	Sonney
Clymer	Harhai	Miller	Staback
Cox	Harhart	Mirabito	Stephens

Creighton	Harkins	Moul	Stern
Culver	Harper	Mullery	Stevenson
Cutler	Harris	Mundy	Swanger
Daley	Heffley	Murt	Tallman
Day	Helm	Mustio	Taylor
Deasy	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hornaman	Pashinski	Toohil
DiGirolamo	Hutchinson	Payne	Truitt
Dunbar	Kampf	Peifer	Turzai
Ellis	Kauffman	Perry	Vereb
Emrick	Kavulich	Petrarca	Vulakovich
Evankovich	Keller, F.	Petri	Watson
Evans, J.	Keller, M.K.	Pickett	
Everett	Knowles	Pyle	Smith, S.,
Farry	Kotik	Quigley	Speaker

NOT VOTING—1

Davidson

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman from York County, Mr. Ron Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to encourage a positive vote, a "yes" vote, on HB 377. My colleague from Philadelphia made a good point on the dormitory sprinkler legislation. That was a loan program that almost everybody in the House voted for, and it addressed a totally different issue – high-density occupancy; a different age group with maybe different behavior characteristics – and I think most of us felt that it was something that we should do.

What we are talking about are single-family residences. We are not looking at going back and retrofitting and forcing people like myself and most of us in this chamber to retrofit existing homes. We are talking new homes, and new homes tend to be better construction, better construction from the things that start fires, like electrical systems, heating systems. We do not need to require that every person building a new home in this Commonwealth install sprinklers in their home. It is too much of a drag on our economy. The amount of safety factor improvement does not warrant the added cost, and it is full of all kinds of problems for rural Pennsylvania. It may work in some areas of the State. I personally have a home that is on well water. That would require me to have a holding tank, and the expense becomes very, very large. As we are coming out of this economic slump that we have been in, we cannot do anything to harm the economic recovery.

I encourage a "yes" vote on HB 377. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Mr. Speaker, thank you.

Mr. Speaker, to start with, I have to apologize in that I am going to apologize to the two previous speakers from Philadelphia in that they are good people and they want to do the right thing for their constituents, as every Republican and Democrat here wants to do also.

Now, I do not know Mr. Keller's Irish grandmother, but my Irish grandmother told me to look into the matter a little bit more thoroughly. Now, Bill Keller is a friend of mine; I would not want to stand here and say anything negative. He wants to help his people, and so do all of us. Now, Mr. Speaker, I am one guy that does not have a lot of knowledge about a lot of things, but when I got out of the Navy in 1946, the first thing I did was train to be a sprinkler fitter, and I worked for 8 years with the Grinnell Company out of Philadelphia on Erie Avenue and D Street. I know something about sprinklers; I know what it takes: It takes water and pressure.

Now, the truth of the matter is, if you would have gone into this bill as it was, there is nothing to stop anyone from coming out with a bill that would eliminate his or the concern of many. But we have got to remember this, that the contractor does not control the water company and sometimes neither does the community, and when there is a 1-inch line running through that property or along that block and you need an upgrade, you just cannot raise the size of the pipe, because what you do then is you lose your pressure. And all they say, well, we need not worry about that; we will just put a 10,000-gallon tank in the yard. Well, then somebody will have to explain to me how in the winter they would keep it from freezing.

Now, the truth is, sprinklers will benefit greatly, but the way this bill was drawn originally, it would not, because it would encompass thousands upon thousands of dollars and not allow the job to work as appropriately as it should. Now, those of you that have been involved locally and rurally know what you have, the mess in some of these water companies and the improper pressure and regulation and the improper motivation and would know that to do it the right way, a bill has to be passed that would encompass all of these. It would take into consideration the uplifts and the downgrades, but in the full analysis, will it work and how much will it cost?

So I am saying to you that I am not against Mr. Keller or anyone else, because he is right on target, but it is the wrong thing to do, to kill this bill, because as it is it would be wrong to allow the original to pass. I am asking that every member who understands fully and can encompass what this would do in total, that we would vote "yes" on this bill and later come out with another bill that will do the job.

Thank you, Mr. Speaker.

VOTE CORRECTION

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

On the question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I rise for two reasons: one, under unanimous consent for the previous bill, and my malfunctioning button.

The SPEAKER. The lady is in order under unanimous consent to correct the record.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

My vote should have been recorded as "yes" on that.

The SPEAKER. The lady's remarks will be spread upon the record.

CONSIDERATION OF HB 377 CONTINUED

The SPEAKER. Would the lady also like to be recognized on the bill?

Mrs. DAVIDSON. Yes.

The SPEAKER. The lady is in order, and she may proceed.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I hope my colleagues on the floor will forgive me because I do not have an Irish grandmother, but I am wearing green.

On the very serious nature of this bill, I voted for the previous motion because I really need more time on this bill, because really what this bill does – it is my first tough vote; it is my first tough vote in this House because it puts at odds competing legislative priorities. One is for small business owners and creating jobs, and it is very clear that the bill does add an additional burden to the home builders in building homes in our Commonwealth. It also puts some sprinkler fitters out of work, so that is of concern as well. And then my second legislative priority is, of course, keeping taxes low, and this bill seems to put a burden on homeowners or people buying new homes. And then third, my third legislative priority is public safety.

Those three priorities are on my Web site. I have said it to thousands and thousands of people in my home district: creating jobs through small businesses, keeping taxes low, and public safety. So I am at a loss, so I am not urging you to do one thing or another; I am just trying to spend some time figuring out what I am going to do on this bill. So I just wanted to say that I hope that everyone votes their conscience and in the best interests of their constituents on this bill.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—154

Adolph	Evans, J.	Knowles	Rapp
Aument	Everett	Kortz	Ravenstahl
Baker	Fabrizio	Kotik	Readshaw
Barbin	Fleck	Krieger	Reed
Barrar	Frankel	Kula	Reese
Bear	Freeman	Lawrence	Reichley
Benninghoff	Gabler	Longietti	Roe
Bloom	Geist	Maher	Rock
Boback	George	Mahoney	Ross
Boyd	Gerber	Major	Saccone
Brennan	Gergely	Maloney	Sainato
Brooks	Gibbons	Mann	Samuelson
Brown, R.	Gillen	Markosek	Santoni
Burns	Gillespie	Marshall	Saylor
Caltagirone	Gingrich	Marsico	Scavello
Carroll	Godshall	Masser	Schroder
Causser	Goodman	Matzie	Simmons
Christiana	Grell	Metcalfe	Smith, K.
Clymer	Hackett	Metzgar	Smith, M.
Conklin	Hahn	Miccarelli	Sonney

Costa, D.	Haluska	Micozzie	Staback
Costa, P.	Hanna	Millard	Stephens
Cox	Harhai	Miller	Stern
Creighton	Harhart	Mirabito	Stevenson
Culver	Harkins	Moul	Sturla
Curry	Harper	Mullery	Swanger
Cutler	Harris	Mundy	Tallman
Daley	Heffley	Mustio	Tobash
Davidson	Helm	Neuman	Toepel
Day	Hess	Oberlander	Toohil
Deasy	Hickernell	Pashinski	Truitt
Delozier	Hornaman	Peifer	Turzai
DeLuca	Hutchinson	Perry	Vereb
Denlinger	Kampf	Petrarca	Vulakovich
DeWeese	Kauffman	Pickett	White
Dunbar	Kavulich	Preston	Youngblood
Ellis	Keller, F.	Pyle	
Emrick	Keller, M.K.	Quigley	Smith, S.,
Evankovich	Kirkland	Quinn	Speaker

NAYS—39

Bishop	DiGirolamo	Myers	Santarsiero
Boyle, B.	Donatucci	O'Brien, D.	Shapiro
Boyle, K.	Evans, D.	O'Brien, M.	Taylor
Bradford	Farry	O'Neill	Thomas
Briggs	Galloway	Parker	Vitali
Brown, V.	Josephs	Payne	Waters
Brownlee	Keller, W.	Payton	Watson
Davis	McGeehan	Petri	Wheatley
DeLissio	Murphy	Roebuck	Williams
Dermody	Murt	Sabatina	

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

* * *

The House proceeded to third consideration of **HB 374, PN 713**, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causser	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

* * *

The House proceeded to third consideration of **HB 562, PN 540**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions; and abrogating a regulation.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causser	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

STATEMENT BY MR. GILLEN

The SPEAKER. For what purpose does the gentleman, Mr. Gillen, rise?

Mr. GILLEN. Under unanimous consent.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. GILLEN. Mr. Speaker, I wanted to express my appreciation for the strong unanimous vote for HB 562, which will strengthen the Agricultural Area Security Law in Pennsylvania. Berks County in particular has preserved 63,000 acres of agricultural land in perpetuity.

So I wanted to express my gratitude to the House, and not only for the passage of HB 562 but also for the memorial resolution for Sean Flannery. I wanted to let my House members know that a citation will be coming directly to Mrs. Flannery, who is ill and who was not able to be in attendance today. And we have already established a memorial wall in our own office, and a photograph taken at Sean Flannery's funeral is already pictorially displayed at our home district office.

Thank you, Mr. Speaker.

CALENDAR CONTINUED

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 144, PN 711**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causser	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S., Speaker
Dunbar	Kortz	Rapp	
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 78, PN 921**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the offense of homicide by watercraft while operating under influence.

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

* * *

The House proceeded to second consideration of **HB 145, PN 85**, entitled:

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

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

* * *

The House proceeded to second consideration of **HB 442, PN 714**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, prohibiting private transfer fee obligations; and providing for notice and disclosure of existing private transfer fee obligations.

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

Ms. **HARPER** offered the following amendment No. **A00872**:

Amend Bill, page 5, lines 11 through 16, by striking out "imposed by a declaration or" in line 11 and all of lines 12 through 16 and inserting

. which is imposed by a declaration or covenant encumbering real property and which is payable solely to a nonprofit corporation, charitable association or charitable trust, that:

(i) has been in existence for at least two years;
and

(ii) holds, on real property subject to the declaration or covenant or on real property included in the same development plan with the real property subject to the declaration or covenant:

(A) an agricultural conservation easement, as defined in section 3 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law; or

(B) a conservation easement, as defined in section 3 of the act of June 22, 2001 (P.L.390, No.29), known as the Conservation and Preservation Easements Act.

Amend Bill, page 10, line 23, by inserting after "subsection"
(c).

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causer	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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 165, PN 111**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

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

Mr. **M. SMITH** offered the following amendment No. **A00644**:

Amend Bill, page 1, line 2, by inserting after "Statutes," providing for deception relating to rebates for consumer goods; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4107.3. Deception relating to rebates for consumer goods.

(a) Rebate advertising.—A person commits an offense if, in the course of business, the person advertises the availability of a manufacturer's rebate by displaying the net price of the advertised item in the advertisement, unless the amount of the manufacturer's rebate is provided to the consumer by the retailer at the time of purchase of the advertised item. A person shall not be required to provide the purchaser of an advertised product with the amount of the manufacturer's rebate if the advertisement states that a manufacturer's rebate is available without stating the net price of the product.

(b) Rebate response.—Except as provided under subsection (c), a person who offers a rebate shall mail the amount of the rebate to the consumer or electronically pay the consumer the amount of the rebate within the time period promised in the rebate information provided to the consumer, or if the time period is not specified, no later than the 30th day after the date the person receives a properly completed rebate request.

(c) Rebate for continuing service.—If a consumer rebate offer is contingent on the consumer continuing to purchase a service for a minimum length of time, the time period under subsection (b) shall begin on the later of:

- (1) the date the consumer submits the rebate request; or
- (2) the expiration date of the service period.

(d) Incomplete rebate request.—

(1) If a person offering a rebate receives a rebate request that is timely submitted but not properly completed, the person shall:

(i) process the rebate in the manner provided under subsection (b) as if the rebate request were properly completed; or

(ii) notify the consumer, no later than the date specified under subsection (b), of the reasons that the rebate request is not properly completed and the consumer's right to correct the deficiency within 30 days after the date of the notification. The notification must be by mail, except that notification may be by e-mail if the consumer has agreed to be notified by e-mail.

(2) If the consumer corrects the deficiency stated in the

notification under subparagraph (ii) before the 31st day after the postmark date of the person's mailed notification to the consumer or the date the e-mail notification is received, the person shall process the rebate in the manner provided under subsection (b) for a properly completed request.

(3) This subsection shall not impose an obligation to pay a rebate to a consumer who is not eligible under the terms and conditions of the rebate offer or has not satisfied all of the terms and conditions of the rebate offer, if the person offering the rebate has otherwise complied with this subsection.

(e) Rejection of rebate.—

(1) A person offering a rebate has the right to reject a rebate request from a consumer who the person determines:

- (i) is attempting to commit fraud;
- (ii) has already received the offered rebate; or
- (iii) is submitting proof of purchase that is not

legitimate.

(2) A person making a determination under paragraph (1) shall notify the consumer within the time period provided under subsection (b) that the person is considering rejecting or has rejected the rebate request and shall instruct the consumer of any actions that the consumer may take to cure the deficiency.

(3) If the person offering a rebate erroneously rejects a properly completed rebate request, the person shall pay the consumer as soon as practicable, but no later than 30 days after the date the person learns of the error.

(f) Agents.—For the purposes of this section, if a person who offers a rebate uses an independent entity to process a rebate, an act of the entity is considered to be an act of the person, and receipt of a rebate request by the entity is considered receipt of the request by the person.

(g) Penalty.—A violation of this section is a deceptive trade practice under section 4107 (relating to deceptive or fraudulent business practices) and shall be punishable under the provisions of that section.

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

"Consumer." A person who obtains a product or service that is to be used primarily for personal, business, family or household purposes.

"Consumer rebate." An offer to a consumer of cash, credit or credit toward future purchases that is made in connection with a sale of a good or service to the consumer, is in an amount of \$5 or more and requires the consumer to mail or electronically submit a rebate request after the sale is completed. The term does not include:

(1) A promotion or incentive that is offered by a manufacturer to another company or organization that is not the consumer to help promote or place the product or service.

(2) A rebate that is redeemed at the time of purchase.

(3) A discount, cash, credit or credit toward a future purchase that is automatically provided to a consumer without the need to submit a request for redemption.

(4) A rebate that is applied to a bill that the consumer becomes obligated to pay after the date the purchase is made.

(5) A refund that may be given to a consumer in accordance with a manufacturer's or retailer's return, guarantee, adjustment or warranty policies.

(6) A manufacturer's or retailer's frequent shopper customer reward program.

"Net price." The price a consumer would pay for consumer goods after redemption of the rebate offered for the consumer goods.

"Person." A natural person, corporation, trust, partnership, incorporated or unincorporated association and any other legal entity.

"Product." A good, service or other tangible or intangible property of any kind.

"Properly completed." When a consumer has submitted the required information and documentation in the manner and by the deadline specified in a rebate offer and has otherwise satisfied the

terms and conditions of the rebate offer.

Section 2. Section 5511(a) of Title 18 is amended by adding a paragraph to read:

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

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

AMENDMENT WITHDRAWN

The SPEAKER. 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?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 312, PN 267**, entitled:

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

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

VOTE CORRECTION

The SPEAKER. For the purpose of correcting the record, the Speaker recognizes the gentleman, Mr. Gerber, under unanimous consent.

Mr. GERBER. Thank you, Mr. Speaker.

I stand to correct the record on final passage of HB 377. I inadvertently voted in the affirmative. It was my intention to vote in the negative, and I would like to be recorded as such.

The SPEAKER. The member's remarks will be reflected on the record.

Mr. GERBER. Thank you, Mr. Speaker.

The SPEAKER. The House will come to order.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 156, PN 93**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registered gross weight limit of certain registration plates.

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

Mr. HANNA offered the following amendment No. **A00866**:

Amend Bill, page 1, line 15, by inserting a bracket before "or"
Amend Bill, page 1, line 15, by inserting after "or"

l,
Amend Bill, page 1, line 16, by inserting after "vehicle" where it occurs the first time
or antique, classic and collectible vehicle

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

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is designed to simply allow the owners of classic and antique cars the ability to shorten their period of registration so that they can at the same time shorten the period of insurance that is required to cover that vehicle, and that is the goal of the amendment, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?
On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

We are in agreement with the gentleman's amendment that adds antique, classic, or collectible vehicles to those vehicles eligible for the specialty plates, and we would urge members to vote "yes."

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

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Krieger	Readshaw
Aument	Evankovich	Kula	Reed
Baker	Evans, D.	Lawrence	Reese
Barbin	Evans, J.	Longietti	Reichley
Barrar	Everett	Maher	Roae
Bear	Fabrizio	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Bishop	Fleck	Maloney	Ross
Bloom	Frankel	Mann	Sabatina
Boback	Freeman	Markosek	Saccone
Boyd	Gabler	Marshall	Sainato
Boyle, B.	Galloway	Marsico	Samuelson
Boyle, K.	Geist	Masser	Santarsiero
Bradford	George	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.
Caltagirone	Goodman	Mirabito	Sonney
Carroll	Grell	Moul	Staback
Causar	Hackett	Mullery	Stephens
Christiana	Hahn	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson

Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger
Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Taylor
Creighton	Harper	O'Brien, D.	Thomas
Culver	Harris	O'Brien, M.	Tobash
Curry	Heffley	O'Neill	Toepel
Cutler	Helm	Oberlander	Toohil
Daley	Hess	Parker	Truitt
Davidson	Hickernell	Pashinski	Turzai
Davis	Hornaman	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Josephs	Peifer	Vulakovich
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DeWeese	Keller, W.	Pyle	Youngblood
DiGirolo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik	Ravenstahl	

NAYS-0

NOT VOTING-0

EXCUSED-10

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz	Hennessey		

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

On the question,

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

Mr. **SHAPIRO** offered the following amendment No. **A00844**:

Amend Bill, page 1, line 2, by inserting after "Statutes," defining "interactive wireless communication device";

Amend Bill, page 1, line 3, by inserting after "plates", 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

Amend Bill, page 1, by inserting between lines 3 and 4

The General Assembly of the Commonwealth of Pennsylvania declares that the part of this act that limits the number of passengers a junior driver may transport in a motor vehicle at one time may be referred to as Lacey's Law in honor of Lacey Gallagher.

Amend Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall

have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Interactive wireless communication device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer, or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include a device being used exclusively as a global positioning or navigation system or a system or device that is physically or electronically integrated into the vehicle.

Section 2. Sections 1307(a.1), 1338(a)(9), 1341, 1342(a), (c) and (d), 1346, 1348, 1350, 1350.1, 1351, 1352, 1353, 1354(a), 1355, 1356, 1357, 1358, 1359(a), 1360, 1362, 1363, 1364, 1365(a), 1503(c), 1505(e) and 1538(e) of Title 75 are amended to read:

Amend Bill, page 12, by inserting between lines 28 and 29

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(2.1) Except as set forth in paragraph (2.2), a junior driver may not drive a vehicle with more than one passenger under 18 years of age.

(2.2) With parental or in loco parentis approval, a junior driver may drive a vehicle with passengers who are siblings or relatives who live in the same dwelling as the junior driver.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

§ 1505. Learners' permits.

(e) Authorization to test for driver's license and junior driver's license.—A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18

years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed [50] 65 hours of practical driving experience, including no less than ten hours of nighttime driving and five hours of inclement weather driving, accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

* * *

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

* * *

(e) Additional suspension of operating privilege.—

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension imposed under paragraph (1). A suspension under this paragraph shall be in lieu of a suspension under subsection (d)(1).

Section 3. Title 75 is amended by adding a section to read:

§ 3316. Prohibiting use of interactive wireless communication device.

(a) Driver restrictions.—

(1) No person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communication device for a purpose other than:

(i) voice communication through the use of an interactive wireless communications device while in hands-free mode;

(ii) reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of voice communication; or

(iii) utilizing a global positioning or navigation system.

(2) No person with a learner's permit or junior driver's license shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communication device.

(b) Exceptions.—This section shall not apply to:

(1) A driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

(2) A driver using an interactive wireless communication device when the vehicle is stopped due to a traffic obstruction and the motor vehicle transmission is in neutral or park.

(3) Operators of emergency vehicles who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(4) Volunteer emergency responders who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communication device.

(d) Penalty.—

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(2) A person who violates subsection (a) while passing through a school zone, as defined and provided under the regulations of the department, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(e) Public education and awareness program.—The department shall develop and maintain Statewide public education and awareness programs to combat distracted driving and driving under the influence and promote awareness of the provisions of this section subject to available funding.

(f) Guidelines.—The department shall, in consultation with the Department of Education and the Pennsylvania State Police, promulgate guidelines for the implementation of subsection (e) within six months of the effective date of this section.

(g) Insurance.—An insurer may not charge an insured who has been convicted under this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

(h) Department to compile report.—The department shall annually compile and make available to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives a report detailing the public education efforts to combat distracted driving and driving under the influence and promote awareness of the provisions of this section.

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

"Hands-free mode." The use of an interactive wireless communications device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

"Volunteer emergency responder." Any of the following:

(1) A member of a volunteer ambulance service as defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(2) A member of a volunteer fire company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(3) A member of a volunteer rescue company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

Section 4. Sections 3326(c), 3327(e) and 3752(a) of Title 75 are

amended to read:

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

* * *

(c) Fines to be doubled.—For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

* * *

§ 3327. Duty of driver in emergency response areas.

* * *

(e) Fines to be doubled.—In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3312 (relating to limited access highway entrances and exits).

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

Section 3323 (relating to stop signs and yield signs).

Section 3325 (relating to duty of driver on approach of emergency vehicle).

Section 3361 (relating to driving vehicle at safe speed).

Section 3707 (relating to driving or stopping close to fire apparatus).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

* * *

§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved, including whether the driver of the vehicle was using an interactive wireless communication device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

* * *

Section 5. Section 3753 of Title 75 is amended by adding a subsection to read:

§ 3753. Department to compile, tabulate and analyze accident reports.

* * *

(b.1) Report on interactive wireless communications devices.—The department shall annually compile and make available to the public information submitted on an accident report concerning interactive wireless communications devices in motor vehicles involved in traffic accidents. The report shall note whether the driver of the motor vehicle was using an interactive wireless communications device when the accident occurred. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

* * *

Section 6. Sections 4527, 4581(a) and (b) and 6101 of Title 75 are amended to read:

§ 4527. [Television] Video receiving equipment.

(a) General rule.—[No] Except as provided in subsection (c), no person shall drive a motor vehicle [operated on a highway shall be] equipped with [television-type] any image display device, video receiving equipment, including a receiver, a video monitor or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications or similar equipment which is located in the motor vehicle at any point forward of the back of the driver's seat [or otherwise], or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

(a.1) Except as provided in subsection (b), no person may install in a motor vehicle an image display device intended to be visible to a driver in the normal driving position when the vehicle is in motion and when restrained by the safety seat belt system adjusted in accordance with the manufacturer's recommendations.

(b) Exception.—This section shall not apply to the following:

(1) [Television-type receiving equipment] Image display devices in a vehicle used exclusively for safety or law enforcement purposes as approved by the Pennsylvania State Police.

(2) [Electronic displays] Image display devices used in conjunction with in-vehicle navigation systems, related traffic, road and weather information.

(3) Image display devices that provide vehicle information related to the driving task or to enhance or supplement the driver's view forward, behind or to the sides of the motor vehicle or permit the driver to monitor vehicle

occupants behind the driver.

(4) Image display devices that do not display images to the driver while the vehicle is in motion.

(5) Image display devices which display an image while a vehicle is parked.

(c) Definitions.—As used in this section, the term "image display device" means equipment capable of displaying to the driver of the motor vehicle:

(1) a broadcast television image; or

(2) a visual image, other than text, from a digital video disc or other storage device.

§ 4581. Restraint systems.

(a) Occupant protection.—

(1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in subsection (d). This subsection shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of violating any other provision of this title.]

(2) [Except for children under eight years of age and except as provided in paragraphs (1) and (1.1), each]

(i) The driver [and front seat occupant] of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall [wear] secure or cause to be secured in a properly adjusted and fastened safety seat belt system the driver and every vehicle occupant between eight years of age and 18 years of age. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant who is eight years of age or older and less than 18 years of age.]

(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(iii) This paragraph shall not apply to:

[(i)] (A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

[(ii)] (B) A driver or front seat occupant who possesses a written verification from a

physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

[(iii)] (C) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

[(iv)] (D) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) A driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

(b) Offense.—Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) shall be guilty of a summary offense with a maximum fine of \$100. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection (a)(2) or (3) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

* * *

§ 6101. Applicability and uniformity of title.

The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized. A person charged with violating an ordinance determined to be enacted or enforced in violation of this section shall be awarded court costs and attorney fees incurred as a result of defending against the charge.

Amend Bill, page 12, line 29, by striking out "2" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I offer amendment 00844 as an amendment to try and address the many deaths and injuries that we see on Pennsylvania's roadways each and every day as a result of the use of handheld cell phones and texting while driving. In addition to that, this amendment would put in place very key and important restrictions on teen drivers to try and make their driving safer as well for them as well as for other motorists on Pennsylvania's roadways.

I would point out to the members who were present in this chamber in the last legislative session that the two provisions in this legislation passed overwhelmingly by bipartisan numbers. The issues addressing teen drivers, sponsored by then Chairman Markosek, passed 168 to 24, and the other bill dealing with adult drivers passed 189 to 6.

This amendment would require those with a junior driver's license to not be able to drive a vehicle with more than one other passenger under the age of 18. It would increase the amount of driver's education instruction from 50 hours to 65 hours. It would ban the use of wireless communication devices or cell phones for teenagers, and for adult drivers, it would ban texting and it would ban the use of handheld cell phones while driving. It would in fact, Mr. Speaker, allow for an adult driver to carry on a conversation using a headset or a Bluetooth or some other sort of speaker phone.

In addition, Mr. Speaker, it would put all of these provisions under a primary enforcement mechanism. Primary enforcement is supported by many across this Commonwealth, including the Pennsylvania State Police, who have asked that when we consider distracted driving bills, that they be done with primary enforcement, because after all, Mr. Speaker, the goal is to try and stop the accident from occurring in the first place, not just simply penalize the driver after the fact.

We think this legislation is critically important to saving the lives of not just those that would venture to text while driving but also those who would be driving in an oncoming lane or on the other side of traffic.

Mr. Speaker, this issue has garnered much attention and was the cause of significant debate in this chamber in the last session. It has been vetted by the public, and in recent public opinion polls, nearly 90 percent of Pennsylvanians support this type of provision. We believe, Mr. Speaker, based on not just the votes in the last session, the public opinion polling, but certainly the vast number of cosponsors on legislation I have introduced, legislation that others on the other side of the aisle have introduced that encompasses many different parts of this, that this is not only a critical public safety measure but a measure that is, frankly, long overdue.

Mr. Speaker, I would expect in the ensuing moments that there would be a challenge to considering this bill at this time, but I believe, Mr. Speaker, that now is the time to consider this. If we continue to delay, if we continue to wait on considering important distracted driving provisions here in Pennsylvania, more lives will be lost, more accidents will occur. The data has clearly shown that without this type of legislation in place, the accidents will happen, the deaths will occur, people will get hurt.

Mr. Speaker, it is time for us, it is time for this chamber to consider this type of legislation, and I would respectfully ask for the support of my colleagues. Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

And as those members that were here last session will remember, we had an extensive debate on this very issue, and at that time we chose to adopt a more comprehensive version that

I had offered to deal with distracted driving. Now, I considered possibly adding my amendment to this bill, but I came to the conclusion that it would not be germane to the underlying bill. And so therefore, Mr. Speaker, I would like to be recognized to make a motion.

The SPEAKER. For the purpose of making a motion, the gentleman is in order.

Mr. ROSS. I would like to make the motion that this amendment is not germane to the underlying bill.

The SPEAKER. The gentleman from Chester County, Mr. Ross, has moved that amendment A00844 is not germane to HB 156.

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 majority leader, Mr. Turzai.

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

In support of my colleague from Chester County's motion with respect to germaneness, amendments have to be germane to a bill's subject as reflected in its title. A bill has to have a unifying theme. If we do not narrow our focus with respect to the germaneness of amendments, we endorse the position that Pennsylvania courts should be the legislator of last resort and sort through our bills to determine what the appropriate subject should be. We are not willing to surrender that legislative authority to our sister branch.

The fact of the matter is, this House and this particular caucus will be introducing separately a safe driving bill that encompasses many of the ideas set forth in this amendment. But the underlying bill here is special registration plates. Specifically, it increases to 14,000 pounds the maximum registered gross weight limit for passenger vehicles and trucks eligible to be issued special registration plates. It also increases from 10,000 to 14,000 pounds the registered gross weight limit for passenger vehicles and trucks eligible to be issued special registration plates.

There is no doubt that we are going to be doing safe driving measures, particularly teen safe driving measures, as has been championed by our colleague from Bucks County. It will be going through the Transportation Committee. Drafting has been taking place. And I must just say that with respect to the bill last session, our colleagues over in the Senate sent over a different version, and at that time it was nonconcurrent with, with I think the gentleman, the maker of this particular amendment, who voted to nonconcur. We did have an opportunity to get some things accomplished. Now we are going to have an opportunity to get much more accomplished, because we are going to work to get this out of the committee under the guidance of my colleague from Bucks County, who has been championing this issue, and we will be working hand in hand with our colleagues from across the Capitol to make sure that we can together ensure safe driving for teens, eliminate texting, put necessary checks with respect to handheld cell phones; all those issues will be before us as a body. And this is not germane, this amendment is not germane to a bill that increases the weight restriction for which you can issue special registration plates.

I would ask the members to please vote that this is not germane.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, we were able to put together a little history again on germaneness on this floor. In '05-'06 there were five germaneness questions raised—

The SPEAKER. The gentleman will suspend.

The gentleman will come to the rostrum, please.

The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, short of the visual aids, in the '05-'06 session the germaneness issue was raised five times. In the '07-'08 session the germaneness issue was raised seven times. In the '09-'10 session the issue was raised seven times. This today, in our second month in session, marks the eighth time that germaneness has been raised on this issue.

Now, we all know that as long as it is a Title 75 bill, a Title 75 amendment is germane to it. But what really is the germaneness issue here is the germaneness of teenagers' lives in the State of Pennsylvania. And you can say that is not germane all you want, but one more child dies on the roads between now and the time that we finally get around to doing those bills, and it is on your conscience. I, for one, am voting for this to be germane today.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I listened very intently to the majority leader's comments. If the issue was what is the plan for the new majority to address distracted driving, then I would say he is spot on. If the issue is how I vote on particular issues, then the gentleman is spot on. I would point out, by the way, that if the issue is how individuals vote, then Leader Turzai would be voting for this since he voted for it in the last session. But the issue is not how an individual member voted or should vote today; the issue is on germaneness, based on the motion from the gentleman from Chester. And so given that, we need to have a discussion of what the actual rule is, and our rules say that for something to be germane, it must be germane to the subject of the bill.

Mr. Speaker, when you look at the bill that is being considered today by the gentleman from Dauphin, it is in fact a Title 75 bill. And, Mr. Speaker, lo and behold, the amendment that I am offering today is an amendment to Title 75, and so it is absolutely germane. If you do not want to take my word for it, take the Supreme Court's word for it. In *Pennsylvanians Against Gambling Expansion Fund v. Rendell*, back in 2005, the State Supreme Court said, "Considering the original purpose in reasonably broad terms, we believe that here, and in this instance akin to our finding above regarding a single unifying subject, the original purpose of the bill was to regulate gaming." In this case, the underlying bill from the gentleman from Dauphin is to regulate driving in Pennsylvania, which is precisely what this amendment would do: It would regulate driving in Pennsylvania.

Furthermore, I think it is interesting, when we look back on the amendments that were offered to HB 67 – and of course HB 67 from last session is really the guts of what we consider here – there was an amendment offered by my good friend from

Upper St. Clair on the other side of the aisle, a bill dealing with distracted driving for teens, there was an amendment that he offered that dealt with the Turnpike Commission. To me, that seems a little less germane than what is being considered today, but at that time the Democratic majority allowed the gentleman from Upper St. Clair to offer his amendment, and there are example after example after example.

Mr. Speaker, this issue is germane. If the majority leader simply does not want to deal with it, then he should vote against it. But with all due respect, Mr. Speaker, he cannot do that, because he was for it, and then he would be for it before he was against it. Where did we hear that before? Mr. Speaker, the underlying bill here deals with the regulation of driving. It is a Title 75 bill. The amendment that I seek to offer, that received the support of 189 members in the last session, amends Title 75 and deals with the regulation of driving. This is a germane bill. If people want to vote against it and hide from the issue on procedural grounds, that is certainly their right. I am not going to tell any member of this chamber how to vote. But if the real issue here is, as the gentleman from Chester put it to us, that this bill is not germane, well, respectfully, I think he is wrong. It is a Title 75 bill. It deals with the regulation of driving.

Let us say that this is germane, and let us vote this issue on the merits. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. The case cited by my colleague and good friend from Montgomery County, the *Common Cause* case, the law has changed since the *Common Cause* case. Recent case law has specifically marched toward a much more limited view of germaneness in the context of legislative enactment. These cases include the *City of Philadelphia*, the *Pennsylvanians Against Gambling Expansion*, and more recently the Superior Court's opinion in *Neiman*.

In fact, late last year the Pennsylvania Superior Court addressed a single-subject challenge to SB 92 of 2003. SB 92 amended the Crimes Code and the Judicial Code to address Megan's Law provisions, liability for asbestos claims, value calculations for deficiency judgments, and the jurisdiction of municipal police officers. The Superior Court struck all but the Megan's Law provisions of the bill, finding that the bill violated the single-subject rule and the Megan's Law language was the true subject since it comprised the most pages of the bill. The *Paige* case and the *City of Philadelphia* case have similar holdings. The fact of the matter is, there is a much more limited view of germaneness, and keep in mind that in fact the fact that bills were in the same code did not prevent the Supreme Court from overturning the Fair Share Act on the basis of the fact that just because they were in the same code did not mean that joint and several liability reform could actually be in a similar bill with respect to DNA. This is about special registration plates, not licenses; license plates, not driver's licenses.

And in addition, this is about safe driving. We will absolutely get to safe driving. Our goal is to get safe driving bills to the Governor's desk to be signed, and we want to make sure that the House rules with respect to germaneness are reflective of what the case law is out there. Please vote that this is not germane.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, germaneness deals with the single-subject standard. We have heard discussion of that all afternoon here. Any bill can contain a number of provisions as long as it has a single unifying purpose. That is what the law is. That is what the case law is. This is a Title 75 bill that deals with one single unifying purpose, and that is highway safety. We can deal today with highway safety. We can save lives today. We can protect our children's lives today dealing with this bill on a germane amendment. It is incredible to me that we all vote unanimously for safe driving – to protect our children's lives, to protect our family's lives – and ignore this bill today and try to kill it and avoid a vote on the issue, on the germaneness issue that is coming up much far too often. This bill is germane. It satisfies the case law. It is a single title. It is a single unifying purpose. And if we want to get, if you want to get to safe driving issues, let us get to them today.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Greene County, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Just one moment of reflection. Although my chronology does not parallel Bud George, I have served in five decades. Not for five decades; I served in the seventies, the eighties, the nineties, the early two thousands, and God only knows what is in store for the future, but this year I commence another decade. I would only like the members to know – and I am very dispassionate about this, because I must be dispassionate about some things. The fact is, this would have been germane in the 1970s. This would have been germane, Mr. Speaker, in the 1980s in the hegemony of Matthew Ryan and Jim Manderino. This would have been germane, my young Republican colleagues, in the 1990s, and certainly, this would have been germane during the entire preceding decade. The fact that it is not germane today is for a variety of different reasons that I will not go into; they have already been expatiated upon.

Two quick references, then I will take my seat. Why would we put off today what we could do today and potentially save a life? There are youngsters going from school to their jobs, from the Poconos to Pittsburgh, from Presque Isle to Philadelphia. And my final comment would be that the rarified enthusiasms and gentlemanly efforts of my honorable friend and colleague, the majority leader, on swearing-in day, on swearing-in day, talked about getting things done, getting things done.

We could do this today. This is germane. I ask for an affirmative vote.

The SPEAKER. As a reminder to the members, and I am certainly not pointing out the previous speaker, but several speakers today have engaged in a practice that is not part of debate, and that is using a member's name on the floor in debate. You should refer to that member either by their district number, their hometown, the county from which they are from, some other descriptive, but I would please advise the members to refrain from using a member's name in the course of debate.

On the question of germaneness, the Speaker recognizes the gentleman, Mr. Geist.

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

We plan to address all of these things on an individual-bill basis. We plan on doing many bills this term rather than one omnibus transportation bill, and for that reason, I would say that

all the things that have been brought up by other members will be addressed as we do it issue by issue.

So I would go along with my leader and suggest that we vote nongermaneness.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I was certainly flattered, even though perhaps a rules violation was involved, that some action from last session that I was involved in has been cited as precedent. There are not many occasions where I had such unanimity from our brethren on the other side of the aisle, but I am happy for their words of support. So I thank the gentleman from the audiovisual department for his comments.

As to whether or not this question is germane, I would remind the members that the bill is about license plates on motor homes. It is about big vehicles. This is not about little people. It is about big vehicles. This is not germane. Let us not kid ourselves. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Chester, for the first time on germaneness, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I will be brief because I think the last two speakers actually made some of my points, but the argument in favor of germaneness was put forward that this is a bill about safety. And in fact I believe it is not a bill about safety; it is a bill about providing relief for a particular class of people, persons with disabilities, and actually allows an increase in the amount of poundage, registered gross weight, for passenger vehicles and trucks to be eligible to be issued special registration plates. Nowhere in there would there be any reference to safety. It is very, very far afield to be getting into this other discussion. I am looking forward to having a discussion about the proposed amendment. I am looking forward to having a full debate on it as we did before, and I am looking forward to voting in favor of restrictions to eliminate distracted driving. But today I am urging a vote that this amendment is not, to this bill, germane.

The SPEAKER. Does the gentleman from Luzerne, Mr. Pashinski, seek recognition? The gentleman is in order.

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

If I could just reflect for just a moment or two. As all of us stand here and debate this most critical issue in the safety of this magnificent hall, our roads and highways are being traveled and traversed across Pennsylvania, and countless numbers of people are in jeopardy due to the fact that we have spent a great deal of time defending the reason why handheld cell phones cause accidents. We have heard a lot of things about germane – whether it is germane, whether it is not germane. We have heard great things about why this bill would be important, and others why we say, let us put it off for another day.

Mr. Speaker, and to all of the members in this hall, we are talking about the lives and the safety of people that travel our highways. We have been able to use Title 75 so many times to improve our laws. It behooves us to do the same to make sure that the safety, the health, and the welfare of the people that traverse the highways and byways of Pennsylvania are indeed safe. We have an opportunity today to eliminate the legal jargon and do the right thing.

I ask you to vote in favor of germaneness and save the lives of countless Pennsylvanians and those that travel the roadways

of Pennsylvania. Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of the gentleman from Chester, Mr. Hennessey. His name will be added to the master roll.

CONSIDERATION OF HB 156 CONTINUED

The SPEAKER. On the question of germaneness, 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, Dermody, Kirkland, Preston, Bishop, DeWeese, Kortz, Ravenstahl, etc.

NAYS—109

Table listing names of members who voted 'NAYS' (109 total). Includes names like Adolph, Farry, Major, Reichley, Aument, Fleck, Maloney, Roae, etc.

Table listing names of members who were 'NOT VOTING' or 'EXCUSED'. Includes names like Evankovich, Krieger, Rapp, Smith, S., etc.

NOT VOTING—0

EXCUSED—9

Table listing names of members who were 'EXCUSED' (9 total). Includes names like Buxton, DePasquale, Johnson, Milne, etc.

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 as amended?

Mr. M. O'BRIEN offered the following amendment No. A00845:

Amend Bill, page 1, line 3, by inserting after "plates" , for junior driver's license, for learners' permits and for restraint systems

Amend Bill, page 1, line 9, by striking out "and 1365(a)" and inserting

, 1365(a), 1503(c), 1505(e) and 4581(a) and (b)

Amend Bill, page 12, by inserting between lines 28 and 29 § 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(2.1) Except as set forth in paragraph (2.2), a junior driver may not drive a vehicle with more than one passenger under 18 years of age.

(2.2) With parental or in loco parentis approval, a junior driver may drive a vehicle with passengers who are siblings or relatives who live in the same dwelling as the junior driver.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an

accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

§ 1505. Learners' permits.

* * *

(e) Authorization to test for driver's license and junior driver's license.—A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed [50] 65 hours of practical driving experience, including no less than ten hours of nighttime driving and five hours of inclement weather driving, accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

* * *

§ 4581. Restraint systems.

(a) Occupant protection.—

(1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in subsection (d). This subsection shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of violating any other provision of this title.]

(2) (i) Except for children under [eight] 18 years of age and except as provided in paragraphs (1) and (1.1), each driver and front seat occupant of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. [A conviction under this paragraph by State or local law enforcement agencies

shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title.]

(ii) The driver of a passenger automobile who is under 18 years of age shall secure [or cause] himself and cause any occupant who is eight years of age or older and under 18 years of age to be secured in a properly adjusted and fastened safety seat belt system [any occupant who is eight years of age or older and less than 18 years of age].

(iii) This paragraph shall not apply to:

[(i)] (A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

[(ii)] (B) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

[(iii)] (C) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

[(iv)] (D) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

(iv) A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) A driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

(b) Offense.—Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) shall be guilty of a summary offense with a maximum fine of \$100. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection [(a)(2)] (a)(2) or (3) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

* * *

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

I rise today to offer this amendment. On April 28, 2007, a beautiful, vivacious young woman by the name of Lacey Gallagher walked out of her front door to her senior prom never to return, never to return. The night that should have been the kickoff of a long and successful and fulfilling life ended in tragedy.

I offer this amendment, Mr. Speaker. It is not the first time that these words have come into these chambers. The lady from Bucks has worked long and diligently on this issue. The

gentleman from Philadelphia has worked on this issue. The gentleman from Allegheny has worked on this issue, but I bring it to this chamber today for one simple reason: Carpe diem. Seize the day. Too many have died; too many have died, and it is time that we move forward.

This amendment, Mr. Speaker, is very, very simple. It increases, it increases time behind the wheel for our learners, those who are studying to become drivers, from 50 hours to 65 hours, increasing time for driving at night and in bad weather. It very simply, Mr. Speaker, allows those under 18 years of age to only have one other passenger. The only exception is for family members with the approval of the families.

This legislation, Mr. Speaker, takes the use of restraints from a secondary to primary offense. Mr. Speaker, this is simply about saving lives, and I would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the amendment, the Speaker recognizes the gentleman from York, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I appreciate the gentleman from Philadelphia's comments and the interest in saving lives of teenagers in this Commonwealth, very much true. And I think the gentledady from Bucks County, who has introduced this piece of legislation, will be reporting to the floor shortly from our Transportation Committee.

We as Republicans have constantly talked about using our committee system. We have gotten away from it in the past, and it is important that bills be vetted in committee and talked about there and amendments offered there if need be.

GERMANENESS QUESTIONED

Mr. SAYLOR. So, Mr. Speaker, I rise to challenge the germaneness of this amendment since we are not talking about teen driving in this bill, rather, again, a different subject.

The SPEAKER. The gentleman from York, Mr. Saylor, has raised the question of whether amendment A00845 is germane.

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

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. O'Brien, from Philadelphia County.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

When Lacey Gallagher walked out of her door on that fateful April evening and stepped into a vehicle registered under Title 75, that was germane, Mr. Speaker. When Lacey Gallagher failed to put on a seat belt as required under Title 75, that was germane, Mr. Speaker. When the ambulance came to the site of the wreck and took her to the hospital, that ambulance was regulated under Title 75, Mr. Speaker. And when her body was taken to her grave, to her final resting place, that ambulance was regulated under Title 75.

I would propose to you, Mr. Speaker, that this, this, nothing has ever been more single-purposed, more germane than this issue before this House. And to vote for anything less than its

germaneness would be heartless. I ask for an affirmative vote.

The SPEAKER. On the question of germaneness, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. The gentleman from Philadelphia County is passionate, and I invite him to be a part of the discussions with our good colleague from Bucks County. We will be moving safe driving legislation, and God bless Lacey Gallagher. There will be, our objective is to get safe legislation, safe driving legislation, to the Governor's desk in working with our counterparts from the Senate. The last time when we had an opportunity, even though the Senate did not give us everything we would have liked from this body, we had an opportunity to concur led by the maker of the previous amendment; there was not concurrence. We want to work together in moving out of the Transportation Committee and out of the House, and ultimately, onto the Governor's desk, safe driving legislation that would encompass some if not all of what the good gentleman from Philadelphia County is putting forth today. At some point he is going to be able, I believe before the end of this session, in a singularly crafted bill, to be able to address these safe driving issues.

This is not a registration plate bill. It is not the place to do it. We are going to have proper hearings, proper vetting, a good bill that we believe will ultimately get to the Governor's desk and will become law. We understand the issues that he is raising, and my heart goes out to that family; my heart absolutely goes out to that family. And, good gentleman, we want you to be a part of that solution when we craft that bill under my colleague from Bucks County's legislation.

I would ask people to vote that it is not germane, but to please understand we will have a day very shortly that will be dedicated to safe driving on this House floor. Thank you very much, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Nobody can say it better than the gentleman from Philadelphia, Mr. Speaker. I just want to point out a few things. On the underlying bill, HB 156, that bill amends 22 sections of the Motor Vehicle Code. The gentleman from Philadelphia's bill amends three. We are talking about a single unified purpose here. It is a single unified purpose of safety on Pennsylvania's highways. It is incredible to me that we will not address the issue today when we have the opportunity to deal with it.

The amendment is germane. It is germane because it deals with a single purpose, safety on our highways, and we should all vote "yes." Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

And let me thank my colleague from the other side for requesting that I try to be nice. But, Mr. Speaker, I do not know how you can really be nice. I have heard the majority leader indicate that there is a comprehensive bill that is being developed, and I remember last term when we dealt with this issue, there were some people who said, wait, we are going to have a comprehensive strategy. The term before that there was some conversation about taking affirmative steps to reduce if not eliminate the deaths of young people in Pennsylvania by vehicle, but somebody said, wait, wait for a comprehensive strategy.

So, Mr. Speaker, I rise to say to the majority leader that I will be there when you get there, but I am going to do Lacey Gallagher today. We cannot afford to wait another day, another hour, another month, another year to move this forward. I feel what went on with Lacey Gallagher, almost immediately—Lacey went to a parochial school in my district, Little Flower, and as a testimony to her academic achievement, as a testimony to that beautiful life, as a part of my annual State Representative awards program, there is a special recognition for Lacey Gallagher. And so since her death, we have had a parallel track, one to acknowledge other young people from Little Flower who reflected the beautiful life of Lacey Gallagher. And I have sat here and watched my colleague from Philadelphia and from Montgomery County take affirmative steps to try and deal with the policy side of the tragedy which faced Lacey Gallagher. And, Mr. Speaker, again I have sat here and I have been nice and I have gone along with, wait, we have a comprehensive strategy.

Mr. Speaker, from what I have been sitting here this evening, what has become real clear to me, and that is the question of whether or not we take steps to eliminate the deaths of young people in Pennsylvania by vehicle, is really a question of whether it comes from a Republican or a Democrat. And the reality of it is, saving the lives of young people by motor vehicle, tragedies associated with motor vehicles, is not an issue of Democrats or Republicans.

Mr. TURZAI. Mr. Speaker?

Mr. THOMAS. It is not an issue.

The SPEAKER. The gentleman will suspend.

Mr. THOMAS. I will yield temporarily.

Mr. TURZAI. Mr. Speaker, with all due respect to the good gentleman, this is far afield from the issue of germaneness.

The SPEAKER. The gentleman's observation is correct.

Mr. TURZAI. We really need to be on the issue.

The SPEAKER. The Chair thanks the gentleman.

The speaker would be advised to keep his comments relative to the germaneness of this amendment to the bill and not the subject of the amendment.

Mr. THOMAS. Mr. Speaker, if this is not about germaneness, then we need to pack up and go home, because there is no more of an issue, and we went through these germane challenges. We have to draw a line in the sand, and I ask my colleagues on both sides, if you stand for Lacey Gallagher, then you must vote that this is germane. If you want to put it off for another day, another month, another year, or if you want to put it off on whether or not it comes from a Republican or a Democrat, then support this two-for-nickel challenge of germaneness so it is really clear on which side you stand. I ask you to stand with Lacey Gallagher and all the other young people that have been faced with death by motor vehicles in Pennsylvania. If you can stand with them, then the issue of whether this issue is germane is really moot; it is dead.

And so, Mr. Speaker, let us do what is right. Let us do it now. Let us do it here. And let us do it in memory of Lacey Gallagher, who is a life that we should always remember, we should always cherish, and we should do all that we can do to make sure that another young lady does not have to die this way.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, germaneness is not a test of convenience. It was implied earlier that we will get to this; it just is not on our agenda for today. That is not how you test germaneness. This notion that we will, at some point in time, at a date uncertain, have safe driving day, and then everything you are ever going to do related to safe driving gets done that day to that bill – not before; apparently not after – because that was the day that someone designated as the day we do safe driving-related issues here, not driving-related issues, not Title 75 issues, just safe driving as it is defined by whoever decides they want to raise the issue of germaneness that day. That is not what germaneness is about.

Specifically, for those new members who have been voting that issues are not germane, I would suggest you do a little homework. And as Representative DeWeese pointed out, go back and look at the Legislative Journals for the last 50 years.

The SPEAKER. The gentleman will suspend.

I would once again advise the members that they are not to use members' names in the course of debate.

Mr. STURLA. My apologies, Mr. Speaker.

The gentleman from Greene County pointed out that if you go back and look at the Journals, there is a test for germaneness. And the majority leader cited a court case where there was a two-title bill and that there was a strict interpretation of what is germane and what is not, and I agree with that court ruling, because in that court ruling, it was to a bill that had two titles. And if you go back and look at the past 50 years of history in this chamber, bills that had two titles, you are restricted just to the language in the bill, nothing else in the titles, only the language that is contained in the bills. And so the courts followed our 50 years of history in making that interpretation.

What is being asked of you now is to do a great leap of faith and say, do that to single-title bills also. That has not been precedent here, ever. So I would suggest to you that you do your constituents a favor and instead of voting the convenient way, do some research and look to see what it is that is germane and what is not. And then if you in good conscience can come back here and vote that these are not germane, so be it, but I doubt that that will be the case. This marks the ninth time this session that germaneness has been raised, most of them speciously.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the lady from Bucks County, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I have evidently had my name or just the lady or someone from Bucks County mentioned several times, so it is in that vein that I am up here. This is a very difficult decision for everyone, whether they are a new member or a member who has long served. I myself am a member who has served for 10 years. And for I guess 6, almost 8, of those years, I have introduced a bill individually to stand alone that addressed the specific issue that this amendment talks about, which is improving the graduated driver licensing law for those 16 1/2 to 18.

Mr. Speaker, I checked on germaneness because for me this would be a very difficult decision. I have never had pride of authorship, and quite frankly, Mr. Speaker, when I have stood on this floor before, I have tried not to use the names of the children, young people – I still think they are children – but young people who have died or any of that or tried to take this issue and put it on one side of the aisle or another. As I have

said individually to people, Mr. Speaker, when a child is dead, it does not matter if her parents are registered, how they are registered, how they vote, or anything else. Those of us who are parents know it is the worst possible thing that can happen.

Mr. Speaker, I consulted two attorneys this afternoon and asked them, because I am not a lawyer. Perhaps I am one of only a few left here in the House, but I am not a lawyer. I wanted to know, when we are talking germaneness here and we have narrowed it down, when I look at this bill, I go, sure, it is Title 75. So I would say, all right, it is in the same title, but I know that even from our Transportation Committee, where I have been a member, we have taken the work of the Transportation Committee and divided into subcommittees those that work on what I call the registration, the classification, that kind of thing, versus that which works on highway safety and those issues, and we have several subcommittees to address that. We have a separate one that does airports and airplanes and all of that.

When I asked both the attorneys, they said according to the latest rulings, and I will put it in my terms, the nonattorney terms, and I have used this phrase, I call it, they evidently are now into what I call the laser surgery approach, and that is they look very insightfully and say, it is not exactly on that subject. And so, what I read or have heard others say, well, in the seventies they did this or in the eighties they did this; I would remind my colleagues, lots of things were done in the seventies and the eighties that we no longer do and know we should do. And I would go to something related to surgery and say, the same way they took your gallbladder out in the 1970s, that is not what they are going to do in 2010, and you and I are the better for that.

And so I will use this laser surgery and say to you that when I looked and talked again to those two attorneys, I would suggest to you, I came to the conclusion – sadly for me, because this has been an issue I have worked on and promised people about – that I would see to it that this would get done because it had happened in my district; other names, other people. I have met the Gallaghers and been in their company, and that was fine to name it for Lacey when another Representative from Philadelphia asked me to do so.

The underlying idea, Mr. Speaker, that we do not care or somebody does not care, I do not think is true. The one thing I have learned, Mr. Speaker, and I do not want to go too far afield, it is germane, but others have spoken to it and maybe our new members need to know, when you do not get your bill through, you go back and figure out, how do I do it, if you are that passionate about it. I have spent hours figuring out strategies. I know for the most part how each member might vote. I have a card, in case you did not know, on each of you. New members, I have cards on you too. Try to see, how do we get this through? And once we get it through the House, Mr. Speaker, the idea is to get it through the Senate, because it does not do us any good to get it halfway, Mr. Speaker. I have done that before.

This is not germane today. I certainly would assure, and I have gotten the assurance of the majority leader, because probably I have browbeaten him on several occasions, that HB 9, it is already there. It is in Transportation, will be brought up, and we will get an opportunity to vote on it. And following that germane and laser surgery theory, Mr. Speaker, I think it is terribly important for each member to vote on the very specific

issue. How do you feel? How does your constituency feel about changing the graduated driver licensing law for that age group, 16 1/2 to 18, versus how do you feel about, should all of us be still driving? And I always do a demonstration – I know women, we are the worst offenders – but the hand with the cell phone here and the hand on the wheel and usually yelling at the children who are misbehaving, in their seats and strapped in, but misbehaving in the back. That ought to be a separate bill and a separate issue, and we should vote on that.

The newer phenomenon of the texting that has come up in the last sessions, Mr. Speaker; if texting is not good when you are 17 or 18, it is probably not good and safe when you are 48, 58, 68, or 78. And that is a stand-alone bill. I have that. I believe some others have done something.

We should look at these with laser precision. We should identify and vote and each of you then have the opportunity to vote as your constituency would want you to do, Mr. Speaker. That is what I will do. Sadly, Mr. Speaker, I have to agree with the two attorneys who made good arguments and showed me the law, and I can read – I may not be a lawyer, but I am still good at reading – that this is not germane for what we want. As far as the bill that I have introduced, Mr. Speaker, I can assure everybody, I will not rest until I get it through. I am already worrying about getting it past here and moving on to the other side of this building. It should become law; it absolutely should, but I said that in 2006. In fact, I stood on this floor, Mr. Speaker, and said that for HB 67 last session in June. When I said, because at least the Senate kept in the seatbelt part of it that would make it a primary seatbelt law from birth to 18, please do this because the police said, at least this will get us to the vehicle. We will not get what we want, but it will get us to the vehicle. And most of my colleagues voted "no." If they did not get the whole loaf, they did not want it. Mr. Speaker, there could have been lives saved from that summer on, but we have to live with that.

So I will continue, Mr. Speaker. This is not germane, but this issue is not going away and it will not go away, and I trust that those who have spoken will help to get it passed and will talk to their Senate colleagues and get it passed over there.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

On the question of germaneness, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

And I, too, have listened to counsel's representation as to germaneness, and I respectfully disagree with the last speaker's remarks; however, we are missing the point on germaneness. The point here is the fact that bills are subject to the process they are subject to. For whatever reason, we have decided to bring forward bills on registration plates who have a subject, which is Title 75. In the last term, and on this bill and in the previous bill, we passed bills and sent them to the Senate. It is germane. The whole idea of germaneness is about process. We know that if we pass a bill and we do not do it early enough, it dies in the Senate. Last year over 100 bills that we passed in this legislature, or in this House of the legislature, died in the Senate. Today we bring up a Title 75 bill that has a chance to save lives. Our answer on germaneness is, I am sorry, we are going to have a laser beam definition of what germaneness is. That is not the law. The law is what Josh Shapiro, our Representative from Montgomery, said it is, because the Pennsylvania Supreme Court said that is what it is. It does not

matter if the Superior Court refines it later; you cannot overrule the Pennsylvania Supreme Court. In 2005 they said, if you are within the subject, it is germane. This bill, this amendment is germane. You do not want to deal with it, that is okay, but do not ask me to be happy about the fact that you say we are going to wait until some undetermined period of time later to deal with the real problem that we have under Title 75, which is that people drive without safety belts and we let the Senate say that it is a secondary offense when you cannot pull anybody over for a secondary offense.

It is germane. We should deal with it today or we should send this bill back to the committee, and we should do what is right: Deal with the real problems, not with registration plates.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the majority leader, Mr. Turzai.

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

Last July 1, 2010, many of the folks that have gotten up to say that – disregarding what the definitions are with respect to germaneness – that we should just vote what the amendment sets forth; the fact of the matter is, many of those individuals, when given the opportunity to vote for Lacey's Law and to concur with what the Senate sent over, voted against that concurrence, which would have put it right on the Governor's desk. The fact of the matter is, the decisions with the *Weaver* case that dealt with joint and several liability, the *City of Philadelphia* case that dealt with gambling, the *Paige* case, which dealt with – I am sorry; that is the one that dealt with the regulation of gaming – and the *City of Philadelphia* case; each of those cases was not just single or double titles.

The fact of the matter is, the Supreme Court has marched toward a much more limited view of germaneness. And in fact we will be working through a committee process to look at important bills, but this amendment is not germane, and I would ask people to please vote "no." Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Would the majority leader stand for brief interrogation?

The SPEAKER. The gentleman is not standing for interrogation.

Mr. DeLUCA. Let me ask somebody from my side. Whose amendment was this? Mike, would you— Mr. O'Brien, would you—

The SPEAKER. The gentleman will direct the questions and comments to the Speaker.

Mr. DeLUCA. Mr. Speaker, I am sorry. I apologize.

Would the gentleman, the maker of the amendment, stand for brief interrogation?

The SPEAKER. On germaneness—

Mr. DeLUCA. On germaneness.

The SPEAKER. —the maker of the amendment said he will stand for interrogation.

Mr. DeLUCA. Okay.

The SPEAKER. The gentleman may proceed.

Mr. DeLUCA. On your amendment today that is going to be ruled not germane, I would like this House to, I would just like to understand, that is why I wanted to interrogate the majority leader, if HB 156 comes over from the Senate with something else in it, will the majority leader say that we should not vote for this 156, HB 156? The SPEAKER. The gentleman will suspend.

You asked for interrogation of the maker of the amendment relative to the germaneness of this amendment. To ask him about what the majority leader may or may not do is not a proper question.

Mr. DeLUCA. I will withdraw, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question of germaneness, those who believe the amendment 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

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

NAYS—109

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

NOT VOTING—0

EXCUSED—9

Buxton	DePasquale	Johnson	Milne
Cohen	Grove	Killion	Wagner
Cruz			

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 as amended?

Ms. **MUNDY** offered the following amendment No. **A00847**:

Amend Bill, page 1, line 2, by inserting after "providing" for hydraulic fracturing wastewater and

Amend Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. The definition of "hazardous material" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Hazardous material." Any explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable or nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic peroxide, radioactive material, etiologic agent, cryogenic liquid, hazardous waste, hydraulic fracturing wastewater, hazardous substance or other material which the department by procedure prescribed in Chapter 83 (relating to hazardous materials transportation) declares to be a hazardous material.

* * *

"Hydraulic fracturing wastewater." The waste product or discharge resulting from the industrial process of hydraulic fracturing which contains noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the act of June 22, 1937 (P.L. 1987, No.394), known as The Clean Streams Law.

* * *

Section 2. Sections 1307(a.1), 1338(a)(9), 1341, 1342(a), (c) and (d), 1346, 1348, 1350, 1350.1, 1351, 1352, 1353, 1354(a), 1355, 1356, 1357, 1358, 1359(a), 1360, 1362, 1363, 1364 and 1365(a) of Title 75 are amended to read:

Amend Bill, page 12, line 29, 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 lady, Ms. Mundy.

Ms. **MUNDY**. Thank you, Mr. Speaker.

My amendment you will love because of course it is germane; it deals with the registration of trucks, big trucks, and

it regulates truck licensing. So it is extremely germane to the bill, underlying Title 75 bill. It includes hydraulic fracturing wastewater in the definition of "hazardous material," and the purpose is to require drivers who transport this wastewater to be trained in the handling and transporting of hazardous waste. It also requires them to obtain a "hazardous materials" designation on or with their driver's license. This amendment also intends to require vehicles transporting wastewater to be clearly labeled as containing hazardous waste, for public safety purposes.

I would suggest that this is an important amendment, and I would appreciate your support.

The **SPEAKER**. Will the House agree to the amendment?

On the question, the Speaker recognizes the gentleman from Dauphin County, Mr. Payne.

Mr. **PAYNE**. Thank you, Mr. Speaker.

I will surprise the gentleman from Lancaster; I am going to stand and ask for a "no" vote on the amendment, because the underlying bill, which increases license plates, which are outside the vehicle and have nothing to do with anything inside the vehicle, handles a gross weight limit for passenger vehicles and trucks to be issued these special registration plates. Now, I want you to understand, this is for a disabled veteran. And I have heard all the discussions today on how this is pertinent for a variety of reasons, but the original intent of the bill is about disabled veterans.

This amendment, just brought up, bears no relation to the subject matter. The amendment deals with a clarification of hydraulic fracking wastewater as a hazardous substance. On the merits of this amendment, the additional hydraulic fracking is already regulated in a different manner by DEP (Department of Environmental Protection) and under established environmental law and regulations. Title 75 has no bearing on those environmental regulations. And in fact the Federal Motor Carrier Safety Administration is the only agency that can determine what a hazardous material is.

So for those reasons, I ask my colleagues for a "no" vote on this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

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

DeLissio	Kavulich	Petrarca	Youngblood			
NAYS—110				1571	Violation concerning license.	3
Adolph	Farry	Major	Reese	3102	Failure to obey policeman or authorized person.	2
Aument	Fleck	Maloney	Reichley	3112(a)(3)(i)	Failure to stop for a red light.	3
Baker	Gabler	Marshall	Roae	3114(a)(1)	Failure to stop for a flashing red light.	3
Barbin	Geist	Marsico	Rock	3302	Failure to yield half of roadway to oncoming vehicle.	3
Barrar	Gillen	Masser	Ross	3303	Improper passing.	3
Bear	Gillespie	Metcalfe	Saccone	3304	Other improper passing.	3
Benninghoff	Gingrich	Metzgar	Saylor	3305	Other improper passing.	3
Bloom	Godshall	Miccarelli	Scavello	3306(a)(1)	Other improper passing.	4
Boyd	Grell	Micozzie	Schroder	3306(a)(2)	Other improper passing.	3
Brooks	Hackett	Millard	Simmons	3306(a)(3)	Other improper passing.	3
Brown, R.	Hahn	Miller	Sonney	3307	Other improper passing.	3
Causer	Harhart	Mirabito	Stephens	3310	Following too closely.	3
Christiana	Harper	Moul	Stern	3316	Use of interactive wireless communication device.	1
Clymer	Harris	Murt	Stevenson	3321	Failure to yield to driver on the right at intersection.	3
Cox	Heffley	Mustio	Swanger	3322	Failure to yield to oncoming driver when making left turn.	3
Creighton	Helm	O'Brien, D.	Tallman	3323(b)	Failure to stop for stop sign.	3
Culver	Hennessey	O'Neill	Taylor	3323(c)	Failure to yield at yield sign.	3
Cutler	Hess	Oberlander	Tobash	3324	Failure to yield when entering or crossing roadway between intersections.	3
Day	Hickernell	Payne	Toepel	3332	Improper turning around.	3
DeLozier	Hutchinson	Peifer	Toohil	3341(a)	Failure to obey signal indicating approach of train.	2
Denlinger	Kampf	Perry	Truitt	3341(b)	Failure to comply with crossing gate or barrier. (and 30 days'	4
DiGirolamo	Kauffman	Petri	Turzai			
Dunbar	Keller, F.	Pickett	Verab			
Ellis	Keller, M.K.	Pyle	Vulakovich			
Emrick	Knowles	Quigley	Watson			
Evankovich	Krieger	Quinn				
Evans, J.	Lawrence	Rapp	Smith, S.,			
Everett	Maher	Reed	Speaker			
NOT VOTING—0						
EXCUSED—9						
Buxton	DePasquale	Johnson	Milne			
Cohen	Grove	Killion	Wagner			
Cruz						

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

On the question recurring,

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

Mr. SHAPIRO (for Mr. DePASQUALE) offered the following amendment No. A00862:

Amend Bill, page 1, line 3, by inserting after "plates" and for schedule of convictions and points; and prohibiting the operation of motor vehicles while using interactive wireless communication devices

Amend Bill, page 1, line 9, by striking out "and 1365(a)" and inserting , 1365(a) and 1535(a)

Amend Bill, page 12, by inserting between lines 28 and 29 § 1535. Schedule of convictions and points.

(a) General rule.—A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2

	suspension)	
3342(b) or (e)	Failure to stop at railroad crossings.	4
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus with flashing red lights. (and 60 days' suspension)	5
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed.—Over Limit: 6-10 2 11-15 3 16-25 4 26-30 5 31-over 5 (and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zone. (and 60 days' suspension for a second or subsequent offense)	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrian in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk.	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714(a)	Careless driving.	3
3745	Leaving scene of accident involving property damage only.	4

(a) Prohibition.—Except as otherwise provided in this section, no person shall operate a motor vehicle on any public road or highway of this Commonwealth while using an interactive wireless communication device to write, send or read any text-based communication, including, but not limited to, a text message, instant message, electronic mail or Internet data. A person does not send, read or write a text message when the person reads, selects or enters a phone number or name in an interactive wireless communication device for the purpose of making a phone call.

(b) Applicability.—This section shall not apply to a person operating:

(1) an emergency vehicle; or
(2) while in the performance of their official duties: a police officer, peace officer or a member of a fire department, district or company.

(c) Penalty.—Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 and not more than \$100.

(d) Local ordinances.—This section supersedes and preempts all ordinances of any municipality with regard to the use of an interactive wireless communication device by the driver of a motor vehicle.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
"Interactive wireless communication device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include any of the following:

(1) a device being used exclusively as a global positioning or navigation system;
(2) a system or device that is physically or electronically integrated into the vehicle; or
(3) a communication device that is affixed to a mass transit vehicle, bus or school bus.

Amend Bill, page 12, line 29, 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. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

The Speaker correctly notes, I offer this amendment on behalf of the gentleman from York. And I listened intently to the gentlelady from Bucks speak before about her support and the support in this chamber for a bill that would simply ban texting while driving for everybody, texting while driving. This amendment does that. It would ban texting while driving for all motorists on Pennsylvania's roadways. It has been argued on this floor, it has been argued in a court of public opinion, and in fact it has even been argued by the Pennsylvania Turnpike Commission that has those signs up and that ad campaign that we should not text while driving. We know the dangers of texting while driving. Supporting this amendment and attaching it to the gentleman's bill will ensure that even if we cannot go the full 100 yards in adopting some of the previous amendments that were offered, we can take an important step forward in the process to get more than, say, half a loaf on dealing with distracted driving.

So I would respectfully ask the members to support this amendment and ban texting while driving on Pennsylvania's roadways.

Thank you, Mr. Speaker.

Section 2. Title 75 is amended by adding a section to read:
§ 3316. Prohibiting use of interactive wireless communication devices.

GERMANENESS QUESTIONED

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I am not interested in boring the House by repeating language that I have used extensively already, but the issue at hand, the underlying bill, is about expanding weight limits for registrations; it is not about safety. So therefore, to this proposed amendment, I also wish to make a motion, Mr. Speaker.

The SPEAKER. And that motion would be?

Mr. ROSS. To ask that the House find that this amendment is not germane to the underlying bill.

The SPEAKER. The gentleman from Chester, Mr. Ross, has raised the question of whether amendment A00862 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 the question of germaneness, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I would be remiss if I did not point out that in the 2005-2006 session, the issue of germaneness was raised a total of five times. We will now double that total as of this vote here today.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Would the honorable majority leader submit to a 1 or 2 minute interrogation on germaneness?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. TURZAI. My good friend.

Mr. DeWEESE. Just for the future, not even for today, if we have a bill dealing with a license plate on a motorcycle and there is an amendment dealing with a license plate on a truck – I am talking about a week or a month or a year from now – will that be germane? And as I relinquish the microphone, really, I am only going to—

The SPEAKER. The gentleman will suspend.

The hypothetical is not related to whether or not this amendment is germane to this bill on the floor today.

Mr. DeWEESE. Mr. Speaker, my only polite response to the Chair would be that if we do not find some objective criteria rather than subjective criteria within the very agile and ratiocinative brain of our majority leader, we will be debating germaneness ad infinitum, ad nauseam as this session progresses. So now in the incipient weeks of our 2-year experience, I think it is germane for us to talk about what is germane. God bless America.

I just ask, for the future, if we are going to have a license plate bill on motorcycles—

The SPEAKER. Will the gentleman suspend.

Mr. DeWEESE. Yes, sir.

The SPEAKER. Are you speaking on germaneness or were you attempting to debate the Chair?

Mr. DeWEESE. I do not believe I would ever attempt to debate the Chair. I am an institutional man.

The SPEAKER. That is what the Speaker thought.

Mr. DeWEESE. I think I have made my point.

The SPEAKER. The Speaker thanks the gentleman.

On the question of germaneness, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

And I applaud the gentleman from Lancaster's observation that amendments offered from this side of the aisle last session were so point-on and germane throughout the session that we were not wasting the time of the body with amendments that were not germane. I am encouraged that you have recognized this, which is the first step to addressing the problem. Now, if you cannot tell the difference between a motor home and a mobile phone, you might think that this amendment is germane; but if you can tell the difference between a motor home and a mobile phone, then you should understand it is not.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I appreciate the levity from the previous speaker. I also appreciate the comments made by the leader throughout this merry-go-round-of-germaneness discussion that we have had. The majority leader spoke in his comments on germaneness, defending the notion that somehow these attempts to make our roadways safer are not germane. He cited numerous cases. He cited, however, numerous Superior Court cases. The Superior Court, of course, being beneath the Supreme Court, of which I cited a statement by the court a few moments ago. In addition to that, the argument put forth by the majority leader on germaneness dealt with several cases dealing with multi-title bills. And of course, we know they are not applicable in this instance because we are really only dealing with one title, and that is Title 75. The underlying bill offered by the gentleman from Dauphin is a Title 75 bill, and of course, the amendment I offer on behalf of the gentleman from York is a Title 75 amendment.

So clearly, the majority leader's reference to these cases I would think would not be on point. But even if we were to accept that his case that he cited – for example, the *Neiman* decision – is on point, I would read to you, Mr. Speaker, and I would be happy to submit this for the record, that this case dealing with a bill on asbestos, Megan's Law, deficiency judgment, sheriff sales, and fingerprint databases, to name just a few of the subjects in it, pointed out in the court's review that the court has "a very deferential standard in reviewing constitutional challenges to statutes."

In addition to that, the court laid out its recognition, the reasons why the single-subject rule was adopted. And of course we are dealing with a single subject here, and that single subject is Title 75. First, they wanted to prevent logrolling, and of course, that is not what we are doing here; we are not logrolling. "Second, the single subject rule prohibits hiding what might be unpopular legislation..." so says the Superior Court of Pennsylvania.

I do not know, I think when 91 percent of Pennsylvanians, according to a recent public opinion poll, support banning texting while driving, it is hardly unpopular, Mr. Speaker; perhaps for that 9 percent, I guess, that disagree with us. And then finally, the third test this Superior Court puts forth is that "a bill addressing a single subject is more likely to receive a considered review than one covering many topics." And of course this is one topic. This is one subject, and this deals with Title 75 and making our roadways safer.

Furthermore, the Superior Court writes, "...we acknowledged that bills are frequently subject to amendments as they proceed through the legislative process and not every supplementation of new material is violative of the Constitution." The court actually lays out the test, Mr. Speaker, as to what is a single subject, what is germane, and what is appropriate, and we meet that standard under this amendment. We meet that standard. So, Mr. Speaker, frankly, you know, I think we should adopt the tactic that was taken by the leader just a moment ago on the gentledady from Luzerne's amendment and just allow us to vote on the merits of this amendment; just allow us to vote on the merits of this amendment. Ninety-one percent of Pennsylvanians support banning texting while driving. And in the last session—

The SPEAKER. Is the gentleman—

Mr. TURZAI. Mr. Speaker, on germaneness, please?

The SPEAKER. —staying on germaneness?

Mr. SHAPIRO. On germaneness. And in the last session, 91 percent of the members of this chamber supported it as well. This is single subject. It deals with regulation of our driving on our roadways. It is Title 75. If you accept the Superior Court decision that the leader put forth, it helps make our case, but more on point, the Supreme Court decision that I cited earlier that trumps any Superior Court decision makes it clear that an amendment of this sort is germane.

Let us vote that this is germane. Let us vote on the merits, and let us make Pennsylvania's roadways safer, Mr. Speaker. Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think anyone in this chamber who knows me knows that I am devoted to this institution. I believe in this institution, and I believe in elective government and the ability of Assemblies to represent their constituents and to function effectively in the spirit of democracy. We have seen a disturbing trend put forth by the leadership of the majority party to narrow the topic of germaneness in such a way as to stifle the ability of rank-and-file members to raise important issues that are in fact related and germane to the topic at hand.

The gentleman from Montgomery who spoke before me raised that point in terms of the court's context. And I would urge the members of this House not to continue to go down this path of such a narrow definition of "germaneness" that we deprive not only minority members of their ability to put forth amendments that deal with issues that are of importance and are germane, but also to not deny rank-and-file members, regardless of which party they belong to. Oftentimes, the ability to amend on the floor is the only avenue a rank-and-file member has if they cannot get a proposal out of committee. It is something which every freshman and sophomore member of this House should hold dear as a procedure, to be able to be heard and to

put forth their thoughts, their proposals, and the issues they are seeking to represent on behalf of their constituents.

As the Chair has pointed out, germaneness is a matter for this House to decide, but in times when there is vagueness on certain parliamentary procedures, we fall back on Mason's Manual as guidance. And if one refers to amendments that must be germane, under section 402 of Mason's Manual, there are many criteria, but the one that stands out, which is most pertinent to the debate before us right now is the following, which I quote, "To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject."

The gentleman from Montgomery County's amendment amends the Vehicle Code, Title 75. That is the issue of germaneness, and to deny that is to deny a basic principle of parliamentary procedure that has guided us well in this institution for many, many years. I urge the members not to continue to go down this path and destroy the only avenue, the only avenue that each and every one of us as individual members has to be able to influence this process. This amendment is germane. It deserves to be considered germane by this House. I urge all members, all members, regardless of party, to rule this amendment germane. Thank you.

The SPEAKER. On the question of germaneness, those who believe the amendment 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?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority leader, who requests a leave of absence for Mr. Dennis O'BRIEN for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 156 CONTINUED

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—85

Barbin	Dermody	Kirkland	Preston
Bishop	DeWeese	Kortz	Ravenstahl
Boyle, B.	Donatucci	Kotik	Readshaw
Boyle, K.	Evans, D.	Kula	Roebuck
Bradford	Fabrizio	Longietti	Sabatina
Brennan	Frankel	Mahoney	Sainato
Briggs	Freeman	Mann	Samuelson
Brown, V.	Galloway	Markosek	Santarsiero
Brownlee	George	Matzie	Santoni
Burns	Gerber	McGeehan	Shapiro
Caltagirone	Gergely	Mirabito	Smith, K.
Carroll	Gibbons	Mullery	Smith, M.
Conklin	Goodman	Mundy	Staback
Costa, D.	Haluska	Murphy	Sturla
Costa, P.	Hanna	Myers	Thomas

Curry	Harhai	Neuman	Vitali
Daley	Harkins	O'Brien, M.	Waters
Davidson	Hornaman	Parker	Wheatley
Davis	Josephs	Pashinski	White
Deasy	Kavulich	Payton	Williams
DeLissio	Keller, W.	Petrarca	Youngblood
DeLuca			

NAYS—108

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

NOT VOTING—0

EXCUSED—10

Buxton	DePasquale	Killion	O'Brien, D.
Cohen	Grove	Milne	Wagner
Cruz	Johnson		

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

The SPEAKER. The Speaker is in receipt of 10 amendments that were filed late, and it would be his understanding that these amendments are being withdrawn. They would require a suspension of the rules.

Mr. DERMODY. That is correct, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

The Speaker would like to inform the members there will be no further votes this afternoon.

Are there any announcements?

BILLS RECOMMITTED

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

- HB 78;
- HB 145;
- HB 156;
- HB 165;
- HB 312; and
- HB 442.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 140 be removed from the tabled calendar.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 140 be recommitted to the Committee on Human Services.

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

URBAN AFFAIRS COMMITTEE MEETING

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

Mr. THOMAS. For an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order for the purpose of making an announcement.

Mr. THOMAS. Just to reiterate that the Democratic members of the Urban Affairs Committee will be meeting this evening, as soon as we leave the floor of the House, in room 302 of the Irvis Office Building.

The SPEAKER. The Speaker thanks the gentleman.

The Urban Affairs Committee will be meeting in room 302 of the Irvis Office Building at the adjournment.

EDUCATION COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Mr. Clymer, rise?

Mr. CLYMER. Mr. Speaker, to make an announcement.

The SPEAKER. The gentleman is in order for the purpose of making an announcement.

Mr. CLYMER. The Republican members of the House Education Committee will meet for a short time in the Ryan

Building, room 216. So if you could go there immediately, we will have you out in about 15 minutes. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

There will be an Education Committee meeting in room 216 of the Ryan Building at the adjournment.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be a House Appropriations Committee meeting tomorrow morning in the majority caucus room at 10:15; 10:15 tomorrow morning in the majority caucus room. Thank you.

The SPEAKER. There will be a House Appropriations Committee meeting tomorrow in the majority caucus room at 10:15 a.m.

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. The Speaker recognizes the gentleman, Mr. Hackett, from Delaware County, who moves that this House do now adjourn until Tuesday, March 8, 2011, at 11 a.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 5:25 p.m., e.s.t., the House adjourned.