

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 18, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. This morning the prayer will be offered by the Reverend Lloyd Zimmerman, Mount Rock Brethren in Christ Church, Shippensburg, Pennsylvania.

REV. LLOYD ZIMMERMAN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray together:

Heavenly Father, we thank You for Your presence with us today. Lord, we can do nothing without Your help. Thank You for sending Your son, Jesus, to die on Calvary's cross and to save us from sin. I pray, Lord, that You would bring protection to us today; these are perilous times and we ask for Your protection. We know that there are many people that would care to harm us and many things could befall us, but, Father, we pray for Your constant vigilance over our lives. Father, I pray that You would bless these lawmakers. I pray for our lawmakers, Lord, here in the Capitol. I ask for Your oversight of them in the constant reminders of Your will and Your way as they legislate our future.

Lord, I pray for our families. Watch over them and keep them safe. I pray for our marriages and ask, Lord, that as we put in these long hours to legislate and to set the future, Lord, that You would provide times for the family to be focused on, and, Lord, that there would be understanding of how important family really is. Lord, I pray that You give us grace to balance our home life and our work life. I pray that You would help us to take seriously legislation, but also, Lord, to take seriously our family.

Father, give us clear minds today. I pray that You would give us understanding to understand the principles and precepts that You have given us to bring us a successful life. I pray that You would guide these men and women as they are drafting bills and enacting laws so that we can be a righteous people and have a good future. Father, I pray for the prosperity that, Lord, that You would give us an abundance, all the while helping us to remember where that abundance comes from and the blessings of prosperity are dependent upon us taking seriously Your precepts.

Father, I pray that we would put God first and foremost. We realize that in our current condition there are many challenges that must be faced as it relates to our future. Help us to realize as a people that we must keep You at the forefront of all that we do, that we can invoke Your presence and Your blessing and experience Your grace. Father, we pray for our posterity. I pray for our children and our grandchildren, and may we understand that this is a sacred trust and that the decisions that we make now will reach on into the future and even into eternity.

May we walk carefully, keeping our focus on the things that are important. Help us to function today, honoring Your precepts and allowing common sense to guide us. Father, I pray that You would help us to return to our spiritual roots. Lord, help us to redig the wells of revival down to our families as we remember the dedication of William Penn and those who have come before us. We acknowledge the spiritual roots of our Commonwealth that was founded with deep respect and acknowledgement for God. Lord, we repent of our selfishness and we ask for us to have the ability not to be shortsighted or forgetful of the facts, where we have come from, and the foundations that we have – many years of success and good fortune because we have looked to You. Help us now to remember again that the place of acknowledgement is You.

Father, I pray today that You would bless the men and women, the families, the Governor, the judges. May our men and women of all faiths be blessed. I bless them, Lord, as they do hard work of setting the course for our future. I bless their families and I bless all of the people that are over us in the Lord. And I pray, Lord, that they would experience Your help and strength. Father, today we thank You again for Your past faithfulness and we know that You will be faithful on into the future and, Lord, that You will continue to tear down walls and help us, Lord, to come together so that we are together in heart. You always hear us.

Father, I pray for this session that it would be productive, peaceful, prosperous. I pray for this session that it might be the kind of session, Lord, where much would get done. I pray for the peace in the hearts of the people as they work together, and as we invoke Your presence, I pray that You would be a part of all that we do. Lord, I pray that You would also give us forgiving hearts. Lord, we also pray today and thank You again for loving us and for the fact that we can seek You and find You at any time. God bless the Commonwealth of Pennsylvania, our great country, and our people, and I bless these lawmakers and their families today as we move forward together into the future. In Jesus' name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 17, 2011, will be postponed until printed.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 132 By Representatives GIBBONS, CLYMER, FABRIZIO, FARRY, GILLESPIE, HORNAMAN, KULA, MANN, M. O'BRIEN, READSHAW and K. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for unlawful sound amplification systems.

Referred to Committee on TRANSPORTATION, October 18, 2011.

No. 133 By Representatives GIBBONS, MATZIE, BROOKS, DALEY, DAVIS, DONATUCCI, FREEMAN, GEIST, KULA, LONGIETTI, MIRABITO, THOMAS and WAGNER

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

Referred to Committee on TRANSPORTATION, October 18, 2011.

No. 151 By Representatives GIBBONS, CALTAGIRONE, DONATUCCI, FABRIZIO, GEIST, GILLEN, HALUSKA, HORNAMAN, KULA, LAWRENCE, LONGIETTI, MAHONEY, MILLARD, MILLER and MURT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "street rod."

Referred to Committee on TRANSPORTATION, October 18, 2011.

No. 180 By Representatives SONNEY, HORNAMAN, BARBIN, BRENNAN, BURNS, CALTAGIRONE, COHEN, CONKLIN, DALEY, DEASY, FABRIZIO, GEIST, GIBBONS, HARKINS, KAMPF, KOTIK, MAHONEY, MILLARD, MURPHY, M. O'BRIEN, ROSS, SANTONI, SCHRODER, VULAKOVICH and YOUNGBLOOD

An Act authorizing the Department of General Services to lease submerged lands in excess of 25 acres within Erie County, for the assessment, development, construction and operation of utility scale offshore wind, solar or kinetic energy generation facilities; providing for collection of certain lease and royalty payments; establishing the Lake Erie Large Scale Energy System Development Fund; and providing for transfers and distributions from the fund.

Referred to Committee on STATE GOVERNMENT, October 18, 2011.

No. 937 By Representatives McGEEHAN, B. BOYLE, K. BOYLE, BROWNLEE, CALTAGIRONE, DONATUCCI, JOSEPHS, KOTIK, M. O'BRIEN, PAYNE, TAYLOR and YOUNGBLOOD

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

Referred to Committee on LOCAL GOVERNMENT, October 18, 2011.

No. 1600 By Representatives McGEEHAN, JOHNSON, B. BOYLE, K. BOYLE, BROWNLEE, DONATUCCI, JOSEPHS, KOTIK, M. O'BRIEN, PAYNE, TAYLOR and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for applicability; and providing for homestead exclusions in cities of the first class.

Referred to Committee on URBAN AFFAIRS, October 18, 2011.

No. 1894 By Representatives McGEEHAN, JOHNSON, B. BOYLE, K. BOYLE, BROWNLEE, CALTAGIRONE, DONATUCCI, JOSEPHS, KOTIK, M. O'BRIEN, PAYNE, TAYLOR and YOUNGBLOOD

An Act amending the act of December 13, 1988 (P.L.1190, No.146), known as the First and Second Class County Property Tax Relief Act, further providing for conditions of deferral or exemption.

Referred to Committee on URBAN AFFAIRS, October 18, 2011.

No. 1895 By Representatives McGEEHAN, BISHOP, K. BOYLE, V. BROWN, BROWNLEE, GEIST, GEORGE, GOODMAN, KORTZ, MANN, MILLARD, MURPHY, MURT, PARKER, SANTARSIERO, JOSEPHS and M. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions to sovereign immunity and governmental immunity.

Referred to Committee on JUDICIARY, October 18, 2011.

No. 1897 By Representative PETRI

An Act amending the act of December 15, 1955 (P.L.865, No.256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," further providing for the Oil and Gas Lease Fund; providing for reallocation of moneys in fund and for lease auctions; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 18, 2011.

No. 1898 By Representatives HALUSKA, GEORGE, AUMENT, BROOKS, CALTAGIRONE, D. COSTA, CUTLER, ELLIS, FLECK, GILLEN, GINGRICH, GROVE, HENNESSEY, HORNAMAN, KILLION, KNOWLES, KULA, MAJOR, MARSICO, METZGAR, MIRABITO, MURT, OBERLANDER, PAYNE, RAVENSTAHL, REED, ROCK, SANTONI, SONNEY, STERN, THOMAS, WATSON, YOUNGBLOOD, COHEN, COX, DALEY, FARRY, GEIST, GILLESPIE, GOODMAN, HARKINS, HESS, M. K. KELLER, KIRKLAND, KOTIK, MAHONEY, MANN, METCALFE, MILLARD, MULLERY, MUSTIO, PASHINSKI, RAPP, READSHAW, REICHLEY, SAINATO, K. SMITH, STABACK, STEVENSON, VULAKOVICH and WHITE

An Act designating the bridge carrying Bridge Street (State Route 4021) over Brubaker Run in the Borough of Hasting, Cambria County, as the Sergeant Derek Lee Shanfield Memorial Bridge.

Referred to Committee on TRANSPORTATION, October 18, 2011.

No. 1899 By Representatives HALUSKA, BRENNAN, CALTAGIRONE, CAUSER, CLYMER, DALEY, FLECK, GOODMAN, HARHAI, HARKINS, KULA, MURPHY, READSHAW, STERN, COHEN, DeLUCA, GEIST, HANNA, HORNAMAN, KOTIK, MAHONEY, MURT, STABACK and WHITE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for elk hunting licenses.

Referred to Committee on GAME AND FISHERIES, October 18, 2011.

No. 1901 By Representatives EVERETT, AUMENT, BAKER, BOBACK, CAUSER, FLECK, GEIST, GINGRICH, GRELL, GROVE, HICKERNELL, KAUFFMAN, M. K. KELLER, METCALFE, MILLER, MILNE, RAPP, REICHLEY, ROSS, SWANGER 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 grounds and buildings, further providing for work to be done under contract let on bids and exceptions.

Referred to Committee on EDUCATION, October 18, 2011.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 98, PN 2573 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates generally and for personal registration plates; and making editorial changes.

TRANSPORTATION.

HB 149, PN 2574 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for issuance of "In God We Trust" registration plates.

TRANSPORTATION.

HB 955, PN 2571 (Amended) By Rep. BARRAR

An Act amending Titles 4 (Amusements) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, revising grants to fire companies and volunteer services in the areas of scope, administration, programs, expiration of authority and special provisions; and making a related repeal.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1126, PN 1228 By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for restitution for tampering with evidence or public records or information.

JUDICIARY.

HB 1531, PN 1875 By Rep. MARSICO

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

JUDICIARY.

HB 1758, PN 2572 (Amended) By Rep. BARRAR

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel in active State service.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1847, PN 2370 By Rep. GEIST

An Act designating the Davis Street Bridge over Interstate 81 in Moosic Borough, Lackawanna County, as the Andrew and Durando Pompey Memorial Bridge.

TRANSPORTATION.

HB 1862, PN 2400 By Rep. GEIST

An Act designating a bridge carrying State Route 607 over Freeman Run in the Borough of Austin, Potter County, as the Captain Edgar E. Nuschke Memorial Bridge; and designating a bridge carrying State Route 872 at Section 110 Offset 0960 over the East Fork of Sinnemahoning Creek in Wharton Township, Potter County, as the Private First Class Edward Ritsick Memorial Bridge.

TRANSPORTATION.

HB 1875, PN 2437 By Rep. GEIST

An Act designating the bridge that carries State Route 462 over the Norfolk Southern rail line in the Borough of Mountville, Lancaster County, as the Mountville Veterans Memorial Bridge.

TRANSPORTATION.

HB 1886, PN 2461 By Rep. GEIST

An Act designating the bridge carrying State Route 136 over the Monongahela River connecting Forward Township, Allegheny County,

to the City of Monongahela, Washington County, as the General Carl E. Vuono Bridge.

TRANSPORTATION.

SENATE MESSAGE

RECESS RESOLUTION
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
October 17, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 24, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 24, 2011, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

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

HB 1343, PN 2575 (Amended) By Rep. CLYMER

An Act authorizing State-owned universities and the employees thereof to enter into certain agreements with affiliated entities; providing for doctoral degrees; and repealing the State College Faculty Compensation Law and other related laws.

EDUCATION.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 389, PN 353**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 389, PN 353

An Act designating the Mill Creek Bridge on the new Route 202 Parkway in Warrington Township, Bucks County, as the George W. Niblock Bridge.

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

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave for the gentleman, Mr. HESS, from Bedford County for the day, and the gentleman, Mr. Dennis O'BRIEN, from Philadelphia 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 lady, Ms. WAGNER, from Allegheny County for the day; the lady, Mrs. DAVIDSON, from Delaware County for the day; and the gentleman, Mr. KOTIK, from Allegheny 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. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

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

Curry	Heffley	O'Neill	Toohil
Cutler	Helm	Oberlander	Truitt
Daley	Hennessey	Parker	Turzai
Davis	Hickernell	Pashinski	Vereb
Day	Hornaman	Payne	Vitali
Deasy	Hutchinson	Payton	Vulakovich
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room. The Speaker gives the committee permission to meet. There will be no votes on the floor of the House while that meeting is proceeding, but they have permission to proceed.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some of the visitors that are with us today. Located to the left of the rostrum, we welcome Ann Spengler and Dale Wehr, who are the guests of Representative Harhart. Will our guests please rise. Welcome to the hall of the House.

Also over here to the left of the rostrum, we welcome Father Jerry Priscaro, who is the guest of Representative Harkins and Representative Fabrizio. Father, welcome to the hall of the House.

And as a guest of Representative Todd Stephens, Jason Malamut is with us over here to the left of the Chair. Welcome to the hall of the House, Jason.

And additionally, we have Marianna Touloumes, and she is the guest of Representative Jennifer Mann. Welcome to the House.

Also located to the left of the rostrum are Destiny Ohler and Madeline Moryez. They are shadowing Representative Bishop, and they are students of Connellsville High School. Welcome to the hall of the House, girls.

In the rear of the gallery, we would like to welcome the Girl Gov participants from the Women and Girls Foundation. These young ladies have all shown an interest in government and are shadowing members of the House and Senate today. Welcome to the hall of the House.

And up in the gallery, we would like to welcome the constituents from the 57th Legislative District in Westmoreland

County. They are here today to tour the Capitol Building and the Governor's Mansion, and they are guests of Representative Krieger. Welcome to the hall of the House. Hope you enjoy your visit.

The Speaker would like to clarify that the participants of the Girl Gov group that is with us, there are some of them on the floor of the House and then some of them are up in the gallery. We may have omitted those who were up in the gallery, but we would like to welcome you to the hall of the House, too, and apologize. I did not realize you were in two different places here. All of you are welcome to the hall of the House.

The House will please come to order.

BILLS REREPORTED FROM COMMITTEE**HB 1324, PN 2470**

By Rep. ADOLPH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for settlement of small estates on petition and for estates not exceeding \$25,000.

APPROPRIATIONS.

HB 1417, PN 1968

By Rep. ADOLPH

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault; in enforcement, further providing for interference with officers of the Pennsylvania Game Commission and of the Pennsylvania Fish and Boat Commission; providing for the offense of assaulting an officer; further providing for jurisdiction and penalties and for disposition of fines and penalties; and, in game or wildlife protection, further providing for killing game or wildlife to protect person, for unlawful importation of game or wildlife, for unlawful taking and possession of protected birds, for possession or interference with active nests or eggs of birds, for unlawful sale of protected birds and plumage and for hunting or furtaking prohibited while under influence of alcohol or controlled substance.

APPROPRIATIONS.

HB 1792, PN 2295

By Rep. ADOLPH

An Act designating a portion of S.R. 642 in Northumberland and Montour Counties, as the United States Army Specialist Zachariah W. Long Highway.

APPROPRIATIONS.

HB 1794, PN 2472

By Rep. ADOLPH

An Act providing for HIV-related testing for certain sex offenders; and making a related repeal.

APPROPRIATIONS.

HB 1825, PN 2339

By Rep. ADOLPH

An Act authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County.

APPROPRIATIONS.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. ADOLPH called up **HR 445, PN 2516**, entitled:

A Resolution designating the week of October 23 through 29, 2011, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

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Mr. F. KELLER called up **HR 447, PN 2518**, entitled:

A Resolution supporting the goals and ideals of the National Eating Disorders Association.

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Mr. BUXTON called up **HR 453, PN 2536**, entitled:

A Resolution recognizing October 16, 2011, as "National Feral Cat Day."

* * *

Mr. CLYMER called up **HR 455, PN 2538**, entitled:

A Resolution designating the month of October 2011 as "Archives Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—198

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

Cruz	Harper	Neuman	Tobash
Culver	Harris	O'Brien, M.	Toepel
Curry	Heffley	O'Neill	Toohil
Cutler	Helm	Oberlander	Truitt
Daley	Hennessey	Parker	Turzai
Davis	Hickernell	Pashinski	Vereb
Day	Hornaman	Payne	Vitali
Deasy	Hutchinson	Payton	Vulakovich
DeLissio	Johnson	Peifer	Waters
DeLozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S., Speaker
Donatucci	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

UNCONTESTED SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mr. M. SMITH called up **HR 458, PN 2555**, entitled:

A Resolution recognizing and commemorating the 2011 National Convention of the German American National Congress to be held in Pittsburgh, Pennsylvania, October 27 through 30, 2011.

* * *

Mr. HEFFLEY called up **HR 459, PN 2556**, entitled:

A Resolution designating October 20, 2011, as "Lights on Afterschool! Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—198

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Krieger	Reed
Barrar	Evans, D.	Kula	Reese
Bear	Evans, J.	Lawrence	Reichley
Benninghoff	Everett	Longietti	Roae
Bishop	Fabrizio	Maher	Rock
Bloom	Farry	Mahoney	Roebuck
Boback	Fleck	Major	Ross
Boyd	Frankel	Maloney	Sabatina
Boyle, B.	Freeman	Mann	Saccone
Boyle, K.	Gabler	Markosek	Sainato

Bradford	Galloway	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Sonney
Causser	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Moul	Stern
Cohen	Hahn	Mullery	Stevenson
Conklin	Haluska	Mundy	Sturla
Costa, D.	Hanna	Murphy	Swanger
Costa, P.	Harhai	Murt	Tallman
Cox	Harhart	Mustio	Taylor
Creighton	Harkins	Myers	Thomas
Cruz	Harper	Neuman	Tobash
Culver	Harris	O'Brien, M.	Toepel
Curry	Heffley	O'Neill	Toohil
Cutler	Helm	Oberlander	Truitt
Daley	Hennessey	Parker	Turzai
Davis	Hickernell	Pashinski	Vereb
Day	Hornaman	Payne	Vitali
Deasy	Hutchinson	Payton	Vulakovich
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S., Speaker
Donatucci	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 700, PN 705**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal Selective Service requirements as part of application for learners' permits or drivers' licenses.

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

Mr. **SHAPIRO** offered the following amendment
No. **A05543**:

Amend Bill, page 1, line 4, by inserting after "licenses"
; and prohibiting use of interactive wireless communication device

Amend Bill, page 1, line 8, by striking out "a section" and inserting
sections

Amend Bill, page 3, by inserting between lines 7 and 8

§ 3316. Prohibiting use of interactive wireless communication device.

(a) Driver restrictions.—

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

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

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

(iii) utilizing a global positioning or navigation system.

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

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

(1) A driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service, as defined in 35 Pa.C.S. § 5302 (relating to definitions).

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

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

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

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

(d) Penalty.—

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

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

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

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

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

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

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

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

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

"Volunteer emergency responder." Any of the following:

(1) A member of a volunteer ambulance service as defined in 35 Pa.C.S. § 7363 (relating to definitions).

(2) A member of a volunteer fire company as defined in 35 Pa.C.S. § 7363.

(3) A member of a volunteer rescue service as defined in 35 Pa.C.S. § 7363.

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

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before the House is not new to the members. This is something I have been working on for many years, with broad bipartisan support. It is an issue that was partially addressed by this House on second consideration to a similar bill, and adopted pretty overwhelmingly, to address a problem on our roadways of texting while driving and using handheld cell phones while driving, Mr. Speaker. A few weeks ago I tried to interrogate the majority leader as to the status of the underlying bill, and as the members recall, he declined interrogation. And the simple question I was going to ask the majority leader was, when is this House ever going to consider this issue that is causing such a danger on our roadways of texting while driving and using handheld cell phones while driving?

So, Mr. Speaker, absent any sort of information from the majority as to when they might consider that issue, I would respectfully submit this amendment to the membership for their consideration today as part of HB 700.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, first of all, we are planning to kick SB 314 out next week and deal with this issue in the coming weeks here as we are in session and wrap up by the end of the year. So it is an issue that we do intend to take up here on the House floor.

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

Is the gentleman, Mr. Shapiro, seeking recognition for the second time on the amendment?

Mr. SHAPIRO. I am, Mr. Speaker, for the purpose of interrogating the majority whip, if he is amenable.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman from York's comments that this House will be considering SB 314, which as the members know is a bill that was sent over from the Senate and included language to deal with both handheld cell phone ban — it came over, I believe, as a secondary offense — as well as a primary ban on texting. Is it the majority whip's intention to bring SB 314 to the House in a form that is similar to that, or would it perhaps turn into a form of a bill unrecognizable, in which case I would want to continue on with this amendment, Mr. Speaker?

The SPEAKER. The gentleman may proceed.

Mr. SAYLOR. Mr. Speaker, I mean, it is tough to say what the committee will do with the bill when it takes it up or what this House chamber will do when it gets to the House floor. I do not want to commit the members of the committee to any particular vote one way or the other and how it would look. We do not have any preconceived ideas on making any major changes at this point in time, but that is up to the committee members and the chairman of the committee.

Mr. SHAPIRO. Thank you, Mr. Speaker.

So it is the whip's intention then to— The whip is not providing any— Scratch that, Mr. Speaker. When the whip says that there is no sort of preconceived notion as to what that would be — obviously, it is up to the committee to make whatever determination they want over the bill — but there is no direction from the leader, from the whip, that would impact that, and we will see what the committee members do and then bring a bill that deals with texting and handheld cell phones to the floor in whatever form the committee ultimately amends it? Is that correct?

Mr. SAYLOR. That is correct.

Mr. SHAPIRO. Again, on texting and handheld cell phones?

Mr. SAYLOR. That is correct. Whatever the committee and the chairman decide to do with the bill is their jurisdiction until it gets to the floor and then the members here can decide what to do with it from there.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

On the bill, Mr. Speaker, or on the amendment?

The SPEAKER. On the amendment.

Mr. SHAPIRO. On the amendment; excuse me.

I thank the gentleman from York for standing for interrogation. This is obviously an issue that is important to me and I think important to many members, and it is our hope that we can get this amendment addressed in its proper format.

AMENDMENT WITHDRAWN

Mr. SHAPIRO. Certainly the majority would like to address that in SB 314. That is their prerogative, and I would certainly respect the will of the majority. And given that, I would withdraw my amendment at this time to allow the House to consider HB 700, with great thanks to the gentleman from York for clarifying the position of the majority on this issue, and I look forward, next week I guess, to having the opportunity to debate SB 314 on the floor of this House.

So I thank the gentleman from York, and I thank the Speaker.

The SPEAKER. The gentleman, Mr. Shapiro, withdraws amendment A05543.

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 1399, PN 1660**, entitled:

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

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

Mr. **FRANKEL** offered the following amendment No. **A05517**:

Amend Bill, page 1, line 3, by striking out all of said line and inserting

"motorcycle"; and in registration of vehicles, providing for special motorcycle plate for certain owners.

Amend Bill, page 2, by inserting between lines 11 and 12

Section 2. Title 75 is amended by adding a section to read:

§ 1341.1. Special motorcycle plate for certain owners.

(a) General rule.—Upon application of any person who is under 20 years of age for a registration plate for a motorcycle, a plate that is visibly unique in both color and design from the regular motorcycle plate shall be issued.

(b) Fee.—The fee for this plate shall be the same as the fee for a regular motorcycle registration plate.

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

3

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

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

Mr. FRANKEL. Mr. Speaker, it is my intention to withdraw the three amendments, but I would like to make some comments with respect to those amendments.

The SPEAKER. Certainly the gentleman is in order on the amendment. When I call it up you can make your comments relative to these amendments and withdraw it at the conclusion of your comments. We will keep you in order.

Mr. FRANKEL. Thank you, Mr. Speaker.

Every time a motorcyclist dies in an accident or a young person crashes his motorcycle and sustains traumatic brain injury, changing his life forever, we all read about it in the newspaper, but it is very likely that I will get a phone call to my office from a devastated mother, father, sister, or spouse asking me about the motorcycle helmet law, wondering why it has not been reinstated yet. Just this week I got a call from someone related to a man in Pittsburgh, in the Pittsburgh area, who died in a motorcycle crash without a helmet, a beloved football director for a community sports team. She found out about my legislation to reinstate the helmet law and she wanted to know how she could help. I think we owe it to these victims, these family members, to discuss and consider the amendments that I offer today, and I think they deserve a hearing and a study.

The fact is that whether it is reinstating the law or making sure that those who decide not to wear a helmet are financially responsible of carrying adequate levels of insurance or making sure that underage operators of motorcycles, who still are required to have a helmet, wear them and are able to be identified by a special license plate. I will be offering a resolution in the future to study the results of our decision back in 2003 to rescind the all-rider helmet law so that we can understand the consequences to individuals, to families, to young people, and also to the finances of the Commonwealth. We know, based on studies from the National Transportation Safety Board, that for every 100,000 riders, the States across this country expend over \$25 million a year in medical care and long-term care at the expense of taxpayers because we do not have an all-rider helmet law.

So I will be offering a resolution that would offer the opportunity for us to study and find out what were the consequences of our decision back in 2003, to quantify them so that we may have the opportunity to reconsider I think a failed policy that we voted for nearly a decade ago.

AMENDMENT WITHDRAWN

Mr. FRANKEL. Thank you, Mr. Speaker, and I withdraw those amendments.

The SPEAKER. The Speaker thanks the gentleman.

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

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

The gentleman from Montgomery County, Mr. Shapiro— I did not call up that amendment, do you need to—

Mr. SHAPIRO. I would just like to make a brief statement on that, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Shapiro, is recognized under unanimous consent relative to withdrawing amendment A05544.

Mr. SHAPIRO. Thank you, Mr. Speaker.

This amendment is the same amendment that was offered to HB 700. Given the fact that the majority whip had said that next week this House would be considering SB 314 that would contain both language dealing with handheld cell phones as well as texting while driving, then I would withdraw my amendment, given that condition from the majority whip.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1417, PN 1968**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault; in enforcement, further providing for interference with officers of the Pennsylvania Game Commission and of the Pennsylvania Fish and Boat Commission; providing for the offense of assaulting an officer; further providing for jurisdiction and penalties and for disposition of fines and penalties; and, in game or wildlife protection, further providing for killing game or wildlife to protect person, for unlawful importation of game or wildlife, for unlawful taking and possession of protected birds, for possession or interference with active nests or eggs of birds, for unlawful sale of protected birds and plumage and for hunting or furtaking prohibited while under influence of alcohol or controlled substance.

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—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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 1324, PN 2470**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for settlement of small estates on petition and for estates not exceeding \$25,000.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

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

STATEMENT BY MR. STEVENSON

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Speaker recognizes the gentleman, Mr. Stevenson, on unanimous consent relative to the legislation that just passed.

Mr. STEVENSON. Thank you, Mr. Speaker.

I would like to thank my colleagues for their support of HB 1324, and I would like to submit some remarks for the record.

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

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

Thank you, Mr. Speaker.

This is the second session for this legislation. Last session the House Judiciary Committee reported out HB 1478 by a vote of 23-0. The bill died in House Appropriations.

The Pennsylvania Association of Registers of Wills and Clerks of Orphans' Court altered me to the fact that citizens were having difficulty settling what are called small estates, because the dollar figure for these small estates is too low. Currently set at \$25,000, and this dollar figure was set by the General Assembly in 1994, and the registers of wills tell me that the pace of inflation has made this dollar figure antiquated. Lawyers have told me that settling small estates using a lawyer and going through traditional probate eats up a lot of money, proportionately, in legal and other fees.

The idea behind existing law is to create a simplified procedure where there is not a lot of money in the estate so that costs can be kept down. Raising the dollar amount of small estates from \$25,000 to \$50,000 will help citizens when dealing with these small estates and will allow them to administer these estates at a lower cost.

There are two provisions in the Probate Code which the bill amends:

1. Section 3102, which states that small estates that do not exceed \$25,000, where there is no real estate involved, may be settled by a single petition without all the steps associated with formal administration of an estate (example: no appointment of personal representative, no grant of letters to the personal representative, no formal accounting).
2. Section 3531, which deals with small estates that include real estate and personal property where the value does not exceed \$25,000, states that a court may distribute the proceeds of the estate one year after the first advertisement of the opening of the estate, without the necessity and expense of a formal accounting.

Just like HB 1478 did last session, HB 1324 raises the limit of these small estates from \$25,000 to \$50,000. The \$50,000 figure is one suggested by the registers of wills association.

Historically, the General Assembly raises the dollar value of small estates from time to time:

In 1994 amount set at \$25,000.

In 1974 amount set at \$10,000.

The Joint State Government Commission recommended in 1974 that the dollar value of small estates be raised from \$10,000 to the current \$25,000. The Joint State Government Commission has recommended that we raise the limit to \$50,000 in section 3102 and section 3531.

* * *

The House proceeded to third consideration of **HB 1794, PN 2472**, entitled:

An Act providing for HIV-related testing for certain sex offenders; and making a related repeal.

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

DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S., Speaker
DiGirolamo	Killion	Quinn	
Donatucci	Kirkland	Rapp	

NAYS—1

Josephs

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

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

STATEMENT BY MR. MUSTIO

REMARKS SUBMITTED FOR THE RECORD

The **SPEAKER**. The gentleman from Allegheny County, Mr. Mustio, is recognized under unanimous consent relative to the legislation that just passed.

Mr. **MUSTIO**. Thank you, Mr. Speaker.

I would like to thank the members for their votes, and I would like to submit my comments for the record.

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

Mr. **MUSTIO** submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

Like many pieces of legislation, HB 1794 was drafted in response to a true story. It is the story of a young woman, a student at one of Pennsylvania's universities. This young woman's life took a dramatic turn about a year ago when she was raped. Thankfully, the perpetrator was caught quickly after committing this despicable and cowardly act.

After the attack, this young woman went to the hospital. She saw a victim advocate. She informed her parents. Both mom and dad sought help from the district attorney and the police. At every stop along the way, each one of them asked if the perpetrator could be tested for HIV (human immunodeficiency virus). They were told no.

Understandably, this young woman wanted peace of mind. She wanted to know if the man who raped her gave her a life-threatening illness. She wanted to know if she should start treatment for the HIV infection, called nPEP (nonoccupational postexposure prophylaxis), which has pernicious side effects. She wanted peace of mind.

The young woman's father contacted me about his daughter. He told me of his anger at not being able to have the attacker's HIV status revealed through testing, of his daughter's torment, of all their fears. I am a father. I have a daughter. I understood.

The fact of the matter is that Pennsylvania law allows a court to order HIV-related testing based upon compelling need. Under the Confidentiality of HIV-Related Information Act, a court can order a person to submit to testing even if the person refuses to give consent. But that is not the end of the story.

Congress enacted the Violence Against Women Act to help criminal justice agencies, the Federal government, and State government respond to sexual assault, domestic violence, dating violence, and stalking. In 2006 Congress amended the Violence Against Women Act to respond to the needs of victims like this young woman. The Violence Against Women Act requires all 50 States to enact statutes that allow an attacker to be tested for HIV upon request of the victim. In short, the Violence Against Women Act provides that in crimes of sexual violence, testing of the attacker, at the request of the victim, occur not later than 48 hours after an indictment or information is presented; in other words, within 48 hours of establishing a prima facie case against the defendant.

The Violence Against Women Act also carries significant monetary penalties for failing to act. There is a provision which results in a State's suffering a severe monetary penalty – a lockout, or denial of 5 percent of the grant money given to the State under the Violence Against Women Act – if the State fails to comply.

Since Pennsylvania does not have a statute to comply with the Violence Against Women Act, grantees in Pennsylvania have already been "locked out" of over \$300,000. That's \$300,000 that cannot be used to fund programs for victims of domestic violence; \$300,000 that cannot be used to make sure an abused mom and her children have a safe place to sleep; and \$300,000 that cannot be used to make sure there are enough counselors to meet the needs of battered women.

Until Pennsylvania enacts a law which permits testing of an attacker at the request of the victim, we will continue to lose 5 percent of the money awarded. According to the Department of Justice, these grantees have already lost 5 percent of Federal money:

- Pennsylvania Commission on Crime and Delinquency lost \$37,500 in 2006.
- City of Philadelphia lost \$55,500 in 2008.
- County of Berks lost \$17,920 in 2008.
- County of Berks lost \$18,300 in 2010.
- County of Dauphin lost \$19,471 in 2008.
- County of Bucks lost \$34,497 in 2009.
- County of Schuylkill lost \$20,000 in both 2007 and 2009.
- County of Butler lost \$20,000 in both 2008 and 2010.
- Borough of State College lost \$20,000 in both 2007 and 2009.

Since 2006 Pennsylvania has lost over \$300,000 of the \$6 million provided under the Violence Against Women Act.

But failure to act will not only hurt victims of domestic violence; it will hurt victims of sexual assault, who will not have the peace of mind they so desperately seek.

In fact, a study conducted by the National Center for Victims of Crime and the National Crime Victims Research and Treatment Center showed that 40 percent of sexual assault victims indicated that the fear of contracting HIV/AIDS (acquired immune deficiency syndrome) was a major concern.

And HB 1794 offers additional assistance for victims, which is not in the current law, about HIV testing. Under the Confidentiality of HIV-Related Information Act, the victim has to get her own attorney and petition the court herself. Under the Violence Against Women Act and HB 1794, the district attorney will file the petition and argue the case for testing on behalf of the victim.

HB 1794 was drafted with assistance from the United States Department of Justice. The Office of Violence Against Women has stated that HB 1794 meets the requirements of the Federal law.

I mentioned that Congress requires that the attacker be tested within 48 hours of presentment of the indictment or information, if the victim wants to know the HIV status of the attacker. Testing of the attacker is not automatic. The victim must request the test. Congress also requires that the results be provided to the victim and the attacker as soon as possible, and that follow-up tests be provided as medically appropriate.

Further, the court can only order the test of the defendant in a case of sexual assault upon a finding of probable cause to believe there is a probable transmission of bodily fluids between the defendant and the victim.

The standard in the bill regarding testing – that of a court ordering HIV testing of the defendant "upon a finding of probable cause to believe there is a probable transmission of bodily fluids between the defendant and the victim" – is taken from the New Jersey Supreme Court's decision in *State of New Jersey in the Interest of J.G., N.S., and J.T.* In that case, three teenagers forced a 10-year-old mentally retarded girl to commit sodomy in the basement of a home in Glen Ridge, New Jersey. The defendants did not want to be tested for HIV under the New Jersey statute which authorized testing of defendants upon request of the victim when the defendant was convicted of, indicted for, or formally accused of committing sexual assault. The Supreme Court of New Jersey held that the defendant's rights under the Fourth Amendment to the U.S. Constitution were not violated so long as the trial court found "that probable cause exists to believe that the victim may have been exposed to the bodily fluids of the assailant such that there is a possibility of transmission of the AIDS virus."

In order to protect the Fourth Amendment rights of the defendant, the bill is modeled after the decision of the New Jersey Supreme Court.

In States that allow HIV testing of the accused before conviction, 19 of them (Alabama, Alaska, Arkansas, Georgia, Hawaii, Indiana, Kansas, Maryland, Iowa, Illinois, Missouri, New Jersey, New Mexico, North Carolina, Oregon, South Carolina, South Dakota, and Wisconsin) require that there be a showing of probable cause or risk of transfer of bodily fluids.

Some critics of HB 1794 and the Violence Against Women Act say that the privacy of the perpetrator is more important than the peace of mind of the victim or the money that goes to victims of domestic violence. They also charge that testing the assailant only serves to give the victim a false sense of security.

While I understand and appreciate these arguments, I believe they are off the mark. If we listen to this young woman and her parents, if we listen to the victims that responded to the study conducted by the National Center for Victims of Crime, they are telling us they want and need the peace of mind that only testing of the assailant provides. Since the survivors of sexual assault are the only ones who know how they truly feel, I believe we should listen to them.

I ask the members of this House for a favorable vote.

* * *

The House proceeded to third consideration of **HB 1825, PN 2339**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County.

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?

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

Mr. VITALI. Thank you, Mr. Speaker.

I just want to remind the members that this bill was the bill we discussed yesterday in the context, the Josephs amendments, where there were questions raised with regard to the value of the reversionary interest, whether the Commonwealth was getting proper value, whether there were any Marcellus gas rights issues here. I just want to refresh the members that there are the controversies we discussed yesterday associated with this bill. Thank you.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the legislation answer brief interrogation, one question?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

This is a point of clarification from yesterday's discussion. Mr. Speaker, if I understand this correctly, this restriction has a value, the not-for-profit will be paying that value and remitting it to the State, and then after that restriction is removed, they are free to dispose of that property in a variety of ways. And my question is, if they are paying the State \$440,000 to remove the restriction, but subsequently turn around and sell the rights to that property for development for \$1 million, who gets that delta between \$440,000 and \$1 million?

Mr. BAKER. It would be the nonprofit health-care group, Laurel Health System.

Ms. DeLISSIO. So then a property that the Commonwealth gave to them for zero dollars – and this is the Commonwealth's property – they have the opportunity to benefit by property that we gave to them for certain purposes that this restriction governed. They are paying to have the restriction removed so they are going to – and this is how I am processing it, Mr. Speaker – in my mind, the not-for-profit is going to benefit by any subsequent transactions that produce extra dollars, but the taxpayers of the Commonwealth will actually not benefit from that. Those dollars, in my mind, should come to the Commonwealth.

Mr. BAKER. You have to remember that this is a restrictive covenant that is being removed, purchased for over \$400,000. Laurel Health System and North Penn Comprehensive Health Services have already expended \$900,000, almost \$1 million, fixing up this very old State hospital that was conveyed to them. So they have already, they are going to be expending, by the time this is all over with, \$1.34 million. So they are trying to basically recover some of their costs over the 25 years, and their sincere interest and attempt is affordable housing, to allow those people less fortunate than ourselves, to provide affordable housing. There is one interested party; we hope that works for them. And we have an affordable housing crisis in our area and there are lots of people in need here, so they are trying to do the right thing by purchasing this restrictive release and then freeing them up to convey the property hopefully to an affordable housing project.

Ms. DeLISSIO. Mr. Speaker, do we have any information that would tell us that they would be recovering more than the dollars that they have put into this over that 25-year period?

Mr. BAKER. All I know is that from the CFO (chief financial officer), they have spent at least \$900,000 over the last

25 years making repairs, putting in a gym, putting in a kitchen, putting in new boilers to the facility. And just so you know, they have been providing services: the Laurel Youth Services, foster care, adjudicated youth services, court ordered youth services. They have been providing very good services over many, many years, and now they are moving toward a different business model and they would like to release themselves from this property. And in order to do that, there is a fair market appraisal. It was around \$440,000 and they are willing to pay it on top of all the other money they have paid over the years. It is just a simple land transfer, restrictive use covenant release. The property was already transferred over 25 years ago.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I appreciate the answers.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The first thing I would like to say is in the debate yesterday, I misspoke. I said that this bill had been in State Government Committee before and that was wrong; it was not. But I still do not understand this enormous rush. And I was very interested in the lady from Philadelphia and the answers given by the gentleman from Tioga. I have no reason to doubt that this organization, every year for the last 25 years, put several thousand, tens of thousands of dollars into this committee, into this piece of land. And it may very well be. I have no doubt, no reason to doubt anybody's word that they put as much as \$900,000 into this property. But the question, Mr. Speaker, that was not asked by the lady but keeps being asked by me and getting no answer because there is no answer, is not, it is not what is the value of the restriction. The question is, what is the value of this land without the restriction? And we do not know that. We do not know if this nonprofit pays 440,000 or thereabouts dollars in order to remove the covenant, the restriction, from this 8.7, almost 9, acres, whether this makes this property worth \$5.42 or \$5,402,000. We have no idea what this property is worth because we did not get proper information in the State Government Committee.

We do not know whether this nonprofit – and I do not have anything against the aims and missions of this nonprofit. I do not have anything against the way they effectuate their mission. I do not know anything about this group. I am just going to assume for the purposes of this discussion that they are with the angels. All right? But we do not know how much this land is worth. And if this land is worth \$2 million without the covenant, that money should come to the taxpayers of this State. It should not be going to a nonprofit, no matter how wonderful that nonprofit is, which managed \$900,000 – sounds like a lot of money, right? – but we are talking about more than 25 years. This is \$36,000 a year. This is not a huge expenditure for a big nonprofit that has contracts with the State in order to carry out its mission, and I am sure that these people do in Tioga County. This is land that belongs to the Commonwealth. It belongs to the people. I am almost tempted to burst into song here and say this land is my land; this land is your land; this land is our land. And we do not have any information. You will be happy, Mr. Speaker, that I restrained myself. I do not have the best voice in the world, but I do know the words. This is my land; this is your land; this is our land.

MOTION TO RECOMMIT

Ms. JOSEPHS. So once again, I move to have this bill rereferred to our committee so we can figure out how much this land is worth once we remove the restrictive covenant. I so move, Mr. Speaker. Thank you.

The SPEAKER. The lady, Ms. Josephs, moves that HB 1825 be recommitted to the State Government Committee.

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

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

Mr. SAYLOR. Mr. Speaker, I oppose the recommittal of this bill to committee. I would ask for whatever the Speaker directs us to on voting to not recommit the bill to committee.

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

The following roll call was recorded:

YEAS—88

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

NAYS—110

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

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Is the lady, Ms. Josephs— She was recognized before that motion. Do you want to continue on this bill?

Ms. JOSEPHS. Thank you, Mr. Speaker.

For the same reasons— Yeah, I understand, Mr. Speaker, there is a lot of excitement on the floor. We have some guests who are a little surprised at the chaos. Maybe we can have a little order here?

The SPEAKER. The House will please come to order. Members will please take their seats. We would ask the members to clear the aisles and take the conversations to the back of the hall of the House if necessary.

Will the members please take their seats.

The Speaker would ask the members to please take their seats and hold the conversations down.

The Speaker thanks the members. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

For the reasons I enunciated before and because I have experience being the chair of this committee for about 6 years, more or less, I have had experiences with land conveyances that have gone bad, and I am not really doing this asking for a "no" vote for any other reason, Mr. Speaker, than you should protect yourselves, because we really do not know how much this land is worth once the nonprofit buys off the restrictive covenant. We do not know what the nonprofit has in mind. We do know that land in the middle of a town where there is a lot of drilling for natural gas is likely to be fairly valuable. We are thankful to the nonprofit for improving their land, but one would expect since they got it free that was the least they could do.

And I would say, just as a matter of caution from somebody who has been here for some time and has seen land conveyances turn into terrible scandals – now I am hoping this is not one of them. I am not predicting it and I am certainly hoping it is not, but if it is and you voted to facilitate this, I think you might be sorry. That is all I am saying. And I am also saying, here a message that I hope will be conveyed by the leaders of the majority party to the Senate, that they look at this very carefully when they get it. I am asking those people who want to protect themselves to vote "no." I am voting "no."

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally? On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to sing either, but the gentlelady from Philadelphia is correct. Because the nonprofit has not complied, is not complying with the language of the original conveyance, this land is already reverted to the Commonwealth. The Commonwealth owns it. It is our land; therefore, we should vote "no" on HB 1825.

Thank you, Mr. Speaker.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—110

Table listing names of members who voted 'YEAS' (110 total). Includes Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Cox, Creighton, Culver, Cutler, Day, DeLozier, Denlinger, DiGirolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Farry, Fleck, Gabler, Geist, Gillen, Gillespie, Gingrich, Godshall, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Heffley, Helm, Hennessey, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Krieger, Lawrence, Maher, Major, Maloney, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Moul, Murt, Mustio, O'Neill, Oberlander, Payne, Peifer, Perry, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Reed, Reese, Reichley, Roae, Rock, Ross, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, and Smith, S., Speaker.

NAYS—88

Table listing names of members who voted 'NAYS' (88 total). Includes Barbin, Bishop, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, DeLissio, DeLuca, DePasquale, Dermody, DeWeese, Donatucci, Evans, D., Fabrizio, Frankel, Freeman, Galloway, George, Gerber, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Josephs, Kavulich, Keller, W., Kirkland, Kortz, Kula, Longietti, Mahoney, Mann, Markosek, McGeehan, Mirabito, Mullery, Mundy, Murphy, Myers, Neuman, O'Brien, M., Parker, Petrarca, Preston, Ravenstahl, Readshaw, Roebuck, Sabatina, Samuelson, Santarsiero, Santoni, Shapiro, Smith, K., Smith, M., Staback, Sturla, Thomas, Vitali, Waters, Wheatley, and White.

Table listing names of members: Davis Deasy, Hornaman Johnson, Pashinski Payton, Williams Youngblood.

NOT VOTING—0

EXCUSED—5

Table listing names of members: Davidson Hess, Kotik, O'Brien, D., Wagner.

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 1792, PN 2295, entitled:

An Act designating a portion of S.R. 642 in Northumberland and Montour Counties, as the United States Army Specialist Zachariah W. Long Highway.

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—198

Table listing names of members who voted 'YEAS' (198 total). Includes Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Kirkland, Knowles, Kortz, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Smith, M., Sonney, Staback, Stephens, and Stern.

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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.

GUEST INTRODUCED

The SPEAKER. The Speaker would like to recognize a guest page that is with us today, Glory Gillen, who is serving as a guest page and is located down here in the well of the House. She is the daughter of Representative Mark Gillen. Welcome to the House.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. CREIGHTON called up **HR 448, PN 2526**, entitled:

A Resolution honoring the life of United States Air Force Major Thomas Edward Clark, who was killed in action on February 8, 1969, during a Vietnam combat mission over Laos.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

* * *

Mr. B. BOYLE called up **HR 454, PN 2537**, entitled:

A Resolution honoring the employees of SPIN, Inc., during "National Direct Support Professionals Recognition Week" beginning September 11, 2011.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Davidson	Kotik	O'Brien, D.	Wagner
Hess			

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

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

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Metcalfe, is recognized for the purpose of making an announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee that met this morning will reconvene to finish the business that we started. We will be reconvening in G-50 of the Irvis Office Building, and being as though it is lunchtime, we will make sure we have some time for the members to have lunch prior to that, because we expect it to be a lengthy meeting. So we will reconvene that meeting at 1:30; 1:30, Mr. Speaker, for the State Government Committee, in G-50, Irvis Office Building, to continue the business that we started at the meeting this morning.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The State Government Committee will meet at 1:30 in G-50, Irvis Office Building.

REPUBLICAN CAUCUS

The SPEAKER. The lady from Susquehanna, Ms. Major, is recognized for the purpose of an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately at the adjournment. I would like our Republican members to please report to our caucus room for a brief caucus.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Allegheny County, Mr. Frankel, is recognized for the purpose of an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30. Thank you.

STATEMENT BY MR. DeWEESE

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

Mr. DeWEESE. Unanimous consent.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. DeWEESE. Mr. Speaker, tomorrow I will ask for unanimous consent and have some observations about the Attorney General of this State and the relationship the Attorney General has with our chamber. I will take fewer than 5 minutes and I will not ask for unanimous consent until tomorrow at the conclusion of our voting session, but my remarks will be focusing upon our Attorney General and her relationship with this chamber.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 700 and HB 1399 be recommitted to the Committee on Appropriations.

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 1603 be removed from the tabled calendar and placed on the active calendar.

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 **SB 303, PN 1406**, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

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 SB 303 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 **SB 304, PN 281**, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for public review of State implementation plans.

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 SB 304 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.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 303 and SB 304 be removed from the tabled calendar and placed on the active calendar.

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

RESOLUTION REMOVED FROM UNCONTESTED CALENDAR

The SPEAKER. The Speaker states for the record that HR 452 should be removed from the uncontested calendar and referred to the active calendar.

ACTUARIAL NOTE

The SPEAKER. The Speaker acknowledges receipt of the actuarial note for HB 1702, PN 2152.

(Copy of actuarial note is on file with the Journal clerk.)

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the lady, Mrs. Davis, from Bucks County, who moves that the House do adjourn until Wednesday, October 19, 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 12:25 p.m., e.d.t., the House adjourned.