

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 26, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 28

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. RICK SACCONI, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Please bow our heads:

Heavenly Father, we come to You today with thanks for all the blessings in our lives. Lord, we acknowledge that You are almighty and that You govern over the universe which You created. We pray for our nation and that we are and will remain, as President Abraham Lincoln stated, one nation under God.

We ask that You enter our hearts and govern over us. Be the silent companion in all our conversations and actions in our lives. Remind us to put Your will ahead of our own, and may we reflect Your will in all we do.

Lord, we pray that You will bless those in our military, especially those in harm's way. We also ask that You soften the hearts of all our leaders and pour out Your wisdom over them so they will have the sound judgment to make righteous decisions.

Lord, be with us within this chamber and without and with our families. We ask all this in Your holy 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, April 13, 2011, will be postponed until printed.

#### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 223** By Representatives TRUITT, BOYD, CLYMER, CUTLER, MILLER, SCHRODER and VULAKOVICH

A Concurrent Resolution urging the Congress of the United States to reexamine the Federal Unemployment Tax Act as it relates to corporate officers.

Referred to Committee on FINANCE, April 20, 2011.

**No. 225** By Representatives B. BOYLE, MURT, D. O'BRIEN, CALTAGIRONE, CLYMER, D. COSTA, DeLUCA, DONATUCCI, GOODMAN, HARHAI, HENNESSEY, JOSEPHS, KAVULICH, KIRKLAND, KORTZ, KULA, LONGIETTI, MANN, PARKER, PASHINSKI, PAYTON, READSHAW, ROAE, SWANGER and VULAKOVICH

A Resolution urging Pennsylvanians to use the term "intellectually disabled" to describe individuals with a mental impairment.

Referred to Committee on HEALTH, April 20, 2011.

**No. 231** By Representatives MAHONEY, BURNS, CALTAGIRONE, D. COSTA, CUTLER, FABRIZIO, FREEMAN, GALLOWAY, GIBBONS, GILLESPIE, GROVE, W. KELLER, KIRKLAND, MANN, MATZIE, MILLARD, MOUL, PASHINSKI, PAYTON, READSHAW, SCAVELLO, K. SMITH, STURLA, YOUNGBLOOD and CREIGHTON

A Resolution encouraging school districts in this Commonwealth to study the fiscal impact of consolidating the administrations of school districts within their county.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 233** By Representatives KRIEGER, CAUSER, HESS, SWANGER, SACCONI, BARBIN, METZGAR, BLOOM, GINGRICH, GOODMAN, GEIST, PICKETT, D. COSTA, TALLMAN, OBERLANDER, VULAKOVICH, RAPP, REESE, MARSHALL, MURT, EVANKOVICH, DUNBAR, CREIGHTON, PYLE, GABLER, HUTCHINSON, METCALFE, PERRY, DENLINGER, PETRARCA and BENNINGHOFF

A Resolution urging the United States Department of the Interior and the United States Environmental Protection Agency not to intervene in state permitting matters and from adopting regulations that unwisely reduce coal production, eliminate mining jobs and weaken the economy.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 25, 2011.

**No. 238** By Representatives DAVIS, McGEEHAN, BISHOP, BRENNAN, V. BROWN, BURNS, CALTAGIRONE, D. COSTA, DAVIDSON, FABRIZIO, FREEMAN, GERGELY, JOSEPHS, KORTZ, KULA, MURT, M. O'BRIEN, PASHINSKI, PAYTON, READSHAW,

SAMUELSON, SCAVELLO, STABACK, THOMAS, WAGNER, WATSON and WHEATLEY

A Resolution directing the Legislative Budget and Finance Committee to examine the causal factors of home foreclosure in this Commonwealth and make recommendations on best practices for mitigating foreclosure.

Referred to Committee on COMMERCE, April 25, 2011.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 212** By Representatives BARRAR, BRADFORD, CARROLL, CLYMER, D. COSTA, DeLUCA, FLECK, GEORGE, GERGELY, JOSEPHS, MASSER, MUNDY, QUIGLEY, RAPP, SWANGER, TALLMAN and WATSON

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for certified registered nurse anesthetist.

Referred to Committee on PROFESSIONAL LICENSURE, April 25, 2011.

**No. 1083** By Representatives SAYLOR, DENLINGER, MARSHALL, MOUL, PERRY, PICKETT, WATSON, MAJOR, AUMENT, BAKER, BARRAR, BOYD, CARROLL, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY, DAVIS, ELLIS, J. EVANS, EVERETT, GABLER, GEIST, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HELM, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MALONEY, MICOZZIE, MILLER, MUSTIO, OBERLANDER, D. O'BRIEN, PAYNE, PYLE, QUINN, READSHAW, ROCK, SCAVELLO, SIMMONS, STEPHENS, WHITE, RAPP, PETRI and BEAR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a natural gas fleet vehicle tax credit; and imposing penalties.

Referred to Committee on FINANCE, April 20, 2011.

**No. 1084** By Representatives MOUL, DENLINGER, MARSHALL, PERRY, PICKETT, SAYLOR, WATSON, MAJOR, AUMENT, BAKER, BARRAR, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY, DAVIS, DePASQUALE, ELLIS, J. EVANS, EVERETT, GEIST, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MALONEY, MICOZZIE, MILLER, MUSTIO, D. O'BRIEN, PYLE, QUINN, READSHAW, ROCK, SCAVELLO, SIMMONS, VULAKOVICH, WHITE, RAPP, PETRI and BEAR

An Act establishing the Keystone Transit Program; and providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a competitive grant program for the transition of small mass transit bus fleets to compressed natural gas.

Referred to Committee on TRANSPORTATION, April 20, 2011.

**No. 1085** By Representatives WATSON, DENLINGER, MARSHALL, MOUL, PERRY, PICKETT, SAYLOR, MAJOR, AUMENT, BAKER, BARRAR, BOYD, CALTAGIRONE, CARROLL, CAUSER, CREIGHTON, CUTLER, DALEY, DAVIS, ELLIS, J. EVANS, EVERETT, GEIST, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MICOZZIE, MILLER, MUSTIO, D. O'BRIEN, QUINN, READSHAW, ROCK, SCAVELLO, SIMMONS, STEPHENS, VULAKOVICH, WHITE, RAPP, PETRI and BEAR

An Act establishing the Clean Transit Program; and providing a transfer of funds from the Oil and Gas Lease Fund to the Department of Environmental Protection for a loan program for the transition of large mass transit bus fleets to compressed natural gas.

Referred to Committee on TRANSPORTATION, April 20, 2011.

**No. 1086** By Representatives MARSHALL, DENLINGER, MOUL, PERRY, PICKETT, SAYLOR, MAJOR, AUMENT, BAKER, BARRAR, BOYD, CALTAGIRONE, CAUSER, CREIGHTON, CUTLER, DALEY, DAVIS, ELLIS, J. EVANS, EVERETT, GABLER, GEIST, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MALONEY, MICOZZIE, MILLER, MUSTIO, D. O'BRIEN, PYLE, QUINN, READSHAW, ROCK, SCAVELLO, SIMMONS, VULAKOVICH, WHITE, RAPP, PETRI and BEAR

An Act requiring certain large mass transit agencies to purchase buses that meet certain criteria within a specific implementation schedule; and providing for the powers and duties of the Department of Transportation.

Referred to Committee on TRANSPORTATION, April 20, 2011.

**No. 1087** By Representatives DENLINGER, MARSHALL, MOUL, PERRY, PICKETT, SAYLOR, MAJOR, WATSON, AUMENT, BAKER, BARRAR, BOYD, CALTAGIRONE, CARROLL, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY, DAVIS, DAY, ELLIS, J. EVANS, EVERETT, GABLER, GEIST, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HELM, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MALONEY, MICOZZIE, MILLER, MUSTIO, OBERLANDER, D. O'BRIEN, PYLE, QUINN, ROCK, SCAVELLO, SIMMONS, STEPHENS, WHITE, RAPP, PETRI and BEAR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a natural gas corridor tax credit; and imposing penalties.

Referred to Committee on FINANCE, April 20, 2011.

**No. 1088** By Representatives PICKETT, DENLINGER, MOUL, PERRY, SAYLOR, WATSON, MAJOR, AUMENT, BAKER, BARRAR, BOYD, CALTAGIRONE, CAUSER, CREIGHTON, CUTLER, DALEY, DAVIS, ELLIS, J. EVANS, EVERETT, GEIST, GIBBONS, GILLESPIE, GINGRICH,

GODSHALL, GRELL, GROVE, HARRIS, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, MALONEY, MICOZZIE, MILLARD, MILLER, MUSTIO, D. O'BRIEN, PYLE, QUINN, ROCK, SCAVELLO, SIMMONS, VULAKOVICH, WHITE, RAPP, PETRI and BEAR

An Act amending the act of November 29, 2004 (P.L.1376, No.178), known as the Alternative Fuels Incentive Act, further providing for title of act, for short title, for definitions, for the Alternative Fuels Incentive Fund and for biomass-based diesel production incentives; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 20, 2011.

**No. 1089** By Representatives PERRY, GABLER, DENLINGER, MARSHALL, MOUL, PICKETT, SAYLOR, WATSON, MAJOR, AUMENT, BAKER, BARBIN, BARRAR, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY, DAVIS, DAY, ELLIS, J. EVANS, EVERETT, GEIST, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, LAWRENCE, MALONEY, MICOZZIE, MILLARD, MILLER, MUSTIO, D. O'BRIEN, PYLE, QUINN, ROCK, SCAVELLO, SIMMONS, STEPHENS, STURLA, VULAKOVICH, WHITE, RAPP, PETRI and BEAR

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, providing for the Pennsylvania Clean Vehicles Program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 20, 2011.

**No. 1203** By Representatives LAWRENCE, MOUL, CONKLIN, GEIST, AUMENT, BAKER, BENNINGHOFF, BOBACK, BOYD, CLYMER, D. COSTA, CREIGHTON, CUTLER, DAVIDSON, DENLINGER, DIGIROLAMO, DONATUCCI, EMRICK, EVERETT, FARRY, FLECK, GABLER, GIBBONS, GILLEN, GILLESPIE, GINGRICH, GROVE, HAHN, HEFFLEY, HENNESSEY, HESS, HORNAMAN, HUTCHINSON, KAMPF, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAHONEY, MAJOR, MALONEY, MARKOSEK, MARSHALL, MARSICO, McGEEHAN, METCALFE, MICCARELLI, MICOZZIE, MILLARD, ADOLPH, MURT, O'NEILL, PASHINSKI, PYLE, QUINN, RAPP, READSHAW, ROCK, SAYLOR, CULVER, SCHRODER, SIMMONS, SONNEY, STERN, STURLA, SWANGER, TOEPEL, TOOHIL, VEREB, VULAKOVICH, WATSON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating antique, classic and collectible plates.

Referred to Committee on TRANSPORTATION, April 25, 2011.

**No. 1348** By Representatives KILLION, PAYTON, MARSHALL, B. BOYLE, CHRISTIANA, CLYMER, COX, DAVIDSON, DELOZIER, ELLIS, GINGRICH, GROVE, KAUFFMAN, W. KELLER, MICCARELLI, MILLER, OBERLANDER, M. O'BRIEN, PICKETT, QUIGLEY, RAPP, SCHRODER, SWANGER, TRUITT, VEREB, WATERS and WATSON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for concurrent enrollment agreements; repealing provisions relating to charter schools; and providing for charter schools and cyber charter schools.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1350** By Representatives METCALFE, BAKER, COX, CREIGHTON, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GROVE, HESS, KAUFFMAN, MALONEY, METZGAR, MILLARD, MILLER, MOUL, PYLE, RAPP, READSHAW, ROAE, ROCK, SONNEY and SWANGER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for affidavits of candidates; and providing for affidavits of candidates for President and Vice President of United States.

Referred to Committee on STATE GOVERNMENT, April 20, 2011.

**No. 1351** By Representatives REICHLEY, AUMENT, BLOOM, CALTAGIRONE, CLYMER, D. COSTA, CREIGHTON, CUTLER, DENLINGER, EVERETT, GODSHALL, GRELL, GROVE, HARHART, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KNOWLES, METCALFE, MILLARD, MILLER, MURT, O'NEILL, PICKETT, PYLE, RAPP, ROAE, SACONE, SCHRODER, SIMMONS, STEVENSON, SWANGER, TALLMAN, TOEPEL, VULAKOVICH and WATSON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in collective bargaining, further providing for prohibition of strikes in certain circumstances.

Referred to Committee on LABOR AND INDUSTRY, April 20, 2011.

**No. 1352** By Representatives STEPHENS, CREIGHTON, DELOZIER, GRELL, HARPER, KAMPF, MARSICO, MICCARELLI, MURT, O'NEILL, QUIGLEY, SHAPIRO, TOEPEL and VEREB

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of employees of certain offenses.

Referred to Committee on JUDICIARY, April 20, 2011.

**No. 1353** By Representatives HARHART, WHITE, GOODMAN, GROVE, BARBIN, BOBACK, D. COSTA, CREIGHTON, DeLUCA, DONATUCCI, FLECK, GERBER, GIBBONS, GINGRICH, KAVULICH, KILLION, KOTIK, KULA, MAJOR, MILLARD, MOUL, MURT, O'NEILL, RAPP, SANTONI, STEVENSON, SWANGER, TOEPEL, VULAKOVICH and WAGNER

An Act amending the act of July 14, 1961 (P.L.637, No.329), known as the Wage Payment and Collection Law, further providing for definitions and for regular payday.

Referred to Committee on LABOR AND INDUSTRY, April 20, 2011.

**No. 1354** By Representatives FREEMAN, HARPER, THOMAS, ROSS, BEAR, BOBACK, B. BOYLE, BRIGGS, BUXTON, CALTAGIRONE, CLYMER, CONKLIN, D. COSTA, DAVIS, DEASY, DeLUCA, FLECK, FRANKEL, GABLER, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GROVE, HARHAI, HARKINS, HESS, HORNAMAN, JOSEPHS, KAVULICH, KILLION, KULA, LONGIETTI, MANN, MARSHALL, MICOZZIE, MILLARD, MILLER, MOUL, MURPHY, MUSTIO, M. O'BRIEN, O'NEILL, PAYTON, PEIFER, PETRI, PYLE, READSHAW, REICHLEY, SAINATO, SANTARSIERO, SCAVELLO, K. SMITH, SONNEY, STURLA, WAGNER, WATSON and YOUNGBLOOD

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites, for grants and for tax credits.

Referred to Committee on LOCAL GOVERNMENT, April 20, 2011.

**No. 1355** By Representatives SONNEY, HORNAMAN, HARKINS, J. EVANS, FABRIZIO, AUMENT, BAKER, BENNINGHOFF, BISHOP, BOYD, BRADFORD, BRENNAN, BROOKS, CAUSER, CLYMER, COX, CREIGHTON, CUTLER, DENLINGER, DeWEESE, DiGIROLAMO, ELLIS, EVANKOVICH, FLECK, GABLER, GALLOWAY, GEIST, GEORGE, GILLEN, GILLESPIE, GINGRICH, GRELL, GROVE, HAHN, HARHART, HELM, HENNESSEY, HESS, HICKERNELL, JOSEPHS, M. K. KELLER, W. KELLER, KILLION, KNOWLES, KORTZ, LONGIETTI, MARSHALL, MARSICO, METCALFE, METZGAR, MICOZZIE, MILLARD, MILLER, MIRABITO, MOUL, MULLERY, MUSTIO, NEUMAN, OBERLANDER, O'NEILL, PASHINSKI, PEIFER, PICKETT, PYLE, QUINN, RAPP, READSHAW, REICHLEY, ROAE, ROCK, ROEBUCK, SAINATO, SAYLOR, SCAVELLO, STERN, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, TOEPEL and WHEATLEY

An Act designating the westbound bridge carrying Interstate 90 over Six Mile Creek in Harborcreek Township, Erie County, as the Jarrid L. King Memorial Bridge.

Referred to Committee on TRANSPORTATION, April 20, 2011.

**No. 1356** By Representatives PETRI, CALTAGIRONE, GILLESPIE, KILLION, MILLER, MURT, MUSTIO, SABATINA and RAPP

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the board, for specific subjects on which board may adopt regulations and for management of Pennsylvania Liquor Stores; and making a repeal.

Referred to Committee on LIQUOR CONTROL, April 20, 2011.

**No. 1357** By Representatives PETRI, CLYMER, GODSHALL, GROVE, HARHAI, HESS, MILLARD, MURT, RAPP and WAGNER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in grounds and buildings, further providing for work to be done under contract let on bids and exception; and, in reimbursements by Commonwealth and between school districts, further providing for approved reimbursable rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness and for approved reimbursable annual rental for leases of buildings and facilities for school use.

Referred to Committee on EDUCATION, April 20, 2011.

**No. 1358** By Representatives MICOZZIE, DeLUCA, KILLION, FABRIZIO, PASHINSKI, 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, April 20, 2011.

**No. 1359** By Representatives ROCK, D. COSTA, GILLEN, MURT, SONNEY and VULAKOVICH

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

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1360** By Representatives BROOKS, CALTAGIRONE, CLYMER, COHEN, J. EVANS, FLECK, GEIST, GIBBONS, GILLEN, GILLESPIE, GINGRICH, GROVE, HALUSKA, HARRIS, HELM, HORNAMAN, HUTCHINSON, KAUFFMAN, KNOWLES, KOTIK, LONGIETTI, MILLARD, MURT, PICKETT, PYLE, QUINN, RAPP, READSHAW, REICHLEY, STEVENSON, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for required licenses.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 25, 2011.

**No. 1361** By Representatives KILLION, MICOZZIE, BAKER, BENNINGHOFF, CLYMER, COHEN, DAY, FLECK, GODSHALL, GOODMAN, GROVE, HENNESSEY, HESS, MILLER, O'NEILL, PYLE, RAPP, ROSS, SWANGER, VULAKOVICH, WAGNER, WATSON, GINGRICH and MILNE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, repealing certain provisions relating to county liability for nursing home care for persons at county-owned facilities.

Referred to Committee on HEALTH, April 25, 2011.

**No. 1362** By Representatives NEUMAN, READSHAW, BOYD, BISHOP, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA, EVANKOVICH, FABRIZIO, FREEMAN, GOODMAN, HARHAI, JOHNSON, JOSEPHS, KOTIK, KULA, MAHONEY, MURT, M. O'BRIEN, PICKETT, PYLE, K. SMITH, THOMAS and WHITE

An Act requiring administration of a baseline test and removal from athletic activity of an athlete who shows symptoms of a concussion.

Referred to Committee on HEALTH, April 25, 2011.

**No. 1363** By Representatives RAPP, CLYMER, KAUFFMAN, OBERLANDER, BLOOM, CALTAGIRONE, CAUSER, COHEN, GODSHALL, GRELL, HARRIS, KRIEGER, LAWRENCE, O'NEILL, PICKETT, PYLE, READSHAW, REICHLEY, ROCK, SAYLOR, SCHRODER, SONNEY, TOOHIL, VULAKOVICH, YOUNGBLOOD, GINGRICH, MILLER and GROVE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional development.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1364** By Representatives K. SMITH, BRENNAN, CALTAGIRONE, D. COSTA, DeWEESE, GIBBONS, JOHNSON, JOSEPHS, KULA, LONGIETTI, MALONEY, MANN, McGEEHAN, MURT, M. O'BRIEN, PASHINSKI, PAYTON and WAGNER

An Act establishing the Drug and Alcohol Treatment and Prevention Fund; and providing for the deposit of a portion of the liquor tax into the fund and for use of fund.

Referred to Committee on APPROPRIATIONS, April 25, 2011.

**No. 1365** By Representatives HEFFLEY, BLOOM, CREIGHTON, GIBBONS, GOODMAN, GROVE, KAUFFMAN, KIRKLAND, KNOWLES, LAWRENCE, MAHONEY, MURT, SCAVELLO, SWANGER, VULAKOVICH and SIMMONS

An Act providing for a nonbinding Statewide referendum on property tax relief.

Referred to Committee on FINANCE, April 25, 2011.

**No. 1366** By Representatives KORTZ, BOBACK, BRIGGS, BROWNLEE, CALTAGIRONE, DONATUCCI, HORNAMAN, KAVULICH, MILNE and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for following too closely; and, in other required equipment, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, April 25, 2011.

**No. 1367** By Representatives MILLER, AUMENT, BEAR, BENNINGHOFF, BLOOM, BOYD, CLYMER, CREIGHTON, CUTLER, DENLINGER, EVERETT, GILLESPIE, GINGRICH, GRELL, GROVE, HARRIS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KNOWLES, MAHER, MARSICO, MILLARD, MILNE, MOUL, OBERLANDER, PERRY, PICKETT, RAPP, REICHLEY, ROSS, SAYLOR, TALLMAN and WATSON

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for administration.

Referred to Committee on LABOR AND INDUSTRY, April 25, 2011.

**No. 1368** By Representatives WATSON, PETRI, CALTAGIRONE, MILLER, BOYD, CLYMER, CREIGHTON, GEIST, GINGRICH, HARKINS, HENNESSEY, JOSEPHS, MURT, READSHAW, ROSS, SCAVELLO, SWANGER and WAGNER

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, establishing an energy-efficient home assistance program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 25, 2011.

**No. 1370** By Representatives WATSON, STERN, READSHAW, CRUZ, BOYD, AUMENT, BAKER, BARRAR, BOBACK, CARROLL, CLYMER, D. COSTA, CREIGHTON, DENLINGER, DONATUCCI, FLECK, GEIST, GILLESPIE, GINGRICH, GOODMAN, HARHART, HESS, W. KELLER, KILLION, MILNE, MURT, PASHINSKI, PYLE, ROCK, SWANGER, J. TAYLOR and VULAKOVICH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated harassment by prisoner.

Referred to Committee on JUDICIARY, April 25, 2011.

**No. 1371** By Representatives WATSON, SCHRODER, GEIST, BOYD, BARRAR, CAUSER, CLYMER, COHEN, J. EVANS, FLECK, GINGRICH, GOODMAN, GROVE, HEFFLEY, HENNESSEY, HUTCHINSON, KILLION, METZGAR, MICOZZIE, MILLER, MURT, PYLE, QUINN, RAPP, SIMMONS, TALLMAN, J. TAYLOR, TOBASH, VULAKOVICH, WAGNER and BEAR

An Act establishing the Volunteer First Responder Loan Forgiveness Program; and providing for the powers and duties of the Pennsylvania Higher Education Assistance Agency, the State Fire Commissioner and the Director of the Emergency Medical Services Office in the Department of Health.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1372** By Representatives SHAPIRO, B. BOYLE, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, V. BROWN, BUXTON, CARROLL, D. COSTA, CRUZ, DALEY, DAVIS, DePASQUALE, DONATUCCI, GEORGE, JOHNSON, JOSEPHS, KIRKLAND, MAHONEY, MANN, McGEEHAN, MULLERY, MUNDY, MURT, M. O'BRIEN, PARKER, PASHINSKI, READSHAW, ROEBUCK, ROSS, SANTARSIERO, SANTONI, K. SMITH, M. SMITH, STURLA, THOMAS, WATERS, WHEATLEY and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, April 25, 2011.

**No. 1373** By Representatives QUINN, AUMENT, BAKER, BEAR, BENNINGHOFF, BLOOM, BOYD, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, DELOZIER, DENLINGER, ELLIS, EVANKOVICH, EVERETT, FARRY, FLECK, GABLER, GILLEN, GILLESPIE, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS, HELM, HENNESSEY, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, KORTZ, LAWRENCE, MAJOR, MASSER, MILLARD, MILLER, MILNE, MIRABITO, MOUL, MURT, OBERLANDER, PEIFER, PERRY, PICKETT, REICHLEY, ROAE, SAYLOR, SCAVELLO, CULVER, SCHRODER, SIMMONS, SONNEY, STEPHENS, STEVENSON, SWANGER, TALLMAN, TOEPEL, TOOIL and VULAKOVICH

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 qualifications required to secure compensation.

Referred to Committee on LABOR AND INDUSTRY, April 25, 2011.

**No. 1374** By Representatives QUINN, REICHLEY, MURT, ADOLPH, AUMENT, BAKER, BARBIN, BENNINGHOFF, BOBACK, BOYD, V. BROWN, CUTLER, DAVIDSON, DAVIS, ELLIS, EVERETT, FABRIZIO, GABLER, GEORGE, GOODMAN, HAHN, HARHAI, HARHART, HELM, HENNESSEY, HORNAMAN, M. K. KELLER, KILLION, KORTZ, LONGIETTI, MIRABITO, MURPHY, MUSTIO, NEUMAN, PICKETT, SAINATO, SANTARSIERO, K. SMITH, STABACK, STEPHENS, STEVENSON, SWANGER, VEREB, VULAKOVICH and WAGNER

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

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 25, 2011.

**No. 1375** By Representatives KRIEGER, CALTAGIRONE, GILLESPIE, EVANKOVICH, MURT, RAPP, REESE, SACCONO and METZGAR

An Act repealing the act of June 13, 1836 (P.L.551, No.169), referred to as the General Road Law.

Referred to Committee on TRANSPORTATION, April 25, 2011.

**No. 1376** By Representatives SAYLOR, BAKER, BOBACK, BOYD, COHEN, DALEY, DeLUCA, DENLINGER, DeWEESE, EVANKOVICH, EVERETT, GEIST, GIBBONS, GINGRICH, GROVE, HALUSKA, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, M. K. KELLER, KILLION, MAJOR, METZGAR, MILLER, MURT, MYERS, M. O'BRIEN, PETRARCA, PICKETT, REICHLEY, ROCK, SCHRODER, SONNEY, TALLMAN, J. TAYLOR, VULAKOVICH, WAGNER and WATSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in research and development tax credit, further providing for termination of tax credit.

Referred to Committee on FINANCE, April 25, 2011.

**No. 1377** By Representatives WAGNER, BISHOP, BRADFORD, BRENNAN, BRIGGS, V. BROWN, CALTAGIRONE, CLYMER, DAVIS, DEASY, DeLUCA, FREEMAN, GIBBONS, HARHAI, JOHNSON, JOSEPHS, KAVULICH, KULA, MANN, McGEEHAN, MULLERY, MURT, PARKER, PASHINSKI, PAYTON, READSHAW, SAINATO and YOUNGBLOOD

An Act providing for community college educational assistance.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1378** By Representatives D. O'BRIEN, DAVIS and PASHINSKI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for special education services for nonpublic school students.

Referred to Committee on EDUCATION, April 25, 2011.

**No. 1379** By Representatives BARRAR, AUMENT, CONKLIN, D. COSTA, COX, CREIGHTON, DAVIS, DeWEESE, DONATUCCI, EVERETT, FABRIZIO, FLECK, GABLER, GEIST, GEORGE, GILLEN, GINGRICH, GODSHALL, GOODMAN, GRELL, HARHART, HESS, HORNAMAN, JOHNSON, F. KELLER, W. KELLER, KILLION, KIRKLAND, KULA, MICOZZIE, MILLER, MOUL, MURPHY, MURT, O'NEILL, PYLE, QUINN, RAPP, READSHAW, REICHLEY, ROCK, SAINATO, STEVENSON, SWANGER, TOEPEL and VULAKOVICH

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for death and fetal death registration; providing for deceased veteran notification to county government; and further providing for referral of deaths to coroner, for permits concerning dead bodies and fetal remains, for registration permits concerning dead bodies and fetal remains, for regulations and for registrations.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 25, 2011.

**No. 1381** By Representatives BARRAR, DeLUCA, VULAKOVICH, BOYD, CALTAGIRONE, CONKLIN, D. COSTA, COX, CREIGHTON, DAVIS, DeWEESE, EVERETT, FABRIZIO, FLECK, GABLER, GEIST, GIBBONS, GILLEN, GINGRICH, GOODMAN, HAHN, HESS, HICKERNELL, F. KELLER, KILLION, KIRKLAND, KULA, METCALFE, MICOZZIE, MILLER, MOUL, MURPHY, MURT, O'NEILL, PAYNE, PICKETT, PYLE, QUINN, RAPP, REICHLEY, ROCK, SANTARSIERO, SONNEY, STEVENSON, SWANGER, TALLMAN and TOOHL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the installation of United States Veterans Affairs grave markers and medallions in cemeteries; imposing powers and duties upon the Department of Military and Veterans Affairs and the State Real Estate Commission; and imposing sanctions.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 25, 2011.

**No. 1382** By Representatives KOTIK, READSHAW, MAHONEY, PRESTON, PAYTON, V. BROWN and KORTZ

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, providing for voting by mail; imposing penalties; and making related repeals.

Referred to Committee on STATE GOVERNMENT, April 25, 2011.

**No. 1383** By Representatives DeLUCA, BOYD, BURNS, D. COSTA, HARKINS, HORNAMAN, MAHONEY, MURPHY, MUSTIO, K. SMITH and VULAKOVICH

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in taxation by school districts, further providing for adoption of preliminary budget proposals and for public referendum requirements for increasing certain taxes; and, in tax relief in cities of the first class, further providing for tax relief; and providing for fiscal threats or conditions.

Referred to Committee on FINANCE, April 25, 2011.

**No. 1384** By Representatives CRUZ, YOUNGBLOOD, BOBACK, K. BOYLE, CARROLL, D. COSTA, DeLUCA, PASHINSKI, K. SMITH and VULAKOVICH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for obstruction to driving view or mechanism.

Referred to Committee on TRANSPORTATION, April 25, 2011.

**No. 1385** By Representatives DAVIS, BOBACK, B. BOYLE, K. BOYLE, BRENNAN, V. BROWN, CALTAGIRONE, D. COSTA, DAVIDSON, DEASY, DiGIROLAMO, DONATUCCI, FABRIZIO, FREEMAN, GIBBONS, GOODMAN, HORNAMAN, JOHNSON,

KAVULICH, W. KELLER, KILLION, KORTZ, KULA, LONGIETTI, MAHONEY, MANN, MILLARD, MIRABITO, MURT, D. O'BRIEN, M. O'BRIEN, PAYNE, QUINN, READSHAW, SABATINA, SAINATO, STEPHENS and WAGNER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plate for fallen police officers.

Referred to Committee on TRANSPORTATION, April 25, 2011.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 357, PN 347

Referred to Committee on LOCAL GOVERNMENT, April 20, 2011.

#### SB 358, PN 348

Referred to Committee on LOCAL GOVERNMENT, April 20, 2011.

#### SB 359, PN 349

Referred to Committee on LOCAL GOVERNMENT, April 20, 2011.

#### SB 360, PN 350

Referred to Committee on LOCAL GOVERNMENT, April 20, 2011.

#### SB 654, PN 689

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 20, 2011.

### LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Mrs. WATSON, from Bucks County for the day, and the gentleman, Mr. HENNESSEY, from Chester County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. WHITE, from Washington County for the day; the gentleman, Mr. DeWEESE, from Greene County for the day; the gentleman, Mr. BURNS, from Cambria County for the day; the gentleman, Mr. BUXTON, from Dauphin County for the day; the gentleman, Mr. SAMUELSON, from Northampton County for the day; and the gentleman, Mr. JOHNSON, from Philadelphia County for the day. Without objection, the leaves will be granted.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—195

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

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—8

Burns	DeWeese	Johnson	Watson
Buxton	Hennessey	Samuelson	White

#### LEAVES ADDED—3

DeWeese	Galloway	Hornaman
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### LEAVES CANCELED—5

DeWeese	Hornaman	Samuelson	Watson
Hennessey			

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

### HERSHEY HIGH SCHOOL BOYS AND GIRLS SWIM TEAMS PRESENTED

The SPEAKER. The Speaker would like to call Representative Payne to the rostrum for the purpose of presenting a citation.

With Representative Payne are team captains David Nolan, Katelyn Miller, Meaghan Raab, and Coach Greg Fastrich, who will be accepting the citation in recognition of numerous wins, records, and achievements of the Hershey Boys and Girls Swim Teams in the 2010-2011 PIAA AAA Swimming and Diving Championships.

Along with these guests are additional members of the boys and girls teams, who are seated in the rear of the House.

The gentleman, Mr. Payne, may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

My colleagues in the House, I have the honor of presenting the Hershey High Swim Team boys and girls champions in swimming and diving in the Commonwealth of Pennsylvania.

Each year the PIAA Swimming and Diving Championships are held at Bucknell University in Lewisburg.

Behind me are Coach Greg Fastrich; boys captain, David Nolan; girls captains, Katelyn Miller and Meaghan Raab. Give me a round of applause for the coach and the captains, please.

In the women's division, the Class AAA team of Meaghan Raab, Alexis Grier, Madelyn Veith, and Katelyn Miller won gold in the women's 200 free relay.

Meaghan Raab set a State record in the 200 free of 1:46.16, a new State record in the 100 free of 49.32, and was named the "Women's PIAA Outstanding Swimmer of the Meet." Teammate Yurie Nakano won gold in the 100 fly.

In addition, the 400 free relay team of Samantha Surfus, Meaghan Raab, Yurie Nakano, and Katelyn Miller set a State and national public school record of 3:22.85. As a result of this outstanding teamwork, the Hershey girls were named the "Women's Class AAA Champions." Will the girls team in the back of the House please stand and be recognized. Girl swimmers, State champions. Congratulations.

In the Men's Class AAA, David Nolan – a familiar name here in the House chamber; he has been here every year, I think, since I have been here – set a new State and NFHS (National Federation of State High School Associations) record in the 200 individual medley of 1:41.36, as well as a new record in the 100 backstroke of 45.49, and was named the "Men's Class AAA PIAA Most Valuable Swimmer." The combination of David Nolan, Ben Bauchwitz, Shota Nakano, and Jeff Young set a new State and NFHS record in the 200 free relay of 1:21.01. Leading off the 200 free relay, David Nolan set a State record in the 50 free with a time of 19.58.

In the 400 free relay, David Nolan, Shota Nakano, Philip Mancuso, and Ben Bauchwitz set a new State record of 3:00.71. David Nolan also set a new NFHS record in the 100 free of



42.34, leading off the 400 freestyle. The Hershey boys team was named the "Men's Class AAA Team Champions" for the third consecutive year. May I have the boys team stand in the back of the House; the boys State champions.

I want to commend all the team members, and particularly, the coaching staff for their dedication, enduring commitment, tireless pursuit of athletic excellence, and to their exceptional teamwork.

The Hershey High Swim Team has received not only statewide recognition, but I can tell you, from across the country people are moving into Derry Township for the Hershey Swim Team. I know because the people that bought my brother's house moved here for that purpose.

So, Coach, congratulations. One more time, swim team, congratulations.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The Speaker would also like to recognize some additional guests that are in the rear of the House.

We welcome the undergraduate research students from various colleges and universities throughout Pennsylvania that are participating in the eighth Undergraduate Research at the Capitol poster event. Faculty and administrators accompanying these students are seated in the gallery. Will our guests please rise and be recognized. Welcome to the House.

Located to the left of the rostrum, the Speaker welcomes – I have to work on this name – Dave Schnackenberg, along with his wife, Christine, and two daughters, Katrina and Sophia. They are guests of Representative Duane Milne. The girls attend General Wayne Elementary School, which is Representative Milne's alma mater. Welcome to the hall of the House. Please stand and be recognized.

We would also like to recognize some guests located in the rear of the House, Hollywood Ruch and Shoshanna Goldin, who are the Prudential Spirit of Community Awards State honorees. Also with the group are Kendall Ohrwashel, Eric Bellis, and Lauren O'Grady, who are distinguished finalists. The students are guests of Representatives Delozier, Harhart, Emrick, and Bear. Will our guests please rise and be recognized. Oh, they are over here on the left; I apologize. Will our guests please rise and be recognized. Welcome to the hall of the House.

And located to the left of the Speaker, the Speaker welcomes Jason Riley, a guest of Representative Parker. Welcome to the hall of the House.

And in the well of the House, the Speaker welcomes Colby Stubbs. He is serving as a guest page today and is a guest of Representative Keith Gillespie. Welcome to the hall of the House, Colby. We will please welcome Colby.

And also serving as guest pages are the grandchildren of Representative Will Tallman. They are in the well of the House as well: Kayla and Zachariah Tallman. Please stand and be recognized. Welcome to the hall of the House.

### NEW HOPE-SOLEBURY HIGH SCHOOL BOYS SOCCER TEAM PRESENTED

The SPEAKER. Representative O'Neill is invited to the rostrum for the purpose of presenting a citation.

With Representative O'Neill are team captains Matt Gregory and Rob Stephens, head coach Evren Asral, assistant coach Chris Shank, and athletic director Ted Harrington, who will be accepting the citation in recognition of the New Hope-Solebury High School Boys Soccer Team winning the 2010 PIAA Class A State Boys Soccer Championship. There are also additional members of the team seated in the rear of the House.

The gentleman, Mr. O'Neill, has the floor and may proceed.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, today we rise to welcome the New Hope-Solebury High School Boys Soccer Team to the floor and to congratulate them on winning the 2010 PIAA Class A Pennsylvania Boys Soccer Championship. It is an accomplishment that made them the first in the history of the New Hope-Solebury School District to ever win a championship in any sport of any kind at the school.

Joining me on stage are captain Matt Gregory, captain Rob Stephens, head coach Evren Asral, coach Chris Shank, and athletic director Ted Harrington.

Mr. Speaker, in addition to the exceptional talent, athleticism, and determination displayed by this team, they had one other rallying cry that led them to victory, and that simply is Carly. Carly Stephens is the younger sister of captain Robert Stephens, who is behind me, and it is her heroic battle with leukemia that became the galvanizing force that united this team to victory. All year long they wore orange as the official color, and their battle cry was to "Kick Leuk." Carly, Robert's sister, continues her battle, and these young men behind me and at the rear of the House will be with her every step of the way. Carly could not be here with us today. She was hoping to be here, but because of her condition, she is at home continuing the fight, and I ask that everybody's thoughts and prayers be with her.

Mr. Speaker, two of these fine young men are with me this morning – Matt Gregory, he is the captain and he is the First Team All-Conference player, and his teammate, Robert Stephens, is also a captain, and he also is a First Team All-Conference player.

I would ask that you please join me in congratulating these boys, their coaches, and for their esteemed love for Carly. I ask that the rest of the team in the back please stand and we give them a warm welcome.

Mr. Speaker, these fine young men, their coaches, and their families can be proud of their achievement, and we can all be proud that their conduct on and off the field, especially off the field, made them excellent ambassadors for their school, their community, and for this great Commonwealth.

Baseball legend Babe Ruth once said, "The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don't play together, the club won't be worth a dime." Based on this team's

win-loss record over the years, their accomplishments off the field, and their success throughout the year, it is clear that these boys understand this message, and they are certainly worth more than a dime.

Once again, Mr. Speaker, I want to offer my congratulations to the team on its outstanding achievement this year, and I wish them all, as well as Carly, great success in the future. Again, my congratulations, Mr. Speaker, to the championship boys soccer team from New Hope-Solebury High School.

The SPEAKER. The Speaker thanks the gentleman.

### **CHESTER HIGH SCHOOL BOYS BASKETBALL TEAM PRESENTED**

The SPEAKER. The Speaker invites Representative Kirkland to the rostrum for the purpose of presenting a citation.

With Representative Kirkland are Kareem Robinson, Darius Robinson, Maurice Nelson, Tymier Butler, and Rondae Jefferson, who will be accepting the citation in recognition of the Chester High School Boys Basketball Team winning the PIAA Class AAAA State Championship. Along with these guests are additional team members, cheerleaders, and coaches, seated in the rear of the House.

The gentleman may proceed.

Mr. KIRKLAND. Thank you, Mr. Speaker, and thank you, members of the House, and good morning.

Today is a very special day for me. Today I have the pleasure of introducing to this body the PIAA State Class AAAA Boys Pennsylvania State Basketball Champions, Chester's finest, the Chester High School Basketball Clippers. Under the direction of Coach Larry Yarbray, Sr., the Chester Boys Basketball Team compiled a record of 31 wins and 1 loss; 31 wins and 1 loss. This is their seventh State championship title, tying them for first in the Commonwealth of Pennsylvania. And just for the record, Mr. Speaker, just for the record, they will win number eight next year.

Joining me here at the podium are Coach Yarbray, with team captains Lamon Church and Maurice Nelson, and teammates Erik Wright, Tavaune Griffin, and Dequann Walker. Seated in the back of the hall, Mr. Speaker, are the rest of the coaches and the championship team and the pride of Chester, the Chester cheerleaders and their coaches. Mr. Speaker, I would also like to recognize the principal of Chester High School, Dr. Darla Hammond.

Please, Mr. Speaker and members of this House, join me in welcoming the PIAA State Class AAAA Boys Basketball Champions for the year 2010-2011, the Chester High School Fighting Clippers.

Thank you, Mr. Speaker.

And, Mr. Speaker, if I may say in closing, I had the pleasure of playing for Chester High School – a few years ago. We did not win, but every time these guys win, it is a win for me. So I am grateful.

Thank you once again, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### **REMARKS SUBMITTED FOR THE RECORD**

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Kevin T. Bazzel and Samuel Ian Sheckman, who have recently been awarded Scouting's highest honor – Eagle Scout.

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

Whereas, Kevin T. Bazzel and Samuel Ian Sheckman have earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 5 and Troop 400.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Kevin T. Bazzel and Samuel Ian Sheckman.

### **BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**

**HB 285, PN 238**

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for adjustments based on Consumer Price Index relating to contracts and purchases; and further providing for work to be done under contract let on bids and exception, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

#### **EDUCATION.**

**HB 924, PN 1625 (Amended)**

By Rep. MARSICO

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

#### **JUDICIARY.**

**HB 1026, PN 1113**

By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments.

#### **JUDICIARY.**

**HB 1053, PN 1626 (Amended)**

By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

#### **JUDICIARY.**

**HB 1153, PN 1255**

By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for license fees.

JUDICIARY.

**HB 1330, PN 1627 (Amended)**

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for educational improvement tax credit; and repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit.

EDUCATION.

**HB 1345, PN 1555**

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in safe schools, further providing for safe schools advocate in school districts of the first class, for standing and for enforcement.

EDUCATION.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the gentleman, Mr. DeWEESE, on the floor of the House. His name will be added to the master roll call.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. MARSICO called up **HR 174, PN 1389**, entitled:

A Resolution recognizing April 29, 2011, as "Arbor Day"; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

\* \* \*

Mr. CURRY called up **HR 215, PN 1546**, entitled:

A Resolution recognizing the week of April 10 through 16, 2011, as "National Library Week" and April 12, 2011, as "National Library Workers Day" in Pennsylvania.

**UNCONTESTED SUPPLEMENTAL CALENDAR B**

**RESOLUTION PURSUANT TO RULE 35**

Mr. BARRAR called up **HR 229, PN 1570**, entitled:

A Resolution designating May 1, 2011, as "Loyalty Day" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

**YEAS—196**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—7**

Burns	Hennessey	Samuelson	White
Buxton	Johnson	Watson	

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

**STATEMENT BY MR. MARSICO**

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

Mr. MARSICO. Mr. Speaker, I would like to make comments on HR 174.

The SPEAKER. The gentleman, Mr. Marsico, is recognized under unanimous consent and may proceed.

Mr. MARSICO. Thank you, Mr. Speaker.

I would just like to thank and acknowledge the Pennsylvania Landscape and Nursery Association for organizing the seedlings that are on your desks.

**GUESTS INTRODUCED**

Mr. MARSICO. And I would like to acknowledge those folks that have helped for the distribution of the seedlings as well. First of all, the director, Gregg Robertson, of the Pennsylvania Landscape Association, and Katie Hetherington. Also, the student members of the Future Farmers of America and their director, Mr. Brammer; in fact, they are located in the balcony. So we thank you very much. Please rise, if you do not mind, and members, thank them for providing the seedlings on your desks.

Also, I would like to thank Strathmeyer Forests in Dover, Pennsylvania; Henry Molded Products in Lebanon; Fairview Evergreen Nursery in Fairview; and Frey Brothers in Quarryville for help in obtaining and distributing the seedlings and helping to get them here to the Capitol Complex for the members in celebration of Arbor Day.

On your desks are hemlock seedlings, which is, obviously, and we all know, the Pennsylvania State tree, and they are in an EcoPot, which members should know that you can plant the pot. Make sure you plant the pot, and when you are planting that, that the soil line is even or just above the grade of the ground. So it is important not to plant these seedlings too deep.

So I want to, once again, thank the members for the support of this resolution, and thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

**CALENDAR****RESOLUTION PURSUANT TO RULE 35**

Mr. VULAKOVICH called up **HR 201, PN 1510**, entitled:

A Resolution honoring the memory of law enforcement officers who gave their lives in the line of duty in this Commonwealth and recognizing the memorial service in their honor in Soldiers' Grove at the State Capitol Complex on May 2, 2011.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Speaker would ask the members to please take their seats for the consideration of this resolution. May we have the members' attention, please. This is a memorial/condolence-type resolution. We would ask for the members' attention.

On the question, the Speaker recognizes the gentleman from Allegheny County, Mr. Vulakovich.

Mr. VULAKOVICH. Thank you, Mr. Speaker.

On October 1, 1962, Joint Resolution 730 of the 87th Congress was signed authorizing the President of the United States to proclaim May 15 of each year as "Peace Officers Memorial Day" and the calendar week of each year during which such May 15 occurs as "Police Week." Although President John F. Kennedy signed this proclamation in 1962, the first "National Police Memorial Day" was not held until May 15, 1982 – 20 years after having been signed.

Since that first event, it continues to be observed annually in memory of those police officers who made the ultimate sacrifice in the line of duty. The Pennsylvania Fraternal Order of Police, Pennsylvania State Lodge will hold its annual police memorial ceremony across from Soldiers' Grove on the East Wing plaza at noon on Monday, May 2, 2011.

This resolution honors the 722 officers who paid the ultimate sacrifice in the line of duty, along with special recognition to 3 officers who gave their lives during 2010. Trooper Paul G. Richey, Pennsylvania State Police, Pennsylvania; end of watch, Wednesday, January 13, 2010; age 40; tour of duty, 16 years; badge No. 7201. Trooper Paul Richey was shot and killed when he and another trooper responded to a domestic disturbance call in Cranberry Township, Venango County, at 11:45 a.m. Both troopers arrived at the scene and exited their vehicles. As they approached the house, a male voice called from a window for the troopers to return to their cars. The troopers then ordered the man to show himself, and at that point Trooper Richey was hit in the neck with a round fired from a window of the residence. The other trooper immediately returned fire to provide cover to get to Trooper Richey. Upon the arrival of additional troops, two troopers provided cover fire while additional troopers removed Trooper Richey from the scene. Trooper Richey was transported to the hospital where he was pronounced dead. The suspect then murdered his wife before committing suicide. Trooper Richey had served with the Pennsylvania State Police for 16 years, and he is survived by his wife, son, and daughter.

Cpl. Christopher Milito, Delaware River Port Authority Police Department, New Jersey; end of watch, Saturday, January 16, 2010; age 40; 16 years for tour of duty; badge No. 204. Cpl. Christopher Milito was struck and killed by the driver of a vehicle in Philadelphia, Pennsylvania. He was investigating an accident on the Pennsylvania side of the Walt Whitman Bridge near the toll booths when the collision occurred. He was transported to the hospital where he succumbed to his injuries. Corporal Milito had served with the Delaware River Authority Police Department for a total of 16 years.

Pennsylvania Game Commission, Pennsylvania; end of watch, Thursday, November 11, 2010; age 31; tour of duty, 9 years; badge No. J2038; cause of death, gunfire; date of incident, Thursday, November 11, 2010. Wildlife Conservation Officer David Grove was shot and killed on Schriver Road, near Red Rocks Road, in Freedom Township, Adams County, at approximately 10:45 p.m. Officer Grove was in the area to investigate reports of ongoing nighttime shooting and poaching. He had stopped the suspected poacher just south of Gettysburg National Military Park. As he handcuffed the man, a struggle ensued and the subject opened fire on the officer with a

handgun, striking him four times. Although mortally wounded, Officer Grove was able to return fire, wounding the suspect in the hip. The suspect fled the scene with the handcuffs still on his left wrist. The suspect, who was a convicted felon, was captured the following morning at a nearby hunting camp and charged with Officer Grove's murder. He stated that he shot Officer Grove because he did not want to return to prison. The officer had served as a full-time wildlife conservation officer with the Pennsylvania Game Commission for 3 years and had previously served as a part-time officer with the agency for 6 years.

I know I can remember the first time I put on my uniform and looked in the mirror, and I thought, "Boy, you look good. The badge is not tarnished yet and the leather is not worn and it does not have all kind of tears and snags and that in the uniform." And when you first put it on, it is a great feeling, especially if it is what you wanted to do all your life. But then as you are looking in the mirror, you really look at yourself. I can remember the next thing that came to my mind, and I said a prayer. It was not very eloquent, but it was to the point. I just was married a few years, had a house and a baby very shortly on the way, and my first. And I just looked in there and I said, "If anything, all I want, Lord, is to come home at the end of my shift to my family." Well, I was one of the lucky ones, but some are not so lucky.

So let us remember them in our prayers and remember the dedication that they give, the sacrifices they make, all the things they do that a lot of people do not even know that officers work on every day and the sacrifices they make. So God bless all of them, and I ask you for support in HR 201.

The SPEAKER. The question is, will the House agree to the resolution?

On that question, the Speaker would ask the members to rise in a moment of silence and reflection of the peace officers who have given their lives to protect our communities. All members and guests will please rise.

(A moment of silence was observed.)

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Burns	Hennessey	Samuelson	White
Buxton	Johnson	Watson	

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

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. For the purpose of announcements, the Speaker recognizes the gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a House Appropriations Committee meeting down in the House majority caucus room immediately following the break.

The SPEAKER. There will be an Appropriations Committee meeting in the majority caucus room immediately after the break.

**REPUBLICAN CAUCUS**

The SPEAKER. For the purpose of an announcement, the Speaker recognizes the lady, Ms. Major, from Susquehanna County.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at noon; I would ask our Republican members to please report to our caucus room at noontime, and we would be scheduled to come back on the floor at 2 o'clock. Thank you.

The SPEAKER. The Speaker thanks the lady.

**DEMOCRATIC CAUCUS**

The SPEAKER. For the purpose of an announcement, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 12 noon, a Democratic caucus at 12 noon. Thank you.

**GUESTS INTRODUCED**

The SPEAKER. The Speaker would like to recognize some additional guests that have joined us up in the gallery. They are the fourth grade students from Kratzer Elementary School in Allentown, and they are the guests of Representative Julie Harhart. Will our guests please rise and be recognized. Welcome to the hall of the House.

I apologize to the kids. I know you just came in, but we were just breaking for our caucus and noonday break, so I apologize that you just got seated up there and we are going to leave here in a minute. We hope you enjoy your visit to the Capitol Building and to the hall of the House, in any regard.

Are there any other announcements?

**RECESS**

The SPEAKER. The House stands in recess until 2 p.m.

**AFTER RECESS**

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

**LEAVE OF ABSENCE**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Bucks County, Mr. GALLOWAY, for the remainder of the day. Without objection, the leave will be granted.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 244** By Representatives MURPHY, W. KELLER, BRADFORD, BRENNAN, CALTAGIRONE, D. COSTA, CUTLER, DAVIS, DIGIROLAMO, FABRIZIO, FREEMAN, GEORGE, HENNESSEY, KORTZ, MANN, MATZIE, MILLARD, PARKER, PASHINSKI, PAYTON, READSHAW, ROSS, SANTONI, K. SMITH, THOMAS, VULAKOVICH and DONATUCCI

A Resolution commemorating the 25th anniversary of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) in 2011.

Referred to Committee on LABOR AND INDUSTRY, April 26, 2011.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 10** By Representatives TURZAI, MUSTIO, BEAR, BENNINGHOFF, BOYD, CAUSER, CHRISTIANA, DENLINGER, DUNBAR, ELLIS, EVANKOVICH, EVERETT, FLECK, GABLER, GEIST, GILLEN, GILLESPIE, GRELL, GROVE, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, KNOWLES, KRIEGER, MAJOR, MARSHALL, METCALFE, METZGAR, MILLER, MOUL, MURT, PERRY, PYLE, RAPP, REESE, REICHLEY, ROAE, SACCONI, SCAVELLO, SCHRODER, SONNEY, STEVENSON, SWANGER and VULAKOVICH

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for title, for legislative findings, for definitions, for port authorities, for board, for eminent domain, for conveyance and for integrated operation; providing for exclusive jurisdiction and for report; and making editorial changes.

Referred to Committee on CONSUMER AFFAIRS, April 26, 2011.

**No. 1386** By Representatives HEFFLEY, BOYD, R. BROWN, COX, CUTLER, DAVIS, DAY, GILLEN, GROVE, HORNAMAN, KAUFFMAN, KNOWLES, LAWRENCE, MULLERY, ROAE, SACCONI, SCAVELLO, SCHRODER, SIMMONS, STEPHENS, STERN, SWANGER, TALLMAN and VULAKOVICH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for table game taxes.

Referred to Committee on GAMING OVERSIGHT, April 26, 2011.

**No. 1387** By Representatives PAYNE, BARRAR, MARSHALL, MOUL, MULLERY and SWANGER

An Act amending the act of June 9, 1936 (Sp.Sess. 1, P.L.13, No.4), entitled, as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," further providing for the emergency tax on liquor.

Referred to Committee on LIQUOR CONTROL, April 26, 2011.

**No. 1388** By Representatives PAYNE, F. KELLER, MILNE, MOUL, SWANGER, TALLMAN and VULAKOVICH

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

Referred to Committee on TRANSPORTATION, April 26, 2011.

**No. 1389** By Representatives PAYNE, BAKER, CLYMER, HARHAI, HORNAMAN, KNOWLES, MILLARD, MILLER, MILNE, MOUL, MUSTIO, PASHINSKI, READSHAW, SWANGER, TALLMAN and VULAKOVICH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, expanding provisions relating to sentence for murder, murder of unborn child and murder of law enforcement officer, criminal homicide of law enforcement officer and assault of law enforcement officer to include first responders; imposing penalties; and further providing for sentences for offenses committed against law enforcement officer.

Referred to Committee on JUDICIARY, April 26, 2011.

**No. 1390** By Representatives PAYNE, BAKER, HESS, HORNAMAN, KNOWLES, MILLARD, MILLER, MOUL, MUSTIO, PASHINSKI and SWANGER

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for summons and service and for appeal by tenant to common pleas court.

Referred to Committee on JUDICIARY, April 26, 2011.

**No. 1391** By Representatives STERN, BOYD, CARROLL, CLYMER, COHEN, D. COSTA, DONATUCCI, FARRY, GEIST, GILLESPIE, GOODMAN, HENNESSEY, HESS, KAUFFMAN, KNOWLES, MILNE, MURT, MYERS, REICHLEY, SCAVELLO, SWANGER, VULAKOVICH and WATSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for possession of explosive components.

Referred to Committee on JUDICIARY, April 26, 2011.

**No. 1392** By Representatives STERN, BEAR, BOYD, CLYMER, D. COSTA, COX, CUTLER, FLECK, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HANNA, HESS, HUTCHINSON, KAUFFMAN, M. K. KELLER, KIRKLAND, MARSHALL, MILLARD, MILLER, MOUL, MURT, PICKETT, REICHLEY, ROCK, SCHRODER, STURLA and SWANGER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in resource enhancement and protection tax credit, for resource enhancement and protection tax credit program and for annual tax credits.

Referred to Committee on FINANCE, April 26, 2011.

**No. 1393** By Representatives ROSS, CALTAGIRONE, EVERETT, GEIST, GINGRICH, HENNESSEY, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURT, O'NEILL and SCAVELLO

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Title 42; and making related repairs.

Referred to Committee on COMMERCE, April 26, 2011.

## BILLS REREPORTED FROM COMMITTEE

**HB 293, PN 1443**

By Rep. ADOLPH

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in metropolitan transportation authorities, further providing for competitive bidding of contracts.

APPROPRIATIONS.

**HB 371, PN 336**

By Rep. ADOLPH

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for sales of personal property.

APPROPRIATIONS.

**HB 715, PN 729**

By Rep. ADOLPH

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for definitions; and providing for collection of municipal taxes by county treasurer.

APPROPRIATIONS.

**HB 898, PN 954**

By Rep. ADOLPH

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

APPROPRIATIONS.

The SPEAKER. We are about to take up today's calendar. The members will please report to the floor.

## GUESTS INTRODUCED

The SPEAKER. I would like to recognize some additional guests on the back of the floor – the students, parents, and educators of the Cook-Wissahickon Elementary School of the Philadelphia City School District. The Cook-Wissahickon Elementary School is located in Roxborough of the 194th Legislative District, and they are guests of Representative Pam DeLissio. Welcome to the hall of the House.

## RACHEL MUMMA PRESENTED

The SPEAKER. The Speaker invites Representatives Perry and Delozier to the rostrum for the purpose of presenting a citation. With Representative Perry is Rachel Mumma, who will be accepting this citation in recognition of Rachel winning first place in the Class AAA girls 1-meter diving event held during the 2010-2011 PIAA State Swimming and Diving Championships. Along with Rachel are her parents and grandparents, who are seated to the left of the rostrum. Welcome to the hall of the House.

The gentleman, Mr. Perry, may proceed.

Mr. PERRY. Thank you, Mr. Speaker.

We are exceptionally proud to acknowledge the significant accomplishments of Rachel Mumma. She is being honored for winning first place in the Class AAA girls 1-meter diving event during the 2010-2011 PIAA State Swimming and Diving Championships.

I think it is important to note that Rachel finished the 11-round diving competition with a total score of 513.95 to capture the gold medal. Additionally, she medaled during each year of high school, finishing seventh as a freshman, third as a sophomore, and second as a junior. Obviously, recognition and praise is due for her exceptional ability and diligence and tenacious pursuit of academic excellence.

So it gives us great pleasure from York County, and now Rachel also attends, even though she is a York County resident, Cedar Cliff High School, which is in Representative Delozier's district. So at that point we span two counties, and it is great to have a champion from the midstate here in the hall of the House today. And we know she did not get there by herself, so we also acknowledge her parents' presence as well and the family. And thank you for everything you do for our community, and again, Rachel, your wonderful accomplishments. Congratulations. May I have a hand?

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the lady, Mrs. Watson, on the floor of the House, from Bucks County. Her name will be added to the master roll call.

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 898, PN 954**, entitled:

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

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—186**

Adolph	Dunbar	Kortz	Quigley
Aument	Ellis	Kotik	Quinn
Baker	Emrick	Krieger	Rapp
Barbin	Evankovich	Kula	Ravenstahl

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

**NAYS—10**

Brownlee	Keller, W.	Roebuck	Vitali
Donatucci	Kirkland	Sabatina	Waters
Josephs	O'Brien, M.		

**NOT VOTING—0**

**EXCUSED—7**

Burns	Galloway	Johnson	White
Buxton	Hennessey	Samuelson	

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 715, PN 729**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for definitions; and providing for collection of municipal taxes by county treasurer.



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?

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Does the gentleman seek recognition on the bill?

The Speaker returns to leaves of absence and recognizes the presence of the gentleman, Mr. Samuelson, on the floor of the House. His name will be added back to the master roll call.

**CONSIDERATION OF HB 715 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—197**

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

DeLissio	Kampf	Peifer	Wagner
DeLozier	Kauffman	Perry	Waters
DeLuca	Kavulich	Petrarca	Watson
Denlinger	Keller, F.	Petri	Wheatley
DePasquale	Keller, M.K.	Pickett	Williams
Dermody	Keller, W.	Preston	Youngblood
DeWeese	Killion	Pyle	
DiGirolamo	Kirkland	Quigley	Smith, S., Speaker
Donatucci	Knowles	Quinn	
Dunbar	Kortz	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—6

Burns	Galloway	Johnson	White
Buxton	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 293, PN 1443**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in metropolitan transportation authorities, further providing for competitive bidding of contracts.

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—120**

Adolph	Freeman	Maher	Reese
Aument	Gabler	Major	Reichley
Baker	Geist	Maloney	Roae
Barrar	Gillen	Marshall	Rock
Bear	Gillespie	Marsico	Roebuck
Benninghoff	Gingrich	Masser	Ross
Bloom	Godshall	Metcalfe	Saccone
Boback	Goodman	Metzgar	Saylor
Boyd	Grell	Micozzie	Scavello
Brooks	Grove	Millard	Schroder
Brown, R.	Hackett	Miller	Simmons
Causser	Hahn	Milne	Sonney
Christiana	Haluska	Mirabito	Stephens
Clymer	Harhai	Moul	Stern
Cox	Harhart	Murt	Stevenson
Creighton	Harper	Mustio	Swanger
Culver	Harris	O'Brien, D.	Tallman

Cutler	Heffley	O'Neill	Taylor
Day	Helm	Oberlander	Tobash
DeLissio	Hess	Payne	Toepel
Delozier	Hickernell	Peifer	Toohil
Denlinger	Hutchinson	Perry	Truitt
Dunbar	Kampf	Petrarca	Turzai
Ellis	Kauffman	Petri	Vereb
Emrick	Keller, F.	Pickett	Vitali
Evankovich	Keller, M.K.	Pyle	Vulakovich
Evans, J.	Killion	Quigley	Watson
Everett	Knowles	Quinn	
Farry	Krieger	Rapp	Smith, S.,
Fleck	Lawrence	Reed	Speaker
Frankel	Longietti		

## NAYS—77

Barbin	Deasy	Kirkland	Preston
Bishop	DeLuca	Kortz	Ravenstahl
Boyle, B.	DePasquale	Kotik	Readshaw
Boyle, K.	Dermody	Kula	Sabatina
Bradford	DeWeese	Mahoney	Sainato
Brennan	DiGirolamo	Mann	Samuelson
Briggs	Donatucci	Markosek	Santarsiero
Brown, V.	Evans, D.	Matzie	Santoni
Brownlee	Fabrizio	McGeehan	Shapiro
Caltagirone	George	Miccarelli	Smith, K.
Carroll	Gerber	Mullery	Smith, M.
Cohen	Gergely	Mundy	Staback
Conklin	Gibbons	Murphy	Sturla
Costa, D.	Hanna	Myers	Thomas
Costa, P.	Harkins	Neuman	Wagner
Cruz	Hornaman	O'Brien, M.	Waters
Curry	Josephs	Parker	Wheatley
Daley	Kavulich	Pashinski	Williams
Davidson	Keller, W.	Payton	Youngblood
Davis			

## NOT VOTING—0

## EXCUSED—6

Burns	Galloway	Johnson	White
Buxton	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 371, PN 336**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for sales of personal 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—197

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Burns	Galloway	Johnson	White
Buxton	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.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 396, PN 1525**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death and for sentences for second and subsequent offenses.

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

\* \* \*

The House proceeded to second consideration of **SB 265, PN 242**, entitled:

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for definitions, for permits, for permit application, for minimum distance between gas wells, for well class designation and for coordination of gas well drilling through active coal mines; providing for a pillar support study; and further providing for plugging gas wells penetrating workable coal seams, for penalties and for validity of other laws.

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 197, PN 712**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission.

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

Mrs. **GINGRICH** offered the following amendment No. **A00696**:

Amend Bill, page 4, by inserting between lines 2 and 3  
(6) Contracts or agreements relating to the purchase, right to capacity, sale, exchange, interchange, wheeling, pooling, transmission or development of electric power and associated energy and related services.

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

The **SPEAKER**. On that question, the Speaker recognizes the lady, Mrs. Gingrich.

Mrs. **GINGRICH**. Thank you, Mr. Speaker.

This amendment adds an additional exemption, and it is designed to address a cooperative agreement among municipalities that are engaging in utility purchasing. So we are

just adding another exemption to the bill, and I would appreciate that consideration.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

Would the gentelady stand for brief interrogation?

The **SPEAKER**. The lady indicates that she will. The gentleman is in order.

Will the gentleman just suspend one minute, please.

Will the House come to order, please? May we hold the conversations to a minimum. Thank you.

The gentleman may proceed with interrogation.

Mr. **VITALI**. I would just ask for just a little further of an explanation, just kind of put that exemption in context. Maybe just thresh out in general terms again what that does.

Mrs. **GINGRICH**. These agreements are agreements between municipalities in the Commonwealth that may be entering into an agreement for purchase in another State through a nonprofit operation. So even technically, currently as we speak, they would not be subject to this review anyway. We are just trying to clarify and make it secure that those arrangements can be made, or continue to be made.

Mr. **VITALI**. Now, to your knowledge, have any groups weighed in either for or against this in any official capacity?

Mrs. **GINGRICH**. No; no one has been opposed to it at all.

Mr. **VITALI**. Would it be possible not to beat a dead horse?

Mrs. **GINGRICH**. Mr. Speaker, we do currently have such agreements in place – in Montgomery County, for one place, I know – and we want them to be able to continue to do that. There are 35 or 36 of them, I understand.

Mr. **VITALI**. Okay. Thank you.

Mrs. **GINGRICH**. Thank you.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Burns	Galloway	Johnson	White
Buxton	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?

The SPEAKER. It is the Chair's understanding that the lady, Mrs. Kula's amendments have been withdrawn to this bill? The Speaker thanks the lady.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 292, PN 1442**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in parking authorities, further providing for competitive bidding of contracts.

On the question,

Will the House agree to the bill on second consideration?

Mr. COHEN offered the following amendment No. **A01461**:

Amend Bill, page 1, line 3, by inserting after "contracts" ; in taxicabs and limousines in first class cities, further providing for budget and fees and for the Philadelphia Taxicab and Limousine Regulatory Fund; and establishing the Injured Taxicab Driver Relief Account

Amend Bill, page 6, by inserting between lines 4 and 5

Section 2. Section 5707(a) of Title 53 is amended to read:

§ 5707. Budget and fees.

(a) Initial budget and fees.—The authority shall complete an initial budget and fee schedule necessary to advance the purposes of this chapter. The fee schedule shall include all fees for initial issuance of a medallion, transfer of a medallion, an assessment for contribution under section 5726(c)(1) (relating to Injured Taxicab Driver Relief Account) and all taxicab and limousine certificates. The authority's initial budget and fee schedule shall be submitted to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives. Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution within ten legislative days from the date of submittal, the authority's fee schedule shall become effective, and the authority shall notify each certificate holder of the initial fee schedule.

\* \* \*

Section 3. Section 5708(a) of Title 53 is amended by adding a paragraph to read:

§ 5708. Fund.

(a) Establishment.—The Philadelphia Taxicab and Limousine Regulatory Fund is established. The fund shall consist of the following accounts, which shall be kept separate and not commingled:

\* \* \*

(2.1) The account under section 5726 (relating to Injured Taxicab Driver Relief Account).

\* \* \*

Section 4. Title 53 is amended by adding a section to read:  
§ 5726. Injured Taxicab Driver Relief Account.

(a) Establishment.—The Injured Taxicab Driver Relief Account is established as a separate account in the Philadelphia Taxicab and Limousine Regulatory Fund.

(b) Purpose.—The purpose of the account is to provide insurance coverage for occupational injuries to individuals certificated to operate taxicabs under section 5706 (relating to driver certification program).

(c) Sources.—The following are the sources of the account:

(1) Assessments under section 5707(a) (relating to budget and fees).

(2) Appropriations.

(3) Return on money in the fund.

(d) Administration.—

(1) The authority shall select a nonprofit corporation to administer the account.

(2) The authority shall appoint an advisory board to advise the nonprofit corporation under paragraph (1). The board shall be composed of:

(i) individuals certificated to operate taxicabs under section 5706; and

(ii) representatives of organizations which represent individuals under subparagraph (i).

(e) Nonlapse.—Money in the account is continuously appropriated into the account. This appropriation shall not lapse at the end of any fiscal year.

Amend Bill, page 6, line 5, by striking out "2" and inserting 5

Amend Bill, page 6, line 8, by striking out "3" and inserting 6

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Cohen. The gentleman indicates that he is withdrawing the amendment? The gentleman indicates 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 639, PN 640**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in optional affordable housing funding, further providing for affordable housing programs fee in cities of first class.

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 1312, PN 1488**, entitled:

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 meeting special needs, work supports and incentives, and establishing the Job Transition Loan Fund.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Chester County, Mr. Hennessey. His name will be added to the master roll call.

CONSIDERATION OF HB 1312 CONTINUED

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

Mr. **CUTLER** offered the following amendment No. **A01459**:

- Amend Bill, page 3, line 5, by inserting after "Books"  
, tools
- Amend Bill, page 3, line 5, by striking out "for education or training purposes"
- Amend Bill, page 3, line 12, by inserting after "vehicles."  
mileage reimbursement.

Amend Bill, page 4, lines 11 through 17, by striking out "for job" in line 11 and all of lines 12 through 17 and inserting  
for:

(A) Job transition credits allowing recipients to reduce the total outstanding loan amount by an amount equal to the monthly loan repayment amount for every subsequent month the cash assistance recipient does not require cash assistance or the food stamps recipient does not require food stamps.

(B) Loan forgiveness for the cash assistance recipient who does not require cash assistance for eighteen months subsequent to the disbursement of the loan or for the food stamp recipient who does not require food stamps for eighteen months subsequent to the disbursement of the loan.

Amend Bill, page 5, line 6, by inserting after "recipient"  
, except when the payment is made for mileage reimbursement for the recipient's own vehicle

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

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

Mr. **CUTLER**. Thank you, Mr. Speaker.

This is simply an agreed-to amendment that tightens up the language of the bill with some questions that we had encountered during the committee process.

Specifically, Mr. Speaker, it is going to look at the credit and debit system that was implemented. There were some concerns raised in committee regarding the protocol by which that would occur. This amendment attempts to address that and also adds some clarifying language regarding tools, and additionally, adds the language for the direct payment to be made to applicants for mileage reimbursement. Thank you.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Burns	Galloway	Johnson	White
Buxton			

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. STURLA offered the following amendment No. A01480:

Amend Bill, page 6, line 23, by striking out "in 60 days" and inserting

July 1, 2011, or upon publication in the Pennsylvania Bulletin by the Secretary of Public Welfare of a statement affirming that the Department of Public Welfare's general government operations line item, or another more appropriate line item specified in the secretary's statement, has been increased sufficiently over fiscal year 2010-2011 such that the department has the resources necessary to implement the directives in the amendment of section 408 of the act, whichever is later

On the question,

Will the House agree to the amendment?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply delays the implementation of this until we have a new budget and have the dollars necessary to implement this.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

This amendment presumes an increased appropriation to the Department of Welfare, and I would urge the members to vote against the amendment.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes, for the second time, the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Mr. Speaker, I would simply say that the presumption here is that any new implementation costs something, and should this fail, I have an amendment that is not timely filed that I will ask for that would have the Department of Public Welfare report back to us as to whether or not this program actually costs money or saves money.

The SPEAKER. Has the gentleman concluded?

Mr. STURLA. Yes.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-86

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

NAYS-112

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

DiGirolamo	Kauffman	Petri	Turzai
Dunbar	Keller, F.	Pickett	Vereb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	Watson
Evankovich	Knowles	Quinn	
Evans, J.	Krieger	Rapp	Smith, S.,
Everett	Lawrence	Reed	Speaker
Farry	Maher		

NOT VOTING—0

EXCUSED—5

Burns	Galloway	Johnson	White
Buxton			

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. COHEN offered the following amendment No. **A01491**:

Amend Bill, page 1, line 12, by striking out "Job Transition Loans;"

Amend Bill, page 2, line 29, by striking out "subsections (d) and (e)" and inserting

subsection (d)

Amend Bill, page 3, lines 16 through 30; page 4, lines 1 through 30; page 5, lines 1 through 3, by striking out all of lines 16 through 30 on page 3, all of lines 1 through 30 on page 4, all of lines 1 and 2 and "(e)" in line 3 on page 5 and inserting

(d)

Amend Bill, page 5, lines 6 and 7, by striking out all of line 6 and "(2)" in line 7 and inserting

(1)

Amend Bill, page 5, line 9, by striking out "(3)" and inserting

(2)

Amend Bill, page 5, line 10, by striking out "(f)" and inserting

(e)

Amend Bill, page 5, lines 10 through 14, by striking out the colon after "not" in line 10, all of lines 11 through 13 and "(2)" in line 14

Amend Bill, page 5, line 16, by striking out "(g)" and inserting

(f)

Amend Bill, page 5, line 18, by striking out "(h)" and inserting

(g)

Amend Bill, page 6, line 3, by striking out "(i)" and inserting

(h)

Amend Bill, page 6, lines 6 through 20, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the section of the bill requiring the repayment of money for people who do not succeed in being able to escape the welfare system, despite having gotten a \$2,000 grant from the State. It does not have to be \$2,000; it could be some fraction of \$2,000. But whatever it

is, there is a test imposed on whether the person has to repay the grant, and the test is a degree of financial success. And if the person is financially successful and thus gets removed from the system, then we say the person can keep the grant, and if the person is not financially successful, we say the person cannot keep the grant.

Now, this is a very odd system. It is kind of like if we changed the student loan program and said that anybody who gets a student loan and gets a job upon graduation does not have to repay the student loan, only people who do not get jobs have to repay the student loan. It is kind of like if we had a mortgage system and we said, we will help pay for the mortgage only if you have the money to pay for it yourself. If you do not have the money to pay for it yourself, then you are stuck with the mortgage payment.

This remedy, Mr. Speaker, makes no sense whatsoever. There is no rational purpose for saying that a person does not have to pay back a loan if he or she is financially successful and does have to pay the loan back if he or she is not financially successful, no matter how you measure what financial success is.

Now, these grants are very, very limited grants. Two thousand dollars, the highest possible grant you get under this existing program, does not go very far nowadays, unfortunately. The \$2,000, or some fraction thereof, can go to pay for tools for somebody who wants to work in a home repair business or get a job as a carpenter. It can pay for books for somebody attending community college. It can pay for clothes for somebody trying to apply for a job as a secretary, but it is not going to go very far.

And it does not really make any sense to tell people that if they do not succeed with this money, then they have to pay it back, but if they do succeed, then they do not have to pay it back. I would think that anybody who is in poverty, with very, very rare exceptions, wants to get out of poverty. Failing to get out of poverty is a major punishment in and of itself. They do not need extra punishments such as debts.

My amendment very simply gets rid of the loan provisions of this bill and continues giving the money out as grants. We have a new Secretary. They can take a fresh look at it. If they think either as a matter of principle or to save money they want to cut the availability of grants, let them cut the availability of grants. But to set up a booby-trap system whereby people are discouraged from applying for grants because of failure that maybe they are not going to succeed in the reason they have the grant – they are not going to get the job they want, and therefore, they are going to be stuck not only being poor but being poor and in debt to the State – that makes no sense.

I would urge that we vote for this amendment and allow people who do not succeed in their career ambitions not to be stuck with the debt as well as the failure to succeed in their career ambitions.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Stephens, from Montgomery County.

Mr. STEPHENS. Mr. Speaker, this bill as proposed provides both an incentive for those who are involved with the welfare system, provides an incentive for them to move off of welfare and onto the payrolls, and equally importantly, provides the accountability that the taxpayers deserve when they are going to foot the bill for this type of a program.

It is important to note that these expenditures are limited to those types of expenditures that are designed to move one from welfare into gainful employment, such as tools and books, as the gentleman from Philadelphia mentioned. But there is no reason why the individuals who seek these types of funds should not be accountable to the taxpayer on the back end, should not ensure that when they seek these funds, they do so knowing that they are going to be on the hook for this responsibility moving forward, the same as all of our taxpayers are when they venture out and they need to purchase tools or books or supplies in order to advance themselves in life.

So for that reason, Mr. Speaker, I would urge the members to vote "no" to this amendment and keep the bill intact so we can move forward to move people off of welfare and onto the payrolls.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes, for the second time, the gentleman, Mr. Cohen, from Philadelphia.

Mr. COHEN. Thank you.

Mr. Speaker, when taxpayers take education courses or buy materials to advance themselves in occupations, it is tax deductible under Federal law, and there is no test under Federal law about, has this money led to a job or not?

There is no point in punishing people for not being successful. Failure to succeed is a punishment in and of itself. This is not real accountability. Accountability, people have life accountability. They want to earn the highest income reasonably possible. If they fail to be employed, with very, very rare exceptions, they are not very happy about that. We do not have to add additional punishments to people who are not financially successful; not being financially successful is a punishment in and of itself.

I urge support of this amendment.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

Just in short, the example that the gentleman from Philadelphia County just gave of a private individual spending their private, hard-earned dollars to go into the classroom and pay for their own books and then accepting a tax deduction for that distinction, I guess the clear difference would certainly be that that person is actually spending their own money whereas folks accepting a special allowance would be spending somebody else's money. So that would be why they would be able to gain a tax deduction for the use of their own hard-earned dollars to buy books, to go into the classroom to further their education, whereas somebody receiving a grant or a no-interest loan through the special allowance program would be spending taxpayer dollars and not money of their own. So they certainly would not be applicable to be able to receive a tax deduction when they are spending somebody else's tax dollars. So I think that is just a moment of clarity. Thank you.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

This is an issue of reality, because the previous speaker just made a misnomer. If I go out and I borrow the money, whether from the bank or from PHEAA (Pennsylvania Higher Education Assistance Agency), and I am a working individual and I spend money on different things, there is no proof one way or another

where that source of income came from. I can still deduct it from my taxes. So the previous statement, basically, in my opinion, is erroneous and inaccurate.

The other issue is, when are we going to start learning that trying to give with a carrot and a stick is no different than the death penalty does not stop people from killing people. When are we going to start realizing that we need to start at the front end and start preventing people who are on some form of assistance.

Several years ago we went through about 15 years of trying to eliminate the liens on people's houses. We were penalizing people who worked. And unfortunately, the steel mill industry out in our area closed down, and individuals had to try to go out and get on public assistance and try to be successful one way or another. And we put liens on their homes, but the people who were not homeowners got penalized. Why do we treat people differently? It almost makes me feel that maybe some people in this room have not gone out and talked to those people who do not have a job or who have lost things, and maybe have not talked to some people who are on public assistance or displaced. The metal fabricating company closed down; the cleaner's closed down. In our area right now, we have hospitals who are closing down, health-care people who are out of work, and it does not mean that someone is not going to be successful for receiving this, about \$2,000.

I am not going to ask for a fiscal note, because I do not think they can add it, but you can almost bet that the cost of going through a recovering of what we went through years ago under the age of public assistance is going to cost more than \$2,000 to be able to collect it – setting up the paperwork, setting up with the staff to be able to collect those people, unfortunately, who do not fall within the timeline. I could ask for a fiscal note, but I am not going to. Sometime we need to start realizing that we need to stop just trying to make people feel good, but maybe we need to start being realistic and help people be able to go forward. That means we need to start preventing people from going into the catch system of public assistance, dealing with education, dealing with crime, or any other forms of substance that we would be able to give within this State.

It is going to cost money. It is going to cost a lot of money, but to be able to reward someone who gets something is okay. But the person who really, sincerely tries, there is no variable that even measures what we are going to try. So the statement is inaccurate, because if someone is working and they happen to borrow the money, whether it is from a bank, from a lending institution, or other educational system, they can still deduct it from their taxes if they have enough expenses and can go beyond that limit. We need to realize that. We need to be honest and truthful with the people and be more accurate with our facts and figures.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—57

Bishop	DeWeese	Kortz	Ravenstahl
Boyle, B.	Donatucci	Kula	Roebuck
Boyle, K.	Evans, D.	Mahoney	Sabatina
Briggs	Fabrizio	Mann	Santarsiero



Brown, V.	Frankel	Markosek	Santoni
Brownlee	Freeman	McGeehan	Smith, K.
Caltagirone	George	Mullery	Staback
Cohen	Gerber	Murphy	Thomas
Conklin	Gergely	Myers	Vitali
Costa, P.	Hanna	O'Brien, M.	Wagner
Cruz	Harkins	Parker	Waters
Curry	Josephs	Pashinski	Wheatley
Davidson	Keller, W.	Payton	Williams
DeLissio	Kirkland	Preston	Youngblood
Dermody			

NAYS—141

Adolph	Evans, J.	Krieger	Readshaw
Aument	Everett	Lawrence	Reed
Baker	Farry	Longietti	Reese
Barbin	Fleck	Maher	Reichley
Barrar	Gabler	Major	Roae
Bear	Geist	Maloney	Rock
Benninghoff	Gibbons	Marshall	Ross
Bloom	Gillen	Marsico	Saccone
Boback	Gillespie	Masser	Sainato
Boyd	Gingrich	Matzie	Samuelson
Bradford	Godshall	Metcalfe	Saylor
Brennan	Goodman	Metzgar	Scavello
Brooks	Grell	Miccarelli	Schroder
Brown, R.	Grove	Micozzie	Shapiro
Carroll	Hackett	Millard	Simmons
Causar	Hahn	Miller	Smith, M.
Christiana	Haluska	Milne	Sonney
Clymer	Harhai	Mirabito	Stephens
Costa, D.	Harhart	Moul	Stern
Cox	Harper	Mundy	Stevenson
Creighton	Harris	Murt	Sturla
Culver	Heffley	Mustio	Swanger
Cutler	Helm	Neuman	Tallman
Daley	Hennessey	O'Brien, D.	Taylor
Davis	Hess	O'Neill	Tobash
Day	Hickernell	Oberlander	Toepel
Deasy	Hornaman	Payne	Toohil
Delozier	Hutchinson	Peifer	Truitt
DeLuca	Kampf	Perry	Turzai
Denlinger	Kauffman	Petrarca	Verbe
DePasquale	Kavulich	Petri	Vulakovich
DiGiroloamo	Keller, F.	Pickett	Watson
Dunbar	Keller, M.K.	Pyle	
Ellis	Killion	Quigley	Smith, S., Speaker
Emrick	Knowles	Quinn	
Evankovich	Kotik	Rapp	

NOT VOTING—0

EXCUSED—5

Burns	Galloway	Johnson	White
Buxton			

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. **GERBER** offered the following amendment No. **A01460**:

Amend Bill, page 1, line 5, by striking out "and" where it occurs the second time

Amend Bill, page 1, line 6, by inserting after "Fund" ; and providing for liability for false claims, for treble damages, costs and civil penalties, for powers of the Attorney General and for qui tam actions

Amend Bill, page 6, by inserting between lines 20 and 21 Section 1.1. Article IV of the act is amended by adding a subarticle to read:

ARTICLE IV  
PUBLIC ASSISTANCE  
\* \* \*

(f.1) Medical Assistance False Claims

Section 450.1. Definitions.

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

"Claim." As follows:

(1) A request or demand for money or property, whether under contract or otherwise and regardless of whether the Commonwealth has title to the money or property, which meets any of the following:

(i) Is presented to an employee, officer or agent of the Commonwealth.

(ii) Was made to a contractor, grantee or other recipient and any portion of the money or property came from or was provided using Commonwealth funds or the money or property will be spent or used on the Commonwealth's behalf or to advance a program or interest.

(2) The term does not include requests or demands for money or property the Commonwealth has paid to an individual as compensation for employment or as an income subsidy with no restrictions on the individual's use of the money or property.

(3) To the extent it is not connected to a request or demand for money or property, a filing with a Commonwealth agency pursuant to the Commonwealth's insurance laws shall not constitute a claim.

(4) The term shall apply only to claims made under the medical assistance program.

"Knowingly." Whenever a person, with respect to information, does any of the following:

(1) Has actual knowledge of the information.

(2) Acts in deliberate ignorance of the truth or falsity of the information.

(3) Acts in reckless disregard of the truth or falsity of the information. Proof of specific intent to defraud is not required.

"Material." A natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

"Medical assistance program." The program established by Subarticle (f).

"Obligation." An established duty, whether or not fixed, arising from any of the following:

(1) An express or implied contract.

(2) A grantor-grantee relationship.

(3) A licensor-licensee relationship.

(4) A fee-based or similar relationship.

(5) A statute or regulation.

(6) The retention of an overpayment.

"Official use." Any use that is consistent with the law and the regulations and policies of the Office of Attorney General including the following:

(1) Use in connection with internal memoranda and reports.

(2) Communications between the Office of Attorney General and a Federal, State or local government agency or a contractor of a Federal, State or local government agency, undertaken in furtherance of an investigation or prosecution of an action.

(3) Interviews of a qui tam plaintiff or other witness.  
(4) Oral examinations.  
(5) Depositions.  
(6) Preparation for and response to civil discovery requests.  
(7) Introduction into the record of an action or proceeding.  
(8) Applications, motions, memoranda and briefs submitted to a court or other tribunal.  
(9) Communications with investigators, auditors, consultants and experts, the counsel of other parties, arbitrators and mediators concerning an investigation, action or proceeding.

"Person." A natural person, corporation, firm, association, organization, partnership, business or trust.  
"Qui tam plaintiff." A person bringing a civil action under section 450.2.

Section 450.2. Acts subjecting persons to liability for treble damages, costs and civil penalties; exceptions.

(a) Liability.—A person who commits acts prohibited in subsection (b) shall be liable to the Commonwealth for three times the amount of damages which the Commonwealth sustains because of the act of that person.

(b) Prohibited acts.—A person who commits any of the following acts with respect to the medical assistance program shall be liable to the Commonwealth for the costs of a civil action brought to recover any of those penalties or damages and shall be liable to the Commonwealth for a civil penalty of not less than \$5,000 nor more than \$10,000 for each violation:

(1) Conspires to defraud the Commonwealth by getting a false or fraudulent claim allowed or paid or conspires to defraud the Commonwealth by knowingly making, using or causing to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth with respect to the medical assistance program.

(2) Has possession, custody or control of public property or money used or to be used by the Commonwealth with respect to the medical assistance program and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.

(3) Is authorized to make or deliver a document certifying receipt of property used or to be used by the Commonwealth with respect to the medical assistance program and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true.

(4) Knowingly makes, uses or causes to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth with respect to the medical assistance program.

(5) Is a beneficiary of an inadvertent submission of a false or fraudulent claim to any employee, officer or agent of the Commonwealth or to any contractor, grantee or other recipient of funds under the medical assistance program, subsequently discovers the falsity of the claim and fails to disclose the claim to the Commonwealth within a reasonable time after discovery of the claim.

(6) Having a duty to make disclosure of a fact, event or occurrence, knowingly fails to disclose such fact, event or occurrence in order to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth with respect to the medical assistance program.

(c) Damages limitation.— Notwithstanding subsection (a), the court may assess not less than two times the amount of damages which the Commonwealth sustains because of the act of the person described in that subsection and no civil penalty if the court finds all of the following:

(1) The person committing the violation furnished the

Commonwealth officials who are responsible for investigating false claims violations with all information known to that person about the violation within 30 days after the date on which the person first obtained the information.

(2) The person fully cooperated with any investigation by the Commonwealth.

(3) At the time the person furnished the Commonwealth with information about the violation, no criminal prosecution, civil action or administrative action had commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(d) Exclusion.—This section does not apply to claims, records or statements made under the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(e) Actions to recover damages and adjustment of penalties.—A person who is liable for the damages or penalties assessed under subsections (a) and (b) shall also be liable to the Commonwealth for the costs of a civil action brought to recover any of those damages or penalties. The civil penalties payable under subsection (b) shall be adjusted from time to time as provided in the Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 104-410, 28 U.S.C. § 2461).

Section 450.3. Attorney General investigations and prosecutions: powers of prosecuting authority; civil actions by individuals as qui tam plaintiff and as private citizen; jurisdiction of courts.

(a) Responsibilities of the Attorney General.—The Attorney General shall diligently investigate a violation of section 450.2. If the Attorney General finds that a person has violated or is violating section 450.2, the Attorney General may bring a civil action under this section against that person.

(b) Actions by private persons.—

(1) A person may bring a civil action for a violation of this subarticle for the person and for the Commonwealth in the name of the Commonwealth. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action shall be dismissed only with the written consent of the court, taking into account the best interest of the parties involved and the policy of this subarticle.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the qui tam plaintiff possesses shall be served on the Attorney General. The complaint shall be filed in camera and shall remain under seal for at least 60 days and shall not be served on the defendant until the court orders the service. The Commonwealth may elect to intervene and proceed with the action within 60 days after it receives the complaint and the material evidence and information.

(3) The Commonwealth may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). The motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until the complaint is unsealed and served upon the defendant under the Pennsylvania Rules of Civil Procedure.

(4) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Commonwealth shall:

(i) proceed with the action, in which case the action shall be conducted by the Commonwealth; or

(ii) notify the court it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) (i) If a municipality is named as a coplaintiff with the Commonwealth in an action brought under this subsection, the qui tam plaintiff or the Commonwealth may, notwithstanding a seal on the action ordered by the

court, serve the complaint, other pleadings and written disclosure of substantially all material evidence and information possessed by the qui tam plaintiff on the appropriate local law enforcement authorities.

(ii) If information about an action is shared with local law enforcement under subparagraph (i), the seal on the action ordered by the court shall apply to the subject municipality and local law enforcement authorities to the same extent as the seal applied to other parties in the action.

(c) Intervention.—When a person brings a valid action under this subsection, no person other than the Commonwealth may intervene or bring a related action based on the facts underlying the pending action.

(d) Rights of the parties to qui tam actions.—

(1) If the Commonwealth proceeds with the action, it shall have the primary responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The qui tam plaintiff shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2) (i) The Commonwealth may move to dismiss the action for good cause despite the objections of the qui tam plaintiff if the qui tam plaintiff has been notified by the Commonwealth of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity to oppose the motion and present evidence at a hearing.

(ii) The Commonwealth may settle the action with the defendant despite the objections of the qui tam plaintiff if the court determines, after a hearing providing the qui tam plaintiff an opportunity to present evidence, the proposed settlement is fair, adequate and reasonable under the circumstances.

(iii) Upon a showing by the Commonwealth that unrestricted participation during the course of the litigation by the qui tam plaintiff would interfere with or unduly delay the Commonwealth's prosecution of the case or would be repetitious, irrelevant or harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff's participation by:

(A) limiting the number of witnesses the person may call;

(B) limiting the length of the testimony of the witnesses;

(C) limiting the qui tam plaintiff's cross-examination of witnesses; or

(D) otherwise limiting the participation by the person in the litigation.

(iv) Upon a showing by the defendant that unrestricted participation during the litigation by the qui tam plaintiff initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the qui tam plaintiff in the litigation.

(3) If the Commonwealth elects not to proceed with the action, the qui tam plaintiff shall have the right to conduct the action. If the Commonwealth requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the Commonwealth's expense. When a person proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff, may permit the Commonwealth to intervene at a later date upon a showing of good cause.

(4) Whether or not the Commonwealth proceeds with the action, upon a showing by the Commonwealth that certain actions of discovery by the qui tam plaintiff would interfere with the Commonwealth's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the

discovery for a period of not more than 60 days. The showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Commonwealth has pursued the criminal or civil investigation or proceedings with reasonable diligence and the discovery proposed in the civil action will interfere with the ongoing criminal or civil investigations or proceedings.

(5) Notwithstanding subsection (b), the Commonwealth may elect to pursue its claim through an alternate remedy available to the Commonwealth, including an administrative proceeding to determine a civil money penalty. If the alternate remedy is pursued in another proceeding, the qui tam plaintiff shall have the same rights in the proceeding as if the action continued under this section. A finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action under this section. A finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the Commonwealth, if the time for filing the appeal regarding the finding or conclusion has expired or if the finding or conclusion is not subject to judicial review.

(e) Award to qui tam plaintiff.—

(1) If the Commonwealth proceeds with an action brought by a qui tam plaintiff, the qui tam plaintiff shall, subject to the provisions of this paragraph, receive at least 15% but not more than 25% of the proceeds of the action or settlement of the claim, including damages, civil penalties, payments for costs of compliance and any other economic benefit realized by the Commonwealth as a result of the action, depending upon the extent to which either or both the person and his counsel substantially contributed to the prosecution of the action. Where the court finds the action is based primarily on disclosures of specific information, other than information provided by the qui tam plaintiff, relating to allegations or transactions specifically in a criminal, civil or administrative hearing or in a legislative or administrative report, hearing, audit or investigation or from the news media, the court may award the sums as it considers appropriate, but in no case more than 10% of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person under the first or second sentence of this paragraph shall be made from the proceeds. The person shall also receive an amount for reasonable expenses which the appropriate judge finds was necessarily incurred, plus reasonable attorney fees and costs. The expenses, fees and costs shall be awarded against the defendant. Reasonable attorney fees shall not exceed 30% of the proceeds received by the qui tam plaintiff through pursuit of the action or settlement of the claim.

(2) If the Commonwealth does not proceed with an action under this section, the qui tam plaintiff shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall not be less than 25% and not more than 30% of the proceeds of the action or settlement and shall be paid out of the proceeds, which includes damages, civil penalties, payments for costs of compliance and any other economic benefit realized by the Commonwealth as a result of the action. The person shall also receive an amount for reasonable expenses which the appropriate Commonwealth court judge finds to have been necessarily incurred, plus reasonable attorney fees and costs. All the expenses, fees and costs shall be awarded against the defendant. Reasonable attorney fees shall not exceed 30% of the proceeds received by the qui tam plaintiff through pursuit of the action or settlement of the claim.

(3) Whether or not the Commonwealth proceeds with the action, if the court finds the action was filed by a person who planned and initiated the violation of section 450.2(a) upon which the action was filed, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under

paragraph (1) or (2), taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 450.2(a), that person shall be dismissed from the civil action and shall not receive a share of the proceeds of the action. The dismissal shall not prejudice the right of the Commonwealth to continue the action.

(4) If the Commonwealth does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and expenses if the defendant prevails in the action and the court finds the claim of the person bringing the action was clearly frivolous, clearly vexatious or brought primarily for purposes of harassment.

(f) Certain actions barred.—

(1) No court shall have jurisdiction over an action brought under subsection (b) against a member of the legislative branch, a member of the judiciary or a senior executive branch official if the action is based on evidence or information known to the Commonwealth when the action was brought.

(2) In no event may a person bring an action under subsection (b) which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding for money in which the Commonwealth is already a party.

(3) Upon the motion of the Attorney General, the court may, in consideration of all the equities, dismiss a relator of the elements of the actionable false claims alleged in the qui tam complaint which have been publicly disclosed, specifically in the news media or in a publicly disseminated governmental report, at the time the complaint is filed.

(g) Commonwealth not liable for certain expenses.—The Commonwealth is not liable for expenses which a person incurs in bringing an action under this section.

(h) Private action for retaliation action.—An employee, contractor or agent who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment, contract or agency because of lawful acts by the employee, contractor or agent on behalf of the employee, contractor or agent or associated others in furtherance of an action under this section or efforts to stop one or more violations of this subarticle, including investigation for, initiation of, testimony for or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee, contractor or agent whole. The relief shall include reinstatement with the same seniority status the employee, contractor or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. Commonwealth Court shall have exclusive jurisdiction for all actions seeking relief under this subsection.

(i) Civil investigative demand.—

(1) (i) The Attorney General shall have the authority to issue civil investigative demands under paragraph (2).

(ii) Nothing in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions may relate to persons, enterprises or matters falling within the scope of this chapter.

(2) (i) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody or control of documentary material relevant to an investigation under this subarticle, the Attorney General may issue in writing, and cause to be served upon the person or enterprise, a civil investigative demand requiring the production of the material for examination.

(ii) Each demand shall:

(A) state the nature of the conduct constituting the alleged violation which is under investigation, the applicable provision of law and the connection between the documentary material demanded and the conduct under investigation;

(B) describe the class or classes of documentary material to be produced with sufficient definiteness and certainty to permit the material to be fairly identified;

(C) state the demand is returnable or prescribe a return date which will provide a reasonable time period within which the material demanded may be assembled and made available for inspection and copying or reproduction;

(D) identify an investigator to whom the material shall be made available; and

(E) contain the following statement printed conspicuously at the top of the demand:

"You have the right to seek the assistance of an attorney and he may represent you in all phases of the investigation of which this civil investigative demand is a part."

(iii) The demand shall not:

(A) contain a requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged violation; or

(B) require the production of documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court in connection with a grand jury investigation of the alleged violation.

(iv) Service of any such demand or any petition filed under this paragraph shall be made in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of writs and complaints.

(v) A verified return by the individual serving a demand or petition setting forth the manner of the service shall be prima facie proof of the service. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.

(vi) (A) Any party upon whom any demand issued under this subsection has been duly served shall make the material available for inspection and copying or reproduction to the investigator designated at the principal place of business of the party, or at another place as the investigator and party may agree or as the court may direct under this paragraph, on the return date specified in the demand. The party may upon agreement of the investigator substitute copies of all or any part of the material for the originals.

(B) The investigator to whom documentary material is delivered shall take physical possession of it and shall be responsible for the use for which it is made and for its return under this paragraph. The investigator may cause the preparation of copies of the documentary material as may be required for official use. While in the possession of the investigator, no material produced shall be available for examination without the consent of the party who produced the material by an individual other than

the Attorney General or investigator. Under reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the investigator shall be available for examination by the party who produced the material or a duly authorized representative of the party.

(C) Upon completion of the investigation for which documentary material was produced under this paragraph and any case or proceeding arising from the investigation, the investigator shall return to the party who produced the material all the material other than copies made under this paragraph which have not passed into the control of any court or grand jury through introduction into the record of the case or proceeding.

(D) When documentary material has been produced by a party under this paragraph for use in an investigation and no case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of the investigation, the party shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material, other than copies made under this paragraph, produced by the party.

(vii) Whenever a person or enterprise fails to comply with a civil investigative demand duly served upon him under this paragraph or whenever satisfactory copying or reproduction of the material cannot be done and the party refuses to surrender the material, the Attorney General may file, in Commonwealth Court, and serve upon the party a petition for an order of the court for the enforcement of this paragraph.

(viii) Within 20 days after the service of the demand upon a person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, the party may file, in Commonwealth Court, and serve upon the Attorney General a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of the petition in the court. The petition shall specify each ground upon which the petitioner relies in seeking the relief, and may be based upon a failure of the demand to comply with the provisions of this paragraph or upon a constitutional or other legal right or privilege of the party.

(ix) When the Attorney General is in custody or control of documentary material delivered by a party in compliance with a demand, the party may file, in Commonwealth Court, and serve upon the Attorney General a petition for an order of the court requiring the performance of a duty imposed by this paragraph.

(x) Whenever a petition is filed under this paragraph, the court shall have jurisdiction to hear and determine the matter so presented, and, after a hearing at which all parties are represented, to enter an order as may be required to carry into effect the provisions of this paragraph.

(3) Whenever an individual refuses, on the basis of his fifth amendment to the Constitution of the United States privilege against self-incrimination, to comply with a civil investigative demand issued under paragraph (2), the Attorney General may invoke the provisions of 42 Pa.C.S. § 5947 (relating

to immunity of witnesses).

(4) The Attorney General may delegate the authority to issue civil investigative demands under this subsection. If a civil investigative demand is an express demand for the production of discovery, the Attorney General or his designee shall cause to be served, in any manner authorized under this subsection, a copy of the demand upon the person from whom the discovery was obtained and shall notify the person to whom the demand is issued of the date on which the copy was served. Any information obtained by the Attorney General or his designee under this subsection may be shared with a qui tam plaintiff if the Attorney General or his designee determines it is necessary as part of an investigation of a claim.

Section 450.4. Limitation of actions; prior activities; burden of proof.

(a) Statute of limitations.—

(1) A civil action under section 450.3 may not be brought more than ten years after the date on which the violation was committed.

(2) (i) If the Commonwealth elects to intervene and proceed with an action brought under section 450.3(b), the Commonwealth may file its own complaint or amend the complaint of the qui tam plaintiff who brought the action in order to clarify or add detail to the claims and to add any additional claims with respect to which the Commonwealth contends it is entitled to relief.

(ii) If the Commonwealth makes an election under subparagraph (i), any such Commonwealth pleading shall relate back to the filing date of the complaint of the qui tam plaintiff to the extent that the claim of the Commonwealth arises out of the conduct, transactions or occurrences set forth, or attempted to be set forth, in the qui tam plaintiff's complaint.

(b) Burden of proof.—In any action brought under section 450.3, the Commonwealth or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(c) Estoppel.—Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 450.3(a) or (b).

Section 450.5. Remedies under other laws; severability of provisions; liberality of legislative construction.

(a) Remedies under other laws.—The provisions of this subarticle are not exclusive and the remedies provided for in this subarticle shall be in addition to any other remedies provided for in any other law or available under common law.

(b) Liberality of legislative construction.—This chapter shall be liberally construed and applied to promote the public interest.

Section 450.6. Regulations.

(a) General rule.—The Attorney General shall have the power and authority to promulgate rules and regulations which may be necessary to carry out the purposes set forth in this subarticle.

(b) Guidelines.—In order to facilitate the speedy implementation of this subarticle, the Attorney General shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law; sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act; or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. The guidelines shall be effective for not more than two years from the effective date of this subarticle. After the expiration of the two-year period, the guidelines shall be promulgated as regulations.

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

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

Mr. GERBER. Thank you, Mr. Speaker.

This amendment is very similar to an amendment we debated here on the floor a couple of weeks ago. This is the State version of a False Claims Act.

The idea, as many of you know – and trust me, I will be brief on this – is to help deter fraud in the Medicaid system, to keep the costs of that program down to save taxpayers money, and to give our Attorney General the opportunity to go after wrongdoers, to go after those people that steal from the Commonwealth, that steal from the Medicaid system.

Other States have done this; 28 now have done it. There is a Federal incentive for States to do it, so if we do recover damages and penalties under this language, the Federal government will match it with a 10-percent match, which would increase revenues to the Commonwealth. The goal, again, is to deter fraud and to recover moneys in those cases where we detect it.

In addition to what I offered a couple of weeks ago, Mr. Speaker, we have added new language to accommodate the wishes of some of my colleagues, a great idea from colleagues of mine on the other side of the aisle, Mr. Speaker, who were concerned that the moneys we would recover would be lost in part to the private lawyers that would help qui tam plaintiffs bring these actions. In this new amendment, with this new language that we have incorporated from the gentleman from Lehigh County – he had offered this in previous sessions – we cap those lawyer's fees at 30 percent to prevent those types of issues from arising, if in fact this passes and becomes law.

So, Mr. Speaker, again, this is a Pennsylvania false claims language. The goal is to deter fraud and recover moneys from those people that steal from the Medicaid system, with a cap now – I repeat, a cap now – on attorney's fees. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. I would ask everybody to please vote down this amendment. Let me make clear about the Pennsylvania False Claims Act proposal.

The False Claims Act essentially says we are going to create an entire new private cause of action for trial lawyers, a niche for trial lawyers, to go out and gin up lawsuits based on supposed whistleblower actions. The fact of the matter is, the way to prosecute and deter fraud is the traditional standard approach by having a prosecutor, investigators, as part of State government, that go out and investigate, look at whether or not fraud is happening, and then have an Attorney General or a district attorney bring a criminal suit against the thieves.

The notion that you can police fraud by creating a private cause of action is, I would say, wrong. If you want in fact to deter fraud, you must in fact have agencies like the Inspector General, like the Attorney General, actually investigating fraudulent behavior and then bringing appropriate prosecutions for that. This is, as some would say, nothing more than a bounty-hunter approach under the guise of trying to root out fraud.

No matter what the cap – whether it would be 40 percent or 30 percent or why not 20 percent? – the fact of the matter is, this is designed to create a private civil cause of action. And if anyone, I would suggest, thinks that this is actually going to deter fraud or root out fraud other than create a new niche of civil lawsuits, I think you would be mistaken, and that is why we should be defeating this particular approach.

Let me make this clear: In fact, such would impose substantial costs on the State if you create this private cause of action. A qui tam statute actually makes the Attorney General and State prosecutors who have to investigate and decide whether to pursue allegations, raised in every civil lawsuit filed anywhere in the country, to provide, essentially, discovery in a civil suit. I prefer and I would suggest that we should support the traditional prosecutorial approach with respect to rooting out fraud, whether it is in welfare or any other area, as opposed to creating a new private cause of action.

I would ask all the members to please vote "no" against this particular amendment, and let us be able to get to the underlying proposal, which I think actually does do good in a very fair way. Thank you.

The SPEAKER. Will the House agree to the amendment?

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

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment, and with all due respect to the good gentleman from Allegheny County, I would note a few facts for the record.

Fact No. 1: A False Claims Act is an act that was sponsored by Ronald Reagan and adopted by 28 States. Fact No. 2: There is \$60 billion of insurance fraud that goes on nationwide every year. You can do the math – \$60 billion nationwide. That means over \$1 billion of health-care fraud goes on in Pennsylvania that we are letting go.

Now, what this act really does is it says that if we are going to go after fraud for welfare recipients, we really ought to go after fraud for corporate welfare recipients. Now, if a doctor from Lancaster goes in and decides he is going to put in a thousand bills for a nonexistent patient or decides he is going to upcode a thousand bills for a more expensive procedure and we find out about that, then the False Claims Act says that particular doctor is going to have to pay back all the damages times three.

This – unlike the last discussion about the job loan program for welfare recipients that we will never see a dime – this, on the other hand, is used successfully in 28 other States to push down health-care insurance premiums, and the way it does that is it makes an example out of the person who is misusing the health-care system. Right now we only want to make an example of the person who is committing welfare fraud. We do not want to make an example of the person who is, you know, a bad physician, who submits a health-care-fraud bill that is in the millions of dollars.

If we are going to do this right, if this is not about politics, if this is trying to save money for the taxpayers, then we ought to be applying the same standard to not only the welfare recipient that is committing fraud but also to the provider that is committing fraud.

I ask for your support of this amendment, because it will provide money, it will drive down insurance premium costs, and it will allow the Attorney General to have the same tools that

28 other States have found to be valuable. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. DeLUCA. Thank you.

Mr. Speaker, I am a little confused. I hear the majority leader talking and I hear your argument. Now, let me ask you, is this going to cost the taxpayers any money?

Mr. GERBER. No.

Mr. DeLUCA. This amendment of yours?

Mr. GERBER. From a financial standpoint, there would be a net benefit to the Commonwealth, Mr. Speaker.

Mr. DeLUCA. Now, I heard the majority leader saying that we should be using government resources to go after these individuals with fraud, and one of the things I really want to allude to, this should not be about whether it is the trial lawyers doing something or somebody else doing something; we should be worried about the taxpayers. So if it is not going to cost the taxpayers anything and we could root out corruption from the providers, then I see it as a win-win for the taxpayers of the Commonwealth of Pennsylvania. Am I right on that, or is it better to spend taxpayers' dollars to have them investigate the Attorney General? And maybe that is not a high priority, because when I had committee meetings, in the insurance industry we heard about some of the professionals who were turned in by the insurance industry, and evidently, there were a lot of other things going on that took the Attorney General and his investigators more priority than that, so they just slipped through the cracks.

So the way I envision this – and I could be wrong; maybe you could allude to it – not only would this save the taxpayers money, but it would also get these unscrupulous individuals who continue to want to rape the system. I mean, I saw a story on "60 Minutes" where Medicare, \$60 billion from people that did not even have supply offices and they were billing Medicare. And maybe that is the way we ought to go, with some private people doing it. And if it is not going to cost us anything, what do I care how much money they make if the taxpayers of the Commonwealth of Pennsylvania benefit by it? Am I right or wrong?

Mr. GERBER. Mr. Speaker, I think you are right. I think one of the points that some might be missing here is that, number one, we hear a lot about privatizing, P3s (public-private partnerships). This is an effort to enable the private sector to help government do its job, at no cost to the taxpayers. So to your point that this does not cost the taxpayer money, you are right. That is number one.

Number two, the way the system is set up now, yes, prosecutors can go after wrongdoers, but they cannot go after treble damages. And as you know, Mr. Speaker, treble damages means that the prosecutors could get three times the damage that was caused. So, for example, let us assume for a minute there is a \$10 million scheme. Under the current law, prosecutors could only go after the \$10 million. If this goes into effect, they could go after \$30 million. So in the end, it is a great advantage to the taxpayer to have this language in law. It will deter fraud, and

that is hard to quantify how much that saves us, I recognize that, but it will deter fraud because the damages are much more extreme. It will enable us to recover even more because of the treble damages language, and it saves taxpayers money, because we are empowering the private sector to participate in the process.

So I would agree with you, Mr. Speaker, that it makes good common sense.

Mr. DeLUCA. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. DeLUCA. Mr. Speaker, I support the Gerber amendment, and I will tell you why I support it: because the fact is, with the tough times that this Commonwealth is facing with the shortage of funds, we have to make sure that we have a mechanism for us to go after these individuals who are ripping off the system and taking advantage of the taxpayers out there. And I see this as like a private collection agency where they are going to collect this money, go after the people that are ripping the system off, at no cost to the taxpayers, and that the taxpayers are going to benefit by. I do not know how we can possibly vote against something like that.

And if 28 States are benefiting by it – I do not know if any of the States are repealing it because it is not working out for them – but certainly, if 28 States are doing it right now, then we should join in with that for the benefit of our constituents out there and hold these providers accountable to make sure that they are not ripping off the system that raises our health care in this Commonwealth.

Thank you, Mr. Speaker. I ask for an affirmative vote on this.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

Notwithstanding the enthusiasms of the previous speakers, and I appreciate their passion on this issue, I rise to oppose this amendment, as we did a couple of weeks ago. This only has some minor changes to it and really does not really change the overall impact of what this does.

I would like to make some comments with regard to the treble damages and the enhanced Federal match assumptions. The DPW (Department of Public Welfare) under the previous administration made the following assumptions last year: The only time treble damages would be awarded is in the event of a trial verdict and never in the event of a settlement agreement, and only 1 percent of false claims actually go to trial. Seventy to eighty percent of every Federal false claims action produces zero recovery but still requires enormous State and Federal agency resources over an average of 14 to 16 months of investigations.

We have to be careful with some of what some view as perhaps misleading arguments regarding the 28 States that have False Claims Acts. Currently only 14 of these States receive the 10-percent Federal incentive, and those States, within 2 years, will lose the 10-percent incentive unless they make substantial changes to their statutes.

Current laws are working and benefiting Pennsylvania. Just this month Pennsylvania recovered nearly \$2 million in actions filed under the Federal False Claims Act. Pennsylvania received those settlements without having to pay a single penny of its

recovery to whistleblowers as a bounty for blowing the whistle. The whistleblower's bounty for reporting Medicaid fraud occurring in Pennsylvania was paid entirely by the Federal government. This amendment would require Pennsylvania to pay up to 30 percent of its recovery to whistleblowers who filed suit in other States and would incur significant costs in the investigation and prosecution of those cases before settlement.

I know the last time we had this argument, a couple of weeks ago on the floor, with this debate, I should say, a fiscal note was proffered, and it was based on 2008 information. Well, it has come to my attention that we have more updated information, and based on a document produced by the Attorney General's Office, this kind of legislation would actually cost the Commonwealth of Pennsylvania more money; it would not save. In fact, the first year it is estimated that it would cost nearly \$700,000; the second year, \$1.8 million; the third year, \$3.7 million; and by the fourth year, it would cost the Commonwealth of Pennsylvania \$6.3 million in additional costs. This is a document produced by the Attorney General's Office.

I would also like to remind the members that there is nearly unanimous opposition to this type of legislation by our allied health-care organizations and our business community, our job creators. And I would just like to remind you once again, there is quite a cross section: our county commissioners; our mental health/mental retardation program administrators; PANPHA (Pennsylvania Association of Non-Profit Homes for the Aging); the Pennsylvania Academy of Family Physicians, our family docs, about 5,000 of them strong and their organization oppose this legislation; our Ambulatory Surgical Association, representing 212 ambulatory surgical centers, opposes this legislation; our Association of Community Health Centers opposes this; our Association of County Human Services Administrators opposes this; and the list goes on and on, including the Chamber of Business and Industry, the Health Care Association, the Pennsylvania Medical Society, the Retailers' Association, the Nurses Association, PhRMA (Pharmaceutical Research and Manufacturers of America), and the list goes on and on.

Mr. Speaker, please oppose this legislation. Thank you.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I find it very interesting that we are talking about a bill that has the ability for the Department of Welfare to go after people that might not get a job later after taking a \$2,000 loan, and they can become, in essence, loan sharks and go out and try and collect money from those people. But when we are talking about corporations that perpetrate millions of dollars worth of fraud, that somehow an amendment that would allow us to go after those people, we suddenly become gun-shy and are concerned that we might not be able to do this properly and that somehow this is going too far.

And I say that because just today as I was going through my mail – and I imagine given the source of this that many of you got this also – there was a press story that talks about a pharmacy that is being required to pay \$17.5 million in penalties for overbilling Medicaid. And what is even more alarming than the fact that this pharmacy has to pay \$17.5 million in penalties for this charge is that this is the third time since 2008 that this pharmacy has been required to make

substantial settlements as a result of wrongdoing. The company agreed, in 2010, to pay \$77.6 million as a result of lax controls for the sale of pseudoephedrine, and in 2008 the pharmacy division's parent company agreed to settle for \$36.7 million for Medicaid fraud allegations in a drug-switching case involving generic Zantac. So \$36.7 million, \$77.6 million, \$17.5 million; we cannot find the time or the means to go after those people that perpetrate welfare fraud, but I will be darned, if we loan somebody \$2,000 and they cannot pay us back, we are going to go get them. That is what we are talking about here today. Let us go after the poor person that took a loan from the government so that they could try and better their life, but let us let the people that perpetrate fraud in the millions go free. Let us let them go without a system that can cause penalties that would require them to stop their abuses.

So you can go ahead and vote against this, but the reality is, what you are doing is saying, we really welcome massive fraud in this State; we just do not like petty fraud. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Mr. Speaker, I believe that everybody in this hall, everybody in this hall, everybody that has a conscience in the State of Pennsylvania wants to eliminate fraud. Just as the gentleman from Lancaster pointed out, fraud is prevalent within the health-care system. Estimates of the \$2.5 trillion that are spent every year, \$2.5 trillion that are spent every year on providing health care to people for the country, they estimate between \$500 and \$800 billion is in fraud.

I am a bit confused, though, when I hear some of the comments. The gentleman from Lancaster pointed out very well, it is quite easy to go after the individual who may have defrauded the government or Medicare of \$2,000, but it is far more difficult to go after the major companies that have such a tremendous hold on the entire population.

I used the numbers \$500 to \$800 billion in fraud, waste, and abuse – \$500 to \$800 billion. If we are going to go after fraud and try to eliminate that, if we are going to try to make sure that the Pennsylvania tax dollar is spent wisely, then why would we not go after fraud from everyone, from everyone that is committing it?

I am confused, because I have in my hand an article that says 110 doctors, nurses, and health-care professionals arrested and charged with \$225 million in fraud. Here is case after case where people within the entire system are defrauding the people of this country, the people of Pennsylvania. Why would we not go after everyone that breaks the law?

I also find it interesting that there are fiscal notes, there are fiscal numbers when it comes to defending the position, but when we ask for a fiscal note on the cost of this or any other fraud legislation, we cannot seem to get that.

Now, let us be honest with each other: If we want to go after fraud, then let us do it universally. Let us do it as a group, as a body, not as one side of the aisle or the other. Let us face the problems that we have.

I distinctly recall last year when we had a hearing on attempting to get fraud out of the system, and the place was packed. It was in Ryan, Ryan 205, and I was excited because I thought that everybody that came to that hearing that wanted



to eliminate fraud was there for the purpose of eliminating fraud. And as we began receiving testimony, we began realizing, the only people that wanted to eliminate the fraud were the maker of the legislation, and actually, the insurance companies. PhRMA did not want to eliminate that process, the whistleblower law; AMA (American Medical Association) did not want to; HAP (Hospital & Healthsystem Association of Pennsylvania) did not want to. All of those organizations that were brought forth before did not want to address the issue of fraud.

Mr. Speaker, we have the responsibility to do the right thing. I ask you, forget what side of the aisle; let us try to reduce fraud, eliminate fraud. Please support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment briefly?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. DePASQUALE. Mr. Speaker, is the maker of the amendment aware of the Community Health Systems, which has a growing number of hospitals in Pennsylvania?

Mr. GERBER. Yes, Mr. Speaker.

Mr. DePASQUALE. And we are all concerned about budgetary impacts and costs to our welfare, the Department of Public Welfare, especially in this budget cycle, but obviously, in future budget cycles as well. What have been the initial reviews of these growing numbers of hospitals when it comes to the issue of fraud in the Department of Welfare?

Mr. GERBER. My understanding, Mr. Speaker, is that, unfortunately, there has been a history of schemes, fraud, that have cost taxpayers a lot of money with some of these vendors, some of these providers.

Mr. DePASQUALE. And how would your amendment specifically tackle that problem?

Mr. GERBER. Well, first of all, it creates a deterrent, Mr. Speaker. It says to those bad actors that if you get busted, it is going to cost you more now than it would have under the old rules. Under the old rules, you just have to give back that which you stole. So why not take the risk? You steal \$10 million, the worst thing that happens to you is you have got to give the \$10 million back.

Mr. DePASQUALE. So, Mr. Speaker—

Mr. GERBER. But under this language, Mr. Speaker – if I may finish – under this language, there are treble damages, three times the amount of the value of that which has been taken. So now all of a sudden the stakes become greater. The stakes are more serious, the risks are more serious, and therefore, if you are considering employing a scheme, if you are a hospital system of some sort and you are intentionally upcoding so that you can drain more money from the system to help your bottom line, now you really have to think about it. Now you really have to think, does it make economic sense for us to do it? So there is a major deterrence factor in this language, Mr. Speaker.

Mr. DePASQUALE. Mr. Speaker, if I may just throw a comparison to see if this is what the maker of the amendment is getting at.

Would you compare it to sort of if you were thinking about banks today, right now under the current penalties that would face someone that perpetrates this type of fraud on the taxpayers, if someone were to rob a bank and get caught, they would not go to jail; they would merely have to pay back the money they stole, and so it is worth the risk. If they get away, they keep the money. But if your amendment were to get in, it would be the equivalent of adding additional penalties and sentences onto that bank robber. Would that be a description of how you would describe— Does that description describe what you are trying to get at here?

Mr. GERBER. Yes, I think that adds color to the basic concept behind this language; yes.

Mr. DePASQUALE. So if I may, on the amendment, Mr. Speaker?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. DePASQUALE. I appreciate the gentleman's description of what he is trying to get at here. Look, I think the message is simple, that if you want to tackle wasted taxpayer dollars and eliminate fraud through our Department of Public Welfare budget, you should be a "yes" on the Gerber amendment so that we can get real welfare reform in Pennsylvania, and I thank the maker of the amendment for offering this.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

I rise today to support the Gerber amendment. This is the Medicaid-only version of the False Claims Act. And by way of reference, 20 other States have a similar statute, and since 2000 other States have collected about \$7 billion in profits from having this law, because it does prevent fraud.

The biggest perpetrators of fraud, waste, and abuse, Mr. Speaker, are hospital systems, insurance companies, the big pharma. I think we all know it. The question is, are we willing to put aside the politics of no hurt feelings and call a spade a spade? If we are, we will support the Gerber amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, while I admire the gentleman from Montgomery's persistence in filing amendments along this path on the various welfare reform bills that we have considered here in the House, I will be voting "no" on this particular amendment, and let me explain why.

The gentleman has, to some degree, appropriated language that I had introduced in the last session along this line which would cap attorney's fees, and I would differ from some on my side of the aisle who say that this is an idea which we should not consider at all, because I think at the end of the day, we do not want to be in the business of defending Medicaid fraud and abuse.

But I would ask the gentleman from Montgomery that instead of trying to push amendment after amendment on this issue, that he work with members on both sides of the aisle so

we come to a compromise version instead of trying to push down the throats of members one vote after another on an idea which really requires negotiation.

So with that I will be indicating a "no" vote on this, but I would encourage the gentleman to work with us to see if we cannot come to a mutual agreement on how best to approach this important issue.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, what I am going to say, naturally there will be some that will be in total disagreement. As you know, Mr. Speaker, your dad and I are from the Depression days, and for some reason, in the past 4 or 5 months I have thought more about those times and what has happened to our society, because in those days, we had very little, but we would share what little we had with those who even had less. We seemed to be more fair, more understanding, more considerate, more compassionate.

You know, you and I have been here about the same time minus 37 years, and I can remember Matt Ryan asking Jim Manderino for votes on the budget, and the Democrats threw 47 votes. So understand how many that the Republicans put up. We are one. There are good people over there; there are good people here, but we are caught up in a philosophy that is not in the realm of why we are here. We are caught up in something that is in every way inconsiderate, strictly political, and unkind, and there is nobody in this House of Representatives that is unkind. You are all good people. But for some reason, what we are reading, what we are hearing, what we are saying is contrary to what is in our hearts and in our minds.

This bill does not do any harm. This amendment helps the State to recoup. It shows an effort that this House of Representatives wants the big and the little to pay for their misdirections.

You know, Mr. Speaker, people kid me about how much I have or what I do not have. But, you know, Mr. Speaker, we were so poor when I was a kid, my mother cooked dandelions five different ways, and none of it was any darned good. The truth of the matter is, we are good people. Sure, we have different philosophies on different matters, but the philosophy should be one as one when we are dealing with fairness and reprisals and whatever.

I know my standing here will not consider anything or will not make somebody vote "yes," but I want you to know, tonight go home and look in the mirror, and if you voted "no" on this amendment, look and see if you are the same person that came down here when you were elected. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber, for the second time.

Mr. GERBER. Thank you, Mr. Speaker.

Thank you to everybody in the chamber for taking the time to debate what I think is very important legislation. And thank you to the gentleman from Lehigh County who has expressed interest repeatedly in working on this language and supporting the concepts in the bill. And I think that gentleman is familiar with the history of this legislation, and that history would suggest to all of us in this chamber that this should not be a partisan issue. In fact, in fact, this has strong roots with the

other side of the aisle, hearing one of the previous speakers talk about President Reagan, who made prosecuting false claims actions a priority in his administration when he was President. It was supported by President Bush, Bush 43, who encouraged Congress to pass the legislation that created the Federal incentive for States to pass their own false claims bill. This has strong Republican roots.

And, Mr. Speaker, I have got to tell you, it disappoints me to hear the majority leader try to turn this into an issue of special interests. You heard the speech, talking about trial lawyers. And just for your edification, Mr. Speaker, the trial bar is not lobbying this. This is not a trial lawyer issue. That is made up, literally made up.

And I have tried, for the information of the chamber, to try to work on both sides of the aisle recently, as recently as 15 minutes ago, and the door was closed. And so yes, to the gentleman from Lehigh, I am sorry that I have to be so persistent in filing these amendments, and I know it is difficult for some members, because a lot of members in this chamber voted for this language not once but twice earlier this decade when this chamber, by the way, was in control of the current majority, offered by a Republican member of this chamber.

Mr. Speaker, this really should not be a partisan issue. It disappoints me that somehow it has become so polarized. But the fact of the matter is, with the legislation I am trying to amend, those of you that support it want to go after the guy that might have stolen a thousand bucks, but if you vote "no" on this, you are saying you are unwilling to go after the guys that steal a million or \$10 million or even more.

You have heard from everybody here today, case after case after case, where tens of millions of dollars have been stolen from Medicaid. Those are your tax dollars, those are your constituents' tax dollars, and what, you do not want to protect them? You do not care now? Because you heard a list of special interests that oppose it, you now are going to vote "no" after many of you voted "yes" earlier this decade, not once but twice? After many of you got up 1 week ago or 2 weeks ago and said, hey, we would support it so long as you had a cap on attorney's fees? So what do we do? We incorporate that language, almost verbatim, using the exact same percentages that were used by your colleagues on that side of the aisle, but you still will not vote for it?

Mr. Speaker, it is getting to the point of absurd. You cannot turn every issue into a partisan issue. Not every time that we offer something are we advancing a partisan issue. In fact – again, repeating myself – this is language that has been offered by Republicans at the Federal level and at the State level. I may be one of the first Democrats in the country to offer it up. It shocks me that nobody on your side of the aisle has done it.

But let us be real, Mr. Speaker. We are not losing tens of millions of dollars from the little guy who might have stolen 100 bucks or 500 bucks; we are losing tens of millions of dollars from the big guys who implement these schemes, because they make money on these schemes. Think about the economic paradigm that we are trying to adjust here. If we put treble damages in place, the numbers just do not work for the perpetrators.

We will prevent fraud. It is hard to quantify how much, but we will prevent fraud. But we can quantify how much we will recover in damages. You heard from the chairman; he was going through an argument – I could not really follow it exactly because it really, frankly, just does not add up – where he said

the Commonwealth will not recover as much money. That is bunk. Mr. Speaker, right now when these Federal cases are settled, we do not have a seat at the table because we do not have a false claims bill in law, and when they sit down at the table and they rack up the damages, because we do not have treble damages in the law, we do not get a piece of that pie. We get whatever crumbs the folks at the table decide to throw us.

He talked about the percentage of cases that actually result in recovery. Are many cases brought? Sure. Does that mean the Attorney General has to pursue all of them? No way. The language we have in the bill says "may" pursue it; it does not say "shall." The A.G.'s Office has a choice.

The fiscal note that we have from the Republican Appropriations chair says we will make money. Now, we have some new numbers from the A.G.'s Office; we have not even been provided those numbers. I do not know where they come from. There has been no evidence to support them that I have seen, but every other State that does this somehow miraculously makes money. Is it that our A.G.'s Office cannot figure that out? I am confident they can. I am confident this should not be a partisan issue.

Again, the majority leader stands up and trots out lists of special interests, sending you the message that the people that donate to you or donate to your opponent care about this bill.

Mr. TURZAI. Objection, Mr. Speaker.

Mr. GERBER. But, Mr. Speaker—

Mr. TURZAI. I did not do— First of all, I did not do—

The SPEAKER. The gentleman will suspend.

### POINT OF ORDER

The SPEAKER. Did you want to raise a point of order?

Mr. TURZAI. Yes, sir.

First of all, Mr. Speaker, I did not list any special interest groups. I outlined a policy argument against the amendment, and I do not think we should be getting into personal references here on the House floor. I respect the gentleman from Montgomery County; I always have.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. GERBER. Mr. Speaker, point well taken, but I do think that the gentleman did mention some special interests that had an interest in the bill, as did the chairman. I would simply respond to those comments—

The SPEAKER. The gentleman will suspend.

Mr. GERBER. Yes, sir.

The SPEAKER. I think the objection is centered around suggesting that there is a motive. The debate should be focused on the merits and not the motive. That would be the objection.

Mr. GERBER. Thank you, Mr. Speaker.

The SPEAKER. I ask the gentleman to confine his remarks to—

Mr. GERBER. Point well taken by the Speaker. Thank you, Mr. Speaker.

But staying on response to the comments and not looking into the motive of those comments, my point is, it should not divide us on partisan lines because there may be a special interest or two or more that care about it. What we should care about is what the underlying bill is focused on, which is saving taxpayer dollars in the Medicaid system. If you care about

saving taxpayer dollars in the Medicaid system, you should care about the people that steal tens of millions of dollars a lot more than the people who might steal a hundred bucks or a thousand bucks.

So, Mr. Speaker, the special interests that I think we should be focused on are the taxpayers. I think this language does a lot more to protect taxpayers than the underlying bill or any of the other bills, frankly, that I am trying to amend with a Pennsylvania False Claims Act.

Mr. Speaker, thank you very much for your patience. Thank you again to my colleagues for the vigorous debate.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip.

Mr. HANNA. The gentleman, Mr. HORNAMAN, from Erie County for the balance of the day.

The SPEAKER. The gentleman will be placed on leave, without objection.

### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1312 will be over temporarily.

\* \* \*

The House proceeded to second consideration of **HB 804, PN 823**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

### CONSIDERATION OF HB 1312 CONTINUED

#### CONSIDERATION OF AMENDMENT A01460 CONTINUED

On the question recurring,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Gerber, for the purpose of withdrawing the amendment.

Mr. GERBER. Thank you, Mr. Speaker.

Thank you for the last few minutes you gave us here to have conversations. There has been strong sentiment that we should withdraw the amendment to give us more time to work in a cooperative, bipartisan fashion and I am more than happy to do that, Mr. Speaker. I look forward to the opportunity to do that. I am hopeful that we will be able to come up with compromise language that will advance this concept in the very near future.

For that reason, Mr. Speaker, I stand to withdraw the amendment.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Speaker recognizes the gentleman from Lancaster, Mr. Sturla, for the purpose of making a motion to suspend the rules for the consideration of amendment A01598.

The gentleman is recognized for that purpose.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it may not be necessary if certain language in HB 1312 covers what I would want to suspend the rules for. Would the maker of the bill rise for brief interrogation?

The SPEAKER. Will the gentleman approach the dais.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman from Lancaster, Mr. Sturla, indicates that he will withdraw the motion to suspend the rules, and he is recognized on the bill on second consideration.

Mr. STURLA. Thank you, Mr. Speaker, and I appreciate your latitude.

On the bill, if the maker of the amendment would rise for brief interrogation, I would just like some clarity on one line in the bill.

The SPEAKER. The gentleman indicates he will stand for interrogation. On the bill, for interrogation, the gentleman is in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, in section (h) of the bill, numbers (1), (2), and (3), it talks about a report that is supposed to be filed annually, and it should deal with "the implementation of this section; the number of recipients...and the type of assistance provided..." Would you agree that part of that would be detailing the costs and cost savings related to this section?

Mr. STEPHENS. Mr. Speaker, we would expect that to be a part of the report. I will just offer this: It has been difficult because of the lack of documentation in this program in the past to ascertain a lot of that, but we would envision that that would be a part of that report.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, that answers my question, and as a result of that, I would not see a need to suspend the rules to offer the amendment, because what the gentleman has said he expects to have included in that report would be included already and I would not need to add this language. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notes the presence of the gentleman from Erie, Mr. Hornaman, on the floor of the House. His name will be added back to the master roll call.

### CONSIDERATION OF HB 1312 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 1297, PN 1464**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for eligibility for persons with drug-related felonies.

On the question,

Will the House agree to the bill on second consideration?

Mr. **DiGIROLAMO** offered the following amendment No. **A01502**:

Amend Bill, page 3, line 4, by inserting after "time" an individual shall be provided an assessment for addiction and provided treatment for addiction as indicated by treatment criteria developed by the Single State Authority on Drugs and Alcohol. Assessments shall be conducted by the Single County Authority (SCA) on Drugs and Alcohol or designee. Treatment recommended shall be provided by facilities licensed by the Division of Drug and Alcohol Program Licensure in the Department of Health. Medicaid eligibility and determinations shall be expedited to ensure access to assessment and addiction treatment through Medicaid. If the individual cooperates with the assessment and treatment, no penalty will be imposed. If the individual refuses to cooperate with the assessment and treatment

Amend Bill, page 3, line 5, by striking out "to which the individual is entitled."

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, I believe this is an agreed-to amendment and would ask the members to vote "yes." Thank you.

The SPEAKER. Perhaps you spoke too soon.

Will the House agree to the amendment?

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

Mr. COHEN. Mr. Speaker, it is my pleasure to agree to this amendment. I think it tremendously improves this bill.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—198

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Burns	Galloway	Johnson	White
Buxton			

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

On the question,

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

The SPEAKER. The Speaker is aware of a couple of other amendments to this bill. One is the Gerber amendment, No. A01468, which has been withdrawn, and there is the Sturla amendment, A01477, which is out of order because it was previously considered and defeated.

Does the gentleman, Mr. Sturla, seek recognition to suspend the rules for the consideration of amendment A01600?

### PARLIAMENTARY INQUIRY

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

Mr. STURLA. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. STURLA. You stated that amendment A01477 is out of order because similar language was defeated in a different piece of legislation. Which rule says that if there was language defeated in a different piece of legislation, that it cannot be offered again in a different bill related to a different topic?

The SPEAKER. It is rule 26: "Where a timely made motion to reconsider is lost, it shall not be in order to again entertain a motion to reconsider any such vote, even though such second motion to reconsider is timely made."

"Where a bill, resolution, or other matter has been initially defeated, and a timely made motion to reconsider the vote is lost, or if no motion to reconsider the vote was timely made, then it shall not be in order for the House thereafter to receive or consider a new bill, resolution or other matter embracing therein a subject or purpose basically identical to or of similar import to the subject matter or purpose of the bill, resolution or matter initially defeated."

Mr. STURLA. Mr. Speaker, this is not a reconsideration. Unless—

The SPEAKER. That is the point of the rule. If the vote by which the previous amendment had been reconsidered, then the rules allow for us to consider that on another time or day. Because there was no reconsideration granted, the rule says once it is defeated, we will not reconsider that same subject again.

Mr. STURLA. On a separate bill?

The SPEAKER. That would be correct.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. After further consideration, the Speaker reverses previous ruling and the gentleman's amendment is in order and it may be offered.

On the question recurring,

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

Mr. STURLA offered the following amendment No. A01477:

Amend Bill, page 4, line 19, by striking out "in 60 days" and inserting

July 1, 2011, or upon publication in the Pennsylvania Bulletin by the Secretary of Public Welfare of a statement affirming that the Department of Public Welfare's general government operations line item, or another more appropriate line item specified in the secretary's

statement, has been increased sufficiently over fiscal year 2010-2011 such that the department has the resources necessary to implement the directives in section 432.23 of the act, whichever is later

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

The SPEAKER. The Speaker recognizes Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply says that in order to ensure that there are sufficient funds to administer this, that this will not take effect until there is a new budget in place.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lycoming, Mr. Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I would ask for a "no" vote on this amendment. All this amendment will serve to do is further delay this bill for another year. We have already worked with DPW on this issue and will have a fiscal note, and I believe that they will see that this will result in savings. We do not need to wait for a year and a new budget to find that out.

Again, I would respectfully ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla, for the second time.

Mr. STURLA. Mr. Speaker, perhaps it was an ominous prediction of when we will get our budget done, but I was hoping we would have one done in the next 60 days. So I did not see this as hindering anything or delaying anything more than 60 days here at most, but if the gentleman assumes that we will not get a budget done for another year, I would be glad to withdraw, if I knew that that was the case.

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE

Mr. HANNA. Mr. Speaker, the gentleman, Mr. DeWeese, should be put on leave for the balance of the day.

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Greene County, Mr. DeWEESE, for the remainder of the day. Without objection, he will be placed on leave.

### CONSIDERATION OF HB 1297 CONTINUED

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

The following roll call was recorded:

#### YEAS—85

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

#### NAYS—112

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

#### NOT VOTING—0

#### EXCUSED—6

Burns	DeWeese	Johnson	White
Buxton	Galloway		

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?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

### BILLS RECOMMITTED

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

HB 197;  
HB 292;  
HB 396;  
HB 639;  
HB 804;  
HB 1297;  
HB 1312; and  
SB 265.

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, there will be no more votes this afternoon.

### BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 48;  
HB 332;  
HB 333;  
HB 398;  
HB 917; and  
HB 1255.

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

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 61, PN 29**, entitled:

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

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

### BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 61 be removed from the active calendar and placed on the tabled calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1254, PN 1439**, entitled:

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

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

### BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1254 be removed from the active calendar and placed on the tabled calendar.

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 567 be removed for the tabled calendar and placed on the active calendar.

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

### BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 567 be removed for the active calendar and placed on the tabled calendar.

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

### BILLS AND RESOLUTIONS PASSED OVER

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

**ADJOURNMENT**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Tobash, from Schuylkill County, who moves that this House do adjourn until Wednesday, April 27, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:09 p.m., e.d.t., the House adjourned.