

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 1, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 71

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 Father Daniel Powell, St. Margaret Mary Catholic Church, from Harrisburg.

FATHER DANIEL POWELL, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Good and gracious God, we thank You for all the gifts You have given to us, especially the gift of our freedom. We know You are with us at every moment of every day, guiding us and holding us in Your hands. Be with these fine men and women as they strive to make decisions which will benefit the people of Pennsylvania. May they work together in peace and goodwill. We ask this in Your 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 Monday, October 31, 2011, will be postponed until printed.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 856, PN 2678 (Amended) By Rep. METCALFE

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

STATE GOVERNMENT.

SB 637, PN 1745 (Amended)

By Rep. METCALFE

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility; and prescribing penalties.

STATE GOVERNMENT.

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 31, 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, November 14, 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, November 14, 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.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1911 By Representatives MAJOR, BOBACK, ADOLPH, BAKER, BARRAR, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, DALEY, DENLINGER, EVERETT, FABRIZIO, FLECK, GEIST, GINGRICH, GOODMAN, GRELL, HESS, HORNAMAN, KILLION, MARSHALL, MICOZZIE,

MILLARD, MUNDY, PASHINSKI, PICKETT, QUINN, REICHLEY, CULVER, TOOHIL, VULAKOVICH, YOUNGBLOOD, HELM and WATSON

An Act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by Hurricane Irene and Tropical Storm Lee; imposing duties upon the Governor, the Auditor General and the State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; providing for allocation of proceeds and for a legislative disaster oversight committee; and making appropriations.

Referred to Committee on APPROPRIATIONS, November 1, 2011.

No. 1953 By Representatives MUNDY, PASHINSKI, CARROLL, MULLERY, BISHOP, BOBACK, BRENNAN, BRIGGS, V. BROWN, CALTAGIRONE, D. COSTA, CURRY, DAVIS, DONATUCCI, GEORGE, GOODMAN, JOSEPHS, KAVULICH, KORTZ, KOTIK, KULA, MURPHY, MYERS, M. O'BRIEN, READSHAW, SANTONI, K. SMITH, STABACK, WAGNER and YOUNGBLOOD

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for community disaster loans and for individual and family assistance.

Referred to Committee on APPROPRIATIONS, November 1, 2011.

No. 1954 By Representatives ROCK, BENNINGHOFF, CUTLER, DAVIDSON, DENLINGER, GEIST, GILLEN, GINGRICH, GRELL, GROVE, HARHAI, HARPER, HARRIS, HESS, KAUFFMAN, M. K. KELLER, KILLION, MAJOR, MALONEY, METZGAR, MILNE, O'NEILL, PEIFER, RAPP, ROAE, SAYLOR, SONNEY, STERN, VULAKOVICH, YOUNGBLOOD and MOUL

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for restitution for theft of timber; and, in particular rights and immunities, further providing for damages in actions for conversion of timber.

Referred to Committee on JUDICIARY, November 1, 2011.

No. 1955 By Representatives ROCK, KAUFFMAN, AUMENT, BAKER, BARRAR, BENNINGHOFF, BRADFORD, BRENNAN, BROOKS, CALTAGIRONE, CAUSER, CLYMER, COHEN, CONKLIN, D. COSTA, COX, CUTLER, DALEY, DiGIROLAMO, ELLIS, EMRICK, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HARHART, HARRIS, HEFFLEY, HENNESSEY, HESS, HICKERNELL, HORNAMAN, M. K. KELLER, KILLION, KIRKLAND, KNOWLES, KORTZ, MAHONEY, MAJOR, MALONEY, MANN, MARSHALL, MARSICO, METCALFE, MILLARD, MIRABITO, MOUL, MULLERY, MURT, MUSTIO, PAYNE, PICKETT, QUINN, RAPP, RAVENSTAHL, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO,

SAYLOR, SCAVELLO, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, THOMAS, TOEPEL, VEREB, VULAKOVICH, WATSON, WHITE and YOUNGBLOOD

An Act designating Grant Street from Main Street in Waynesboro Borough, Franklin County, to the borough line at Route 316 as the Staff Sergeant Richard J. Tieman Memorial Highway.

Referred to Committee on TRANSPORTATION, November 1, 2011.

No. 1956 By Representatives ROCK, KAUFFMAN, AUMENT, BAKER, BARRAR, BENNINGHOFF, BRADFORD, BRENNAN, BROOKS, CALTAGIRONE, CAUSER, CLYMER, COHEN, CONKLIN, D. COSTA, COX, CUTLER, DALEY, DiGIROLAMO, ELLIS, EMRICK, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HARHART, HARRIS, HEFFLEY, HENNESSEY, HESS, HICKERNELL, HORNAMAN, M. K. KELLER, KILLION, KIRKLAND, KNOWLES, KORTZ, MAHONEY, MAJOR, MALONEY, MANN, MARSHALL, MARSICO, METCALFE, MILLARD, MIRABITO, MOUL, MULLERY, MURT, MUSTIO, PAYNE, PICKETT, QUINN, RAPP, RAVENSTAHL, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO, SAYLOR, SCAVELLO, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, THOMAS, TOEPEL, VEREB, VULAKOVICH, WATSON, WHITE and YOUNGBLOOD

An Act designating State Route 16 from the entrance of Greencastle Borough, Franklin County, to the square or other end of the borough on State Route 16 as the Master Sergeant Benjamin F. Bitner Memorial Highway.

Referred to Committee on TRANSPORTATION, November 1, 2011.

No. 1957 By Representatives THOMAS, MYERS, BRIGGS, HARPER, WAGNER, PAYTON, GEORGE, COHEN, DALEY, CALTAGIRONE, PRESTON, PARKER, M. O'BRIEN, JOSEPHS, YOUNGBLOOD and DAVIS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for pregnancy as a preexisting condition and for coverage for maternity care; and, in health care insurance individual accessibility, further providing for policy choice for eligible individuals.

Referred to Committee on INSURANCE, November 1, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 342, PN 549

Referred to Committee on PROFESSIONAL LICENSURE, November 1, 2011.

SB 349, PN 1701

Referred to Committee on HEALTH, November 1, 2011.

SB 954, PN 1090

Referred to Committee on JUDICIARY, November 1, 2011.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence? The Speaker recognizes the majority whip, who requests a leave of absence for: the gentleman, Mr. MICOZZIE, from Delaware County for the day; the gentleman, Mr. MUSTIO, from Allegheny County for the day; the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the day; the gentleman, Mr. SCHRODER, 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. MAHONEY, from Fayette County for the day; the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; the lady, Miss PARKER, from Philadelphia County for the day; and the lady, Ms. WAGNER, from Allegheny County for the day. Without objection, the leaves will be granted.

Members will report to the floor. We are about to take the master roll call.

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—195

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	Micozzie	O'Brien, D.	Schroder
Mahoney	Mustio	Parker	Wagner

LEAVES ADDED—4

Ellis	Kavulich	Metcalfe	Reichley
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LEAVES CANCELED—4

Metcalfe	Mustio	Schroder	Wagner
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The SPEAKER. One hundred ninety-five members voting on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, I would like to introduce some of the guests that are with us today. Located to the left of the rostrum, we welcome Andrew Sheats, who is shadowing Representative Justin Simmons for the day. Accompanying Andrew is his mother, Jane Sheats. She is also seated with him. Will our guests please rise. Welcome to the hall of the House.

In the well of the House, we would like to welcome Brinley Knowles. She is a guest page, and she is the guest of Representative Tom Killion. Welcome to the hall of the House.

Also in the well of the House, some additional guest pages with us: Aubrey Heckrote, Tye Sheets, Makenzie Labarre, and Alyssa Kramer. These are students from South Williamsport High School, and they are in the advanced placement government class. They are the guests of Representative Mirabito. Welcome to the hall of the House.

Now, pay attention to this one. If you want to be recognized to speak, you might want to pay attention to this one. Also located in the well of the House, we would like to welcome guest pages Liam Gross and Grayson Gross. They are the grandchildren of the macebearer, Jimmy Fata. And with them are some additional family members, Jimmy's family members. Located to the left of the rostrum are James's daughter, Tiffany

Gross; his granddaughter, Jovanna Sims; and his wife, Sandy Evans. And they are officially here as guests of the Speaker and Representative Mike Gerber, but they are Jimmy's family. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up HR 387, PN 2362, entitled:

A Resolution recognizing November 10, 2011, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 236th anniversary.

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Ms. DONATUCCI called up HR 418, PN 2436, entitled:

A Resolution honoring female veterans who heroically served our country as members of the armed forces.

* * *

Mr. KORTZ called up HR 479, PN 2637, entitled:

A Resolution recognizing the month of November 2011 as "National Family Caregiver Month" in Pennsylvania, and commending the service and dedication family caregivers provide to older, disabled and infirm family and friends.

On the question, Will the House adopt the resolutions?

The following roll call was recorded:

YEAS-195

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

Table listing names of members who voted 'NAYS' or 'NOT VOTING' or 'EXCUSED', including Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Myers, Neuman, O'Brien, M., O'Neill, Oberlander, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-8

Table listing names of members who were 'EXCUSED', including Evans, D., Mahoney, Micozzie, Mustio, O'Brien, D., Parker, Schroder, Wagner.

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

STATEMENT BY MS. DONATUCCI

The SPEAKER. For what purpose does the lady, Ms. Donatucci, rise?

Ms. DONATUCCI. Unanimous consent, Mr. Speaker.

The SPEAKER. The House will please come to order. If the members would kindly take their seats and clear the aisles and please take the conversations to the back, we would appreciate it. If the members could kindly hold the conversations down, we would appreciate it.

The lady, Ms. Donatucci, is recognized under unanimous consent.

Ms. DONATUCCI. Thank you, Mr. Speaker.

On November 11 all Americans are asked to pause and remember the millions of our countrymen who fought to create, preserve, and protect our great nation. The direct role of women taking active roles has progressively expanded, and today women, all volunteers, are on the front lines on land, sea, and air. There is a famous Pennsylvanian credited with being one of the first women to take up arms to protect the freedom of our great nation. Legend has it that during the Revolutionary War, after her husband fell while serving a cannon, Molly rushed forward and helped to load and fire the gun for the remainder of the battle. Later 60 women died or were injured during the Civil War—

The SPEAKER. Will the lady suspend for one minute. I apologize.

If we could please have the members hold the conversations down. If you need to continue them, you can take them to the rear of the House. Thank you. The Speaker thanks the members.

The lady may proceed.

Ms. DONATUCCI. Thank you, Mr. Speaker.

—almost all passing themselves off as men so that they could serve at the forefront. Not far from where we are at the moment, two dead Confederate soldiers on the Gettysburg Battlefield were found to have been women, and on Cemetery Ridge, a Union color bearer, a position of greatest risk in the chaos of battle, fell mortally wounded during the stand against Pickett's Charge — also a woman.

Twenty-two women died in service during the Spanish-American War from typhoid fever or malaria, including two African-American nurses. The role of women in our Armed Forces continued to grow, and several hundred female volunteers perished during the First World War from illness, action, or accident. During World War II, 400 women died in service, performing tasks that included ferrying new combat aircraft to frontline areas. As lifesaving emergency treatment facilities move closer to the front lines, so did the women who staffed them, and 15 of them died from hostile fire. In Vietnam, one of the first women to die in service was 2d Lt. Carol Ann Elizabeth Drazba of Dunmore, Pennsylvania. The growing role of dedicated women engaged in frontline combat operations in American forces in the Middle East is their growing presence on the rolls of honored dead in a host of essential roles.

Mr. Speaker, my resolution outlines the military service of millions of women over the years and recognizes that today women comprise nearly 2 million of the 23 million veterans our country is blessed to have today. On this upcoming Veterans Day, and every day, when we say, "Thank you for your service," I am proud that those veterans we thank include almost 67,000 Pennsylvania women.

Thank you, Mr. Speaker, and thank you, my colleagues, for voting on this resolution in the affirmative.

The SPEAKER. The Speaker thanks the lady.

The House will come to order. Members will please take their seats. I would appreciate the members holding the conversations down. The Speaker is thankful to the members for holding the conversations down. Take them to the rear of the House if necessary.

STATEMENT BY MR. DeWEESE

The SPEAKER. The Speaker recognizes the gentleman from Greene County, Representative DeWeese, under unanimous consent relative to HR 387, which was just passed on the House uncontested calendar.

The, gentleman, Mr. DeWeese, may proceed.

Mr. DeWEESE. "GI beans and GI gravy. Gee, I wish I'd joined the Navy." Oh no, not me. Marine Corps.

Scores and scores of drill field refrains punctuate the memory of every man or woman who donned that uniform. From the excitement of our baptism at boot camp — and by the way, mine was 39 years ago this month. We were pulling our troops out of southeast Asia. Richard Nixon and George McGovern were competing for the Presidency; you can opine who I voted for. There were only two Marines in the whole battalion that voted for McGovern. These stern-visaged ruffians that met us at the pinnacle of professionalism instilled within all of us a certain incontrovertible esprit, and that esprit is manifest each November 10th.

I doff my hat to Sergeant Readshaw, United States Marines, for introducing this resolution. Our Corps, for 11 score and 16 years, as that quaint 19th-century chronological count might indicate, has been an aggressive unit within the panoply of our defense. From those riggings of Continental battleships to Tripoli, hence our hymn, "From the Halls of Montezuma, To the Shores of Tripoli," through the Mexican War — and really, the Halls of Montezuma were just a metaphor for Mexico City — all the way to the first war at Belleau Wood and the second war at Bougainville, from the Chosin Reservoir to Con Thien, and from Mosul to Kabul in our current strife.

Mr. Speaker, the United States Marines were at one point potentially to be absorbed within the United States Navy completely. My final reference would be the reason they were not. February of 1945, a man named Forrestal was dispatched to the Pacific Rim and was there on a battleship with Admiral Nimitz as the flag went up at Suribachi, and Nimitz, F.D.R.'s personal emissary in the theater, said to Admiral Nimitz, "Admiral, the raising of that flag on Suribachi..." guarantees "...a Marine Corps for the next 500 years."

Thank you, Mr. Speaker, for the opportunity to share a birthday greeting. It is that spirit that I have tried to convey in 3 or 4 minutes that allows us to focus each year on November the 10th and celebrate the history of the men and women who have served in the United States Marines. Thank you.

STATEMENT BY MR. READSHAW

DOCUMENT SUBMITTED FOR THE RECORD

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Readshaw, on unanimous consent relative to HR 387.

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

The traditional celebration of our Corps' birthday, there is a reading of Order 47, which was first given on the 10th of November 1921 by then the Commandant of the Marine Corps, Maj. Gen. John Lejeune.

I would like to submit these comments for the record, sir.

The SPEAKER. The gentleman's remarks will be placed within the record.

Mr. READSHAW submitted a document for the Legislative Journal.

(For document, see Appendix.)

UNCONTESTED SUPPLEMENTAL CALENDAR B

Mr. B. BOYLE called up **HR 492, PN 2677**, entitled:

A Resolution recognizing Counseling Or Referral Assistance (CORA) Services, a private, nonprofit organization offering professional human services to children, youth and their families, for its four decades of service to the people of Philadelphia.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	Micozzie	O'Brien, D.	Schroder
Mahoney	Mustio	Parker	Wagner

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

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. RAPP called up **HR 439, PN 2591**, entitled:

A Resolution recognizing and honoring the life and service of Pennsylvania Army National Guard Staff Sergeant Kenneth VanGiesen and paying tribute to his sacrifice in the line of duty.

On the question,
Will the House adopt the resolution?

The SPEAKER. The House will please come to order. Members will take their seats. Will the members please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House. The question is, will the House adopt the resolution?

On that question, the Speaker recognizes the lady, Ms. Rapp. Ms. RAPP. Thank you, Mr. Speaker.

In the words of Jesus in the New Testament, it is written eternally in John 15:13, "Greater love has no one than this: to lay down one's life for one's friends." Today I rise with a heavy heart to offer a condolence resolution honoring a very special young man from McKean County who made the ultimate sacrifice for our country.

A 1999 graduate of Kane Area High School in Kane, PA, Army National Guard S. Sgt. Kenneth VanGiesen died in the Ghazni Province of Afghanistan on July 20, 2011, from wounds suffered when enemy forces attacked his convoy with an improvised explosive device.

Serving on his 4th active tour of overseas duty during his 12th consecutive year of service as a heavy-vehicle driver, light-wheeled mechanic, and armament repairman, Sergeant VanGiesen was assigned to the 131st Transportation Company, 213th Area Support Group from Williamstown, Pennsylvania. He previously served his country in Germany and twice in Iraq, logging a total of 1400 mobilized days in overseas deployment. One of only 16 Pennsylvania National Guardsmen serving at this level of active duty and with great distinction, Sergeant VanGiesen earned two Army Commendation Medals, a Combat Action Badge, two Iraq Campaign Medals, the Global War on Terrorism Service Medal, A Meritorious Unit Commendation, two Navy Unit Commendations, and was posthumously awarded the Purple Heart.

Neither words nor countless medals can adequately account for the deep sorrow those who knew and loved Sergeant VanGiesen must consistently endure due to his loss. Sergeant VanGiesen is survived by his high school sweetheart, Erin Sirianni, with whom he shared a home; his parents, Susan and Thomas; his sister, Amie; his brother, Matt; his extended family; and his beloved dog, Bandit. I had the opportunity to speak with Ken's parents several weeks ago, and they brought to my attention beloved memories of their son. Ken had always been a born leader, be it during his high school years, both on and off the football field, and in his military career.

Ken's father had been told by one of Ken's superiors that he was a soldier the officers dreamed of having because Ken always led by example. Ken also loved what he was doing and

also believed in what he was doing. Knowing that makes it easier for the family to deal with the loss of their son, brother, fiance, and friend. Ken was planning on attending warrant officer school upon his return to the United States. Over 700 people came to the visitation that was held at the Kane Area High School; 300 to 400 people had to be turned away because the auditorium was not able to accommodate them.

This past graduation, the Kane Area High School had a new scholarship. It was called the Patriot Award, and the \$500 scholarship is awarded to all graduates who are joining the Armed Forces. Since the passing of Ken, the award has been renamed to S. Sgt. Kenneth VanGiesen Patriot Award. The community has come together to do many fundraisers to support this scholarship. I wish his family and loved ones the comfort of knowing his sacrifices will never be forgotten. Ken was a true hero, and we will forever be in his debt. He loved our country and he loved his fellow man.

In conclusion, I ask all of my colleagues to join me today in honoring this brave young man who fulfilled his duties with honor, courage, and dignity, and willingly laid down his life upon the altar of freedom.

At this time Representative Hornaman has a few words, also, to say about Sergeant VanGiesen.

The SPEAKER. The gentleman from Erie, Mr. Hornaman, is recognized on the resolution.

Mr. HORNAMAN. Thank you, Mr. Speaker.

I would like to thank very much Representative Rapp for introducing this resolution to honor and recognize Kenneth VanGiesen, staff sergeant, who like so many other men and women that we revere gave his life while serving his country. It certainly is fitting that we do this. But we wonder about Ken VanGiesen, the guy; a soldier who was also a human being, just a guy with a mom and dad, a sister and a brother, the love of his life, and of course, a dog. What could be more American?

When Ken moved to Erie about 6 years ago, he became a member of my American Legion Post 773. And so many of the members there who knew him better than I, wanted all of you to know what he was like. So they told me things like: He would give you the shirt off his back; he made friends so easily; he never complained, he just did his job; he would work his tail off; he always looked at the positive side of life. And my favorite: People took to him like kids to Santa Claus. One sad comment: He never got to ride his Harley with the new ape hangers.

You see, sometimes we need to be reminded that these soldiers who sacrifice their all are also part of the fabric of so many people's daily lives. Those closest to Ken will find it very, very difficult to mend that fabric. So, Ken, happy trails to you until we all meet again. I thank you, Mr. Speaker.

The SPEAKER. Members and all guests will please rise as a sign of respect for our fallen soldier and in prayer for his family and friends.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of S. Sgt. Kenneth VanGiesen.)

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	Micozzie	O'Brien, D.	Schroder
Mahoney	Mustio	Parker	Wagner

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

The SPEAKER. The Sergeants at Arms will open the doors of the House.

* * *

Mr. METCALFE called up **HR 462, PN 2577**, entitled:

A Resolution honoring the life and legacy of Mr. Joseph Anthony Vento and extending condolences to his family and friends.

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will vote "aye"; those opposed "nay." The members will proceed to vote— The clerk will suspend.

POINT OF ORDER

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

Mr. CRUZ. Point of order, Mr. Speaker.

The SPEAKER. The gentleman may state his point of order.

Mr. CRUZ. I am objecting to this resolution, and I am trying to see if we can put it in committee until we discuss it later on. This resolution, even though it is a condolence resolution, is a matter for Philadelphia, which the maker is not from Philadelphia, number one. And number two—

The SPEAKER. The gentleman—

Mr. CRUZ. —it is politically—

The SPEAKER. —will state his point of order.

Mr. CRUZ. It is politically motivated, because it is where it says that he is honoring him because he supports the English language, the official language, and we are in the middle of a debate on that right now. So I do not see it to be appropriate at this time when he is using this as a motive to promote the—

The SPEAKER. The gentleman will suspend.

Is the gentleman's point of order—

Mr. CRUZ. My point of order, I object this to be a noncontroversial resolution, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cruz, from Philadelphia has objected to HR 462 as a noncontroversial resolution.

Mr. CRUZ. Controversial, Mr. Speaker.

The SPEAKER. Correct. It was listed as noncontroversial. You are objecting to it as being noncontroversial; therefore, under the rules of the House, the rules of the House, we will go over the resolution and the Speaker will refer it to the appropriate committee.

Mr. CRUZ. Thank you, Mr. Speaker.

HOUSE RESOLUTION REFERRED

No. 462 By Representatives METCALFE, BARRAR, AUMENT, CALTAGIRONE, CLYMER, D. COSTA, EVERETT, FARRY, GEIST, GINGRICH, GODSHALL, GROVE, HENNESSEY, HESS, JOSEPHS, KAUFFMAN, KILLION, KNOWLES, KORTZ, MAJOR, MILLARD, MOUL, MUSTIO, RAPP, READSHAW, REICHLEY, ROCK, ROSS, SAINATO, SCHRODER, STEVENSON, SWANGER, TALLMAN, VEREB, VULAKOVICH and YOUNGBLOOD

A Resolution honoring the life and legacy of Mr. Joseph Anthony Vento and extending condolences to his family and friends.

Referred to Committee on RULES, November 1, 2011.

APPROPRIATIONS AND RULES COMMITTEE MEETINGS

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, the House Appropriations Committee will meet in the majority caucus room immediately at the break. After the Appropriations Committee, the House Rules Committee will also meet in the Appropriations conference room, room 245. Thank you.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room, followed by a Rules Committee meeting.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce the Republicans will caucus today at 12:45. I would ask our Republican members to please report to our caucus room at 12:45, and we would be prepared to come back on the floor at 3 p.m. Thank you.

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

Mr. FRANKEL. Mr. Speaker, there is no need for a Democratic caucus. We caucused everything yesterday. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

ANNOUNCEMENT BY MR. PAYNE

The SPEAKER. Is the gentleman, Mr. Payne, from Dauphin County seeking recognition for the purpose of an announcement? The gentleman may proceed.

Mr. PAYNE. Yes, Mr. Speaker, unanimous consent.

The SPEAKER. The gentleman, Mr. Payne, is seeking recognition under unanimous consent and may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, members of the Masonic Craft will meet in the back of the House at the break. Thank you.

RECESS

The SPEAKER. Seeing no further business, this House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.; further extended until 4 p.m.; further extended until 4:15 p.m.; further extended until 4:30 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 244, PN 195 By Rep. ADOLPH

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 approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness.

APPROPRIATIONS.

HB 1126, PN 1228 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 1344, PN 2676 By Rep. ADOLPH

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for emergency service system billing.

APPROPRIATIONS.

HB 1531, PN 1875 By Rep. ADOLPH

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

APPROPRIATIONS.

SB 458, PN 1299 By Rep. ADOLPH

An Act amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, updating and modernizing certain terminology.

APPROPRIATIONS.

SB 818, PN 1710 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for disposition information; in registration of sexual offenders, further providing for legislative findings and declaration of policy, for definitions, for registration, for registration procedures and applicability, for sentencing court information, for verification of residence, for victim notification, for other notification, for information made available on the Internet and for duties of Pennsylvania State Police; and making editorial changes.

APPROPRIATIONS.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1461, PN 2625 By Rep. TURZAI

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in functions of appointed officers and employees, further providing for appointments and incompatible offices; and, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

RULES.

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker recognizes the presence of the gentleman from Allegheny County, Mr. Mustio, on the floor. His name will be added to the master roll call.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 200, PN 1637; SB 286, PN 1667; and SB 314, PN 1724.**

SENATE MESSAGE**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 563, PN 619**, with information that the Senate has passed the same without amendment.

CALENDAR CONTINUED**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 298, PN 1815**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for autopsies.

On the question,
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 244, PN 195**, entitled:

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 approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness.

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—195

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

DeLozier	Josephs	Petrarca	White
DeLuca	Kampf	Petri	Williams
Denlinger	Kauffman	Pickett	Youngblood
DePasquale	Kavulich	Preston	
Dermody	Keller, F.	Pyle	Smith, S.,
DeWeese	Keller, M.K.	Quigley	Speaker
DiGirolamo			

NAYS—0

NOT VOTING—0

EXCUSED—8

Evans, D.	Micozzie	Parker	Schroder
Mahoney	O'Brien, D.	Reichley	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 **SB 458, PN 1299**, entitled:

An Act amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, updating and modernizing certain terminology.

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 lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, can someone stand for brief interrogation?

The **SPEAKER**. One moment, please.

The gentleman, Mr. Baker, from Tioga County indicates that he will stand for interrogation. You may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

This bill adds a new definition of "intellectual disability" on page 3, and it deletes the current definition of "mental retardation," but there are clearly—

The **SPEAKER**. Will the lady suspend for one second, please.

The House will please come to order. If the members could kindly hold the conversations down. Please clear the aisles. Take the conversations to the back of the hall if necessary. Under interrogation, it is especially hard to hear the questions and the answers. If the members could please hold the conversations down and clear the aisles, we would appreciate it.

The members will please hold the conversations down.

The Speaker thanks the members. The lady, if she would kindly repeat her question.

Ms. MUNDY. Mr. Speaker, this bill adds a new definition of "intellectual disability" on page 3, and it deletes the current definition of "mental retardation." There are clearly differences between the new definition of "intellectual disability" and the definition of "mental retardation" that it is replacing. Could you explain the difference, the effect of these differences in the definitions? Who would no longer be covered by the new definition?

Mr. BAKER. Thank you, Mr. Speaker.

It is our opinion that there is no difference, in fact. We are just trying to reverse a potential stigma that exists in society referencing the term of "retardation" to intellectual disabilities. So for all intents and purposes, this just supplants, replaces, that terminology.

Ms. MUNDY. Well, I guess I am not understanding why, if you are simply changing the term, why you would also change the definition. I also notice that the bill deletes the term "mental retardation" from the definition of "mental disability," and the new term "intellectual disability" is not inserted in its place. Could you explain the effect of persons with an intellectual disability no longer being included in the broader term "mental disability"?

Mr. BAKER. It is my understanding that this Senate bill, the intent of this Senate bill is to rename the Mental Health and Intellectual Disability Act and to delete the reference to mental retardation and mentally retarded. The legislation is merely an attempt to update current terminology in the act, and it also, it is my understanding, will comport with Federal law that updates terminology relating to mental retardation. I might add that this is strongly supported by the Pennsylvania Department of Public Welfare, The Arc of Pennsylvania, Disability Rights Network, the Pennsylvania Association of Resources, Advocacy and Resources for Autism and Intellectual Disabilities, and the MH/MR (mental health/mental retardation) commissioners.

Ms. MUNDY. Well, I fully support the change in the term "intellectual disability" as opposed to "mental retardation," but again, I am not clear on then why you would also change the definitions and not include some concepts of intellectual disability in the new term "mental disability." What about someone living with autism, how would they be affected by these changes?

Mr. BAKER. No impact.

Ms. MUNDY. Mr. Speaker, I am going to support this—Excuse me; I am finished with my interrogation. May I speak on the bill, Mr. Speaker?

The SPEAKER. The lady is in order on the bill.

Ms. MUNDY. Mr. Speaker, I do have concerns that there will be those who will no longer be covered under these new definitions and whom counties will no longer be authorized to serve. But since the advocacy groups are so strongly behind it, they apparently disagree with me, so I am going to support the bill in the hopes that they are correct.

Thank you, Mr. Speaker.

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

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

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, as public servants and as elected officials, we of all people should know that words do matter. Words that began innocently or once had a scientific meaning can be

contorted. And when those words become associated with a negative connotation or denigration, we as a government should change our own choice of words to reflect this changing reality.

When first introduced, the words "mental retardation" and "mentally retarded" were medical terms with a specific clinical connotation. It did not take long before the phrase was fractured into pejorative insults like "retard" and "retarded." These words are sometimes used today to degrade and insult people with intellectual disabilities. Additionally, when "retard" and "retarded" are used as synonyms for "unintelligent" by people without disabilities, it reinforces a painful stereotype that people with intellectual disabilities are less valuable members of our society.

For this reason, I strongly support this bill which strikes the phrase "mental retardation" from State statutes and State use. Legislatures across the country are already adopting these changes, as has the Federal government. In 2004 even the Special Olympics program agreed to drop the phrase "mental retardation" for "intellectual disability." Some people might say this is just symbolic or an empty gesture. As someone who has taught special-needs students, I can assure you that these words carry the connotation that a special-needs person might be incapable of living a normal life, which we know is untrue.

We all have friends, neighbors, and even family members with intellectual disabilities, and we know that they are productive members of our communities. Their challenge is no different than an amputee learning to walk again or a blind person learning to read through touch. We should not make their challenge even more difficult by continuing to use language that makes their burden harder to bear.

This bill passed the Senate unanimously. I urge my colleagues to do the same in the House. Thank you, Mr. Speaker.

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

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 458 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—196

Adolph	Donatucci	Killion	Rapp
Aument	Dunbar	Kirkland	Ravenstahl
Baker	Ellis	Knowles	Readshaw
Barbin	Emrick	Kortz	Reed
Barrar	Evankovich	Kotik	Reese
Bear	Evans, J.	Krieger	Roae
Benninghoff	Everett	Kula	Rock
Bishop	Fabrizio	Lawrence	Roebuck
Bloom	Farry	Longiatti	Ross

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

(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 Adams County, Mr. Moul.

Mr. MOUL. Thank you, Mr. Speaker.

HB 1126 is based on the restitution provisions found in Title 18 regarding identity theft and access device fraud. The bill provides that if someone is convicted of either tampering with or fabricating physical evidence, or tampering with public records or information, that the court may order a person to make restitution for all reasonable expenses incurred by the victim. Just like identity theft and access device fraud, the expenses that can be recovered may include attorney fees, court costs and filing fees, or any other fees or costs deemed by the court.

Thank you, Mr. Speaker. I would encourage a positive vote.

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

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would urge the members on both sides of the aisle to support the legislation. We worked it seriously in committee, and I think it is a good piece of legislation. I would appreciate an affirmative vote. Thank you.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Evans, D.	Micozzie	Parker	Wagner
Mahoney	O'Brien, D.	Reichley	

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

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

* * *

The House proceeded to third consideration of **HB 1126, PN 1228**, entitled:

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.

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Evans, D.	Micozzie	Parker	Wagner
Mahoney	O'Brien, D.	Reichley	

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 1531, PN 1875**, entitled:

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

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-196

Adolph	Donatucci	Killion	Rapp
Aument	Dunbar	Kirkland	Ravenstahl
Baker	Ellis	Knowles	Readshaw
Barbin	Emrick	Kortz	Reed
Barrar	Evankovich	Kotik	Reese
Bear	Evans, J.	Krieger	Roae

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Evans, D.	Micozzie	Parker	Wagner
Mahoney	O'Brien, D.	Reichley	

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 **SB 818, PN 1710**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for disposition information; in registration of sexual offenders, further providing for legislative findings and declaration of policy, for definitions, for registration, for registration procedures and applicability, for sentencing court information, for verification of residence, for victim notification, for other notification, for information

made available on the Internet and for duties of Pennsylvania State Police; and making editorial changes.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Excuse me. The clerk will strike the vote.

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 am wondering if someone might stand for brief interrogation here.

The SPEAKER. The gentleman, Mr. Marsico, from Dauphin County indicates he will stand for interrogation. You may proceed.

Mr. VITALI. I am just looking for a brief explanation of this bill, initially.

The SPEAKER. Is the gentleman, Mr. Vitali, interrogating the gentleman, Mr. Marsico?

Mr. VITALI. Yes, Mr. Speaker. I believe there is a question on the floor. I was waiting for an answer.

The SPEAKER. The House will please come to order.

The Speaker is having trouble hearing. Again, we are having interrogation and it is difficult to listen back and forth. The members would please hold the conversations down. The Sergeants at Arms would clear the aisles. Members will please take their seats and hold the conversations down.

The gentleman may proceed. Please restate the question. It was impossible to hear.

Mr. VITALI. Thank you.

My initial question was, could you give a brief explanation of this bill?

Mr. MARSICO. Yes, Mr. Speaker. The bill, as amended by the committee just last week, addressed, the amendments addressed two Megan loophole provisions that were adopted by this House and sent to the Senate. The one amendment that is included in this bill has to deal with the transient, the homeless folks that are sexually convicted offenders. In fact, you should remember that legislation that was adopted in February of this year; there was one negative vote.

And the other amendment, which was unanimous, addresses the out-of-State offenders who have to register to the State Police. Now, the transients, the amendment dealing with the transients, those homeless transient sex offenders must register with the State Police, give them, give the State Police their whereabouts every 30 days. And then the other amendment has to deal with the out-of-State offenders. In fact, you interrogated

me on these very bills back in February, if you recall, so you should be very familiar with the language of these bills.

Mr. VITALI. It is starting to come back, but please help me.

Mr. MARSICO. I am sorry?

Mr. VITALI. I said it is starting to come back, but please help me.

Mr. MARSICO. Well, basically that is what the amendments are to the bill.

Mr. VITALI. Okay. I am trying to get at— So this would require a homeless person to register with the State Police every—

Mr. MARSICO. That is correct. And that was the same question you asked me in February.

Mr. VITALI. I wish my memory was better, but I still do not know the answers to this. Now, where would a homeless person go to register? Let us say there is a homeless person—

Mr. MARSICO. They would go to an approved registration site.

Mr. VITALI. And could you describe where they are and give us a sense for what those sites are. And how would one find out about that if you are homeless?

Mr. MARSICO. The sexual offenders are given a list of approved registration sites. Now, Megan's Law has been in existence since 1994, so those approved registration, approved sites will be given to that offender by the courts.

Mr. VITALI. And the consequences of not going to the site for the homeless person would be?

Mr. MARSICO. Just like anyone else that fails to register, they would be arrested and prosecuted. Mr. Speaker, you asked me these same questions back in February. Are we going to go through this again and again and again? You are going to waste our time?

Mr. VITALI. Perhaps.

Mr. MARSICO. I mean, we are talking about convicted—

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

Mr. MARSICO. —sex offenders.

The SPEAKER. The gentleman will suspend. Appreciate the frustration. The Speaker would advise the members to ask questions, answer questions, and it is not to be argumentative.

Mr. VITALI. Could you tell me how this is done in other States, the issue of homeless people being registered?

Mr. MARSICO. When this was litigated, the Pennsylvania Supreme Court said that this was, the General Assembly was free to address this to the transient offenders.

Mr. VITALI. And my question is, what is being done on this in other States on this issue?

Mr. MARSICO. There are around seven other States that require homeless offenders to register under their Megan's Law in the other States.

Mr. VITALI. Now, so if you are a homeless person, you have no, I guess, legal address, so where can you register for this?

Mr. MARSICO. Mr. Speaker? Mr. Speaker? Mr. Speaker, I cannot hear the question.

The SPEAKER. The gentleman is correct.

The conversations are still a little too loud. Will the members please take their seats. Take the conversations to the rear of the House if necessary. The Sergeants at Arms will please clear the aisles. Members will please take their seats and hold their conversations down. Just hold on a minute. The members will please clear the aisles.

The Speaker thanks the members.

You may proceed with interrogation.

Mr. VITALI. I guess I am wrestling with the question of where a homeless person would register. Is it dictated by some jurisdiction, because if he does not have a home, he is not affiliated with any particular—

Mr. MARSICO. Mr. Speaker, you already asked that question.

Mr. VITALI. —location.

Mr. MARSICO. I already gave the answer. I think your question now is out of order.

Mr. VITALI. Okay. Let me ask it, let me ask it in a different way. I mean, does a homeless person need to register in any specific location? Is it driven by geography, or is it—

Mr. MARSICO. Once again, it would be an approved registration site that would be designated by the courts or the prison system.

Mr. VITALI. So each homeless sexual predator gets one site and he has to go to that one all the time, or does he get a list of a hundred and he can choose any?

Mr. MARSICO. Mr. Speaker, I already answered the question. I am not going to answer it again. I answered it three times, actually.

Mr. VITALI. Okay. I will move along then.

One of the things I am wrestling with is physically getting to a location if you are homeless. Are there any provisions made for a homeless person getting to a site so they can physically register, either in your bill or in another State? How does a homeless person, for example, get to one of these sites? How is it anticipated?

Mr. MARSICO. Mr. Speaker, actually, you asked the same questions back in February, again. I just want to point out to you that you did vote for this amendment, just so, just to point that out.

Mr. VITALI. Appreciate that. Appreciate that. Would you answer the question, though, Mr. Speaker?

Mr. MARSICO. There is no provision to provide any kind of bus transportation or rides. It is up to them to notify the State Police of their whereabouts, so they are going to have to find a way to do that.

Mr. VITALI. Okay.

Mr. MARSICO. If you want to give them a ride, you are welcome to do that.

Mr. VITALI. Okay. Maybe I might, if you give me a name and so forth.

Okay. Thank you, Mr. Speaker.

LEAVES OF ABSENCE

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker recognizes the presence of the lady from Allegheny County, Ms. Wagner, on

the floor of the House. Her name will be added to the master roll call.

CONSIDERATION OF SB 818 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just to set the record straight: Chairman Marsico, myself, and our staffs worked collectively on this very issue. I serve on the board of the Pennsylvania Commission of Crime and Delinquency, and all of our counties share in the moneys that come from the Federal government. This is a mandate by the Federal government that this be done or the money will stop.

I urge the members to please vote in the affirmative. Thank you.

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

I just want to thank Chairman Caltagirone, the members of the committee, the members of this House, and our staff on both sides that helped get this legislation passed in February and once again with the amendments that were adopted in committee last week. It has been 8 months, like I said before, since we began the critical process of getting the Megan's Law loophole legislation enacted. After 8 months of this legislation going nowhere in the Senate, we all know it is time to get this done. Convicted sexual offenders continue to roam the Commonwealth with absolutely no accountability.

So I am asking the members to once again, once again send the message over to the Senate that we are supporting this bill as amended overwhelmingly, and ask them to get the job done. Thank you.

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

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Toohil.

Ms. TOOHIL. Thank you, Mr. Speaker.

This is a monumental day for the children of Luzerne County and the children of this Commonwealth. For far too long, homeless, transient, out-of-State sexual offenders, and sexually violent predators have slipped through the cracks, being released unsupervised. Now these offenders will have to register every 30 days with the Pennsylvania State Police. By applying Megan's Law to these criminals, we are giving our children the protection that they deserve. No longer will these criminals be free and lurking anonymously in our communities. I applaud this House for finally making this important change. It is long overdue.

Also with SB 818, it is another important step in ensuring the rights of the children in the juvenile justice system. This Senate bill arises out of the kids for cash scandal that plagued the children of Luzerne County and broke all of our hearts. Here, and from now on, anyone in a black robe will have to make certain findings of facts and conclusions of law prior to entering a disposition order in a delinquency proceeding. The findings must include the reason for the court's disposition, along with the goals, terms, and conditions of that disposition.

If the child is to be placed out of the home, the court must also make record of the name or type of facility to which the child will be committed and the reasons why the commitment to that facility or that type of facility was determined to be the least restrictive. This is consistent with the protection of public interest and best suited for the child's treatment, supervision, rehabilitation, and welfare. This bill brings openness to the process, which will protect our children by requiring more thoughtful and reflective treatment of our juveniles.

Thank you to this House. Thank you, Mr. Speaker.

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

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

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

I applaud the passage of SB 818. I would like to at this time congratulate our Senate colleague on this outstanding piece of legislation, and I would also like to thank the two gentleladies from our caucus from Luzerne County who have taken such a leadership issue with respect to rectifying, from a legislative perspective, the abuses that occurred in Luzerne County. They recognize that those abuses need to be addressed from a policy perspective, and along with their Senate colleague, have zeroed in on appropriate remedies to address this abuse.

That abuse must never happen again, and I once again congratulate the good Senator and our colleagues from Luzerne County. Thank you very, very much for your leadership on this issue. I am proud to be standing up to support this legislation. Thank you.

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—195

Adolph	Donatucci	Killion	Ravenstahl
Aument	Dunbar	Kirkland	Readshaw
Baker	Emrick	Knowles	Reed
Barbin	Evankovich	Kortz	Reese
Barrar	Evans, J.	Kotik	Roe
Bear	Everett	Krieger	Rock
Benninghoff	Fabrizio	Kula	Roebuck
Bishop	Farry	Lawrence	Ross
Bloom	Fleck	Longiotti	Sabatina
Boback	Frankel	Maher	Saccone
Boyd	Freeman	Major	Sainato
Boyle, B.	Gabler	Maloney	Samuelson
Boyle, K.	Galloway	Mann	Santarsiero
Bradford	Geist	Markosek	Santoni
Brennan	George	Marshall	Saylor
Briggs	Gerber	Marsico	Scavello
Brooks	Gergely	Masser	Schroder
Brown, R.	Gibbons	Matzie	Shapiro
Brown, V.	Gillen	McGeehan	Simmons
Brownlee	Gillespie	Metzgar	Smith, K.
Burns	Gingrich	Miccarelli	Smith, M.
Buxton	Godshall	Millard	Sonney
Caltagirone	Goodman	Miller	Staback
Carroll	Grell	Milne	Stephens
Causar	Grove	Mirabito	Stern
Christiana	Hackett	Moul	Stevenson
Clymer	Hahn	Mullery	Sturla

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Ellis	Mahoney	Micozzie	Parker
Evans, D.	Metcalfe	O'Brien, D.	Reichley

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1950 By Representatives ELLIS, S. H. SMITH, TURZAI, SAYLOR, REED, ADOLPH, MAJOR, STEVENSON, VEREB, ROSS, GROVE, MARSHALL, HELM, VULAKOVICH, P. COSTA, GERGELY, OBERLANDER, READSHAW, MOUL, CHRISTIANA, TALLMAN and EVERETT

An Act amending Titles 27 (Environmental Resources) and 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, 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, flood control and certain interfund transfers; authorizing the Secretary of Conservation and Natural Resources to determine the need for and location of such projects and to acquire the necessary land; providing for interfund transfers; authorizing counties to impose and collect an unconventional gas well impact fee; providing for distribution of fees and for the Oil and Gas Lease Fund; consolidating the Oil and Gas Act; and repealing an act relating to the establishment of the Oil and Gas Lease Fund and the Oil and Gas Act.

Referred to Committee on FINANCE, November 1, 2011.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1344, PN 2676**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for emergency service system billing.

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—195

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

Denlinger	Kavulich	Pyle	Youngblood
DePasquale	Keller, F.	Quigley	
Dermody	Keller, M.K.	Quinn	Smith, S., Speaker
DeWeese	Keller, W.	Rapp	
DiGirolamo			

NAYS—0

NOT VOTING—0

EXCUSED—8

Ellis	Mahoney	Micozzie	Parker
Evans, D.	Metcalfe	O'Brien, D.	Reichley

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. O'NEILL

The **SPEAKER**. Is the gentleman from Bucks County, Mr. O'Neill, seeking recognition under unanimous consent relative to the legislation that just passed?

Mr. O'NEILL. Yes, Mr. Speaker.

The **SPEAKER**. The gentleman is in order under unanimous consent.

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

I just want to send out a big thank-you to everyone in the House for supporting the bill. It has been 9 long years for me. Before myself it was Representative Larry Sather who worked on this bill. It is a long time coming, and the funny part is that the bill ended up being exactly how it was 9 years ago.

I want to thank the two chairmen who helped us on the Emergency Management Committee, especially Chairman Barrar, who really championed this bill. I really appreciate all his hard work. And most of all, all of you know here that we are only as good as our staff is, and I have got to tell you, Rick O'Leary and Sean Harris really, really championed the bill and did a lot of good work for us and a lot of good work for all the ambulance corps throughout Pennsylvania.

So I just want to thank everybody. Now it is off to the Senate. Thank you.

SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1461, PN 2625**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in functions of appointed officers and employees, further providing for appointments and incompatible offices; and, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Ross, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Ross, for a brief description of the Senate amendments.

Mr. ROSS. Thank you, Mr. Speaker.

The Senate has included a brief amendment, which is designed to address a problem that occurs every 10 years with the census. It changes where a provision that currently is in the code that prohibits people from being elected and also employed by a borough over 3,000. And then in this particular case, we are recognizing that some boroughs that were under 3,000 had employed and also had elected officials. Once they go over 3,000, without this amendment, the people would wind up being forced out of one or the other of those positions. So this grandfathers those people that are caught in this particular problem with the census, and I urge a positive vote on the bill as amended by the Senate.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1461 CONTINUED

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Ellis	Mahoney	Micozzie	Parker
Evans, D.	Metcalf	O'Brien, D.	Reichley
Kavulich			

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1503, PN 2635**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for an angel investment tax credit.

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

Mr. **DENLINGER** offered the following amendment
No. **A05883**:

- Amend Bill, page 12, line 11, by striking out "APPLICABLE"
- Amend Bill, page 12, lines 12 and 13, by striking out "AT SETTLEMENT." in line 12 and "ASSESSMENT OR DETERMINATION" in line 13
- Amend Bill, page 13, line 25, by striking out "APPLICABLE"
- Amend Bill, page 13, lines 26 and 27, by striking out "AT SETTLEMENT, ASSESSMENT OR" in line 26 and "DETERMINATION" in line 27
- Amend Bill, page 15, lines 26 through 30; page 16, line 1, by striking out all of said lines on said pages and inserting
The department shall require the taxpayer to repay any tax credit received under this chapter where the department, in conjunction with the Department of Revenue, determines that any of the following

conditions exists:

(1) That the qualified business venture did not satisfy the requirements of the qualified business plan submitted at the time of application.

(2) That the business in which the taxpayer made the qualified investment is no longer a qualified business venture.

(3) That the taxpayer received the tax credit as a result of fraud.

On the question,

Will the House agree to the amendment?

The SPEAKER. Will the members please hold the conversations down. The House will please come to order. I appreciate it if we could just hold the conversations down a little bit. The Speaker thanks the members.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

Quite simply, A05883 is a technical amendment. It cleans up some language within the bill, and it clarifies some language of the repayment provisions within the bill. It is an agreed-to amendment, and I ask for an affirmative vote.

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

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

Mr. SAYLOR. Mr. Speaker, Representative Denlinger and I have an agreement on this amendment, and it is acceptable to me.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Ellis	Mahoney	Micozzie	Parker
Evans, D.	Metcalfe	O'Brien, D.	Reichley
Kavulich			

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?

Ms. MUNDY offered the following amendment No. **A05888**:

Amend Bill, page 8, by inserting between lines 24 and 25

3810.1. Recapture.

Amend Bill, page 16, by inserting between lines 1 and 2

§ 3810.1. Recapture.

A taxpayer shall repay to the Commonwealth any or all of the tax credit claimed by the taxpayer under this chapter if the taxpayer withdraws any portion of its qualified investment at any time during the period commencing with the date of its investment through the taxable year that the taxpayer claims or carries over unused portions of the tax credit under section 3806 (relating to carryover, application of tax credit, carryback, refund and assignment). The amount of the repayment shall be calculated as follows:

(1) If the withdrawal occurs in the taxable year in which the investment was made or in the taxable year following the taxable year in which the investment was made, the aggregate amount of the tax credit claimed by the taxpayer during both taxable years shall be repaid to the Commonwealth.

(2) If the withdrawal occurs in the second taxable year following the taxable year in which the investment was made or any subsequent taxable year, the amount of the tax credit claimed by the taxpayer in the taxable year in which the withdrawal occurs shall be repaid to the Commonwealth.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, could I have just a little bit of order, please?

The SPEAKER. The House will please come to order. The members will please hold the conversations down and take them to the rear of the House, if necessary. The Speaker thanks the members.

The lady may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

The bill as amended in committee last week and with the amendment that was just added on the floor is overall a much better product than the original legislation. However, as I noted at our committee meeting, there are still some unresolved issues that need to be addressed. One of those is accountability, and so I rise to offer amendment 05888, which would require an angel investor who withdraws any portion of their investment to repay their tax credit to the Commonwealth. Specifically, if the withdrawal occurs in the taxable year in which they make the investment or the following year, the investor must pay back the total amount of the tax credit claimed during both years. If the withdrawal occurs after the second taxable year, the investor would be required to repay the amount of the tax credit claimed in the year in which the withdrawal occurs. This recapture provision would follow the life of the tax credit, which under the bill, is up to 7 taxable years following the first taxable year the taxpayer is entitled to claim the credit.

The purpose of this amendment is twofold. First, the amendment provides a disincentive for investors who are looking to game the system by investing money into a startup, collecting a tax credit, and then pulling the investment, which could be weeks or even days later.

Second, it ensures that the investment is maintained for a reasonable length of time – the life of the tax credit. Several other States – Maine, West Virginia, as examples – require angel investors to maintain their investments for a specified timeframe to ensure a level of accountability and stability in the investment, and I believe that Pennsylvania should follow suit.

Again, Mr. Speaker, my amendment is merely trying to provide for a little accountability on the part of the investor receiving the tax credit, as well as ensuring that the investment is maintained for an adequate length of time.

I ask for an affirmative vote on this amendment.

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

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

Mr. SAYLOR. Mr. Speaker, I oppose this amendment. We do not agree with this amendment at all.

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

On that question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Well, that is a really good reason to oppose the amendment, Mr. Speaker.

You know, we talk a lot about waste, fraud, and abuse here on this House floor, mostly with regard to the Department of Public Welfare programs. But this amendment is to prevent waste, fraud, and abuse with a tax credit, and I do not think it is unreasonable to ask for a little accountability when it comes to giving businesspeople, even angel investors, a disincentive to game the system.

So again, I believe in accountability, and I think it should apply across the board to all Pennsylvanians receiving tax benefits, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—86

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

NAYS—108

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

NOT VOTING—0

EXCUSED—9

Ellis	Mahoney	Micozzie	Parker
Evans, D.	Metcalfe	O'Brien, D.	Reichley
Kavulich			

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?

Ms. **MUNDY** offered the following amendment No. **A05889**:

Amend Bill, page 9, by inserting between lines 18 and 19 "Immediate family." A spouse, parent, sibling, child or a spouse of a parent, sibling or child.

Amend Bill, page 10, line 26, by inserting after "CREDIT." The term shall not include any of the following:

(1) An individual who, alone or together with one or more members of the individual's immediate family, either prior to or as a result of the making of the qualified investment, owns 50% or more of the equity interest in the qualified business venture.

(2) A member of the immediate family of the individual described under paragraph (1).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment adds a new definition for "Immediate family," which is defined as "A spouse, parent, sibling, child or spouse of a parent, sibling or child."

Also, this amendment adds a caveat to the definition of "taxpayer" to ensure that the definition does not include any of the following: "An individual who, alone or together with one or more members of the individual's immediate family, either prior to or as a result of the making of the qualified investment, owns 50 % or more of the equity interest in the qualified business venture" and "A member of the immediate family of the individual..." taxpayer.

This amendment is meant to prohibit those with majority or principal ownership interest, including their immediate family, in a business from receiving the tax credit. This is similar to the approach taken by other States such as Louisiana and Maine. There is only a limited amount of funding available to fund this program, and I would like to assure that this tax credit program is encouraging new investors to finance and invest in Pennsylvania startup businesses rather than to individuals who would have otherwise been making this investment anyway.

I ask for your support of this amendment so that we can ensure that we are encouraging new stakeholders and investors to participate in these kinds of ventures. I ask for an affirmative vote.

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

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

Mr. SAYLOR. Again, Mr. Speaker, we oppose the amendment.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am very disappointed in the answer from the gentleman from York. I think the people of the State really deserve an explanation. I am not on the Finance Committee. I would like to know—

The SPEAKER. The lady will suspend.

The gentleman from York was not under interrogation and was not responding to an answer. He simply stated whether he supported or did not support the amendment. He is not obligated to expand on that. He simply stated his opposition. I would ask the member to kindly redirect the point she is trying to make.

Ms. JOSEPHS. Thank you, Mr. Speaker.

May I interrogate the gentleman from York, please?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Please give us your reasons to the folks here who are not on the Finance Committee and to the people and the press of the State.

Mr. SAYLOR. Mr. Speaker, I cannot hear her.

The SPEAKER. The members will please hold the conversations down, especially under interrogation. It is difficult for the members to hear the question or the answer. The Speaker thanks the members.

The lady will restate her question.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I was simply inquiring of the gentleman, what are his reasons for opposing this amendment? I am not on the Finance Committee. It sounds reasonable to me. I would like to have an explanation, and I think so would the press and the people from Pennsylvania, so please give us that, Mr. Speaker.

Mr. SAYLOR. The purpose of why I oppose this amendment is simply because this amendment defeats any purpose for this bill. Who invests as an angel investor is not up to you or me, and this, basically, in my opinion, defeats the purpose of the bill, and that is why I oppose the amendment.

Ms. JOSEPHS. Thank you. Thank you, Mr. Speaker.

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

On the question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Thank you, Mr. Speaker.

I was going to just sit down and take defeat graciously, but that answer is just astonishing. If the purpose of the bill is to allow family members to invest in the business venture of another family member and take a tax credit for that, then please, do not vote for my amendment, because if that is the purpose of the bill, that is exactly what you will be doing. That does not make any sense to me.

We are to encourage angel investors to invest in qualified business ventures, and they should not benefit their family members by doing so.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leave of absence and recognizes the presence of the gentleman from Butler County, Mr. Metcalfe, on the floor of the House. His name will be added to the master roll call.

CONSIDERATION OF HB 1503 CONTINUED

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

The following roll call was recorded:

YEAS—88

Table listing names of members who voted 'YEAS' (88 total). Includes names like Barbin, Bishop, Boyle, Brennan, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Davis, Deasy, DeLissio, DeLuca, DePasquale, Dermody, DeWeese, Donatucci, Fabrizio, Frankel, Freeman, Galloway, George, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Hornaman, Johnson, Josephs, Keller, W., Kirkland, Kortz, Kotik, Krieger, Kula, Longiotti, Maher, Mann, Markosek, Matzie, McGeehan, Mirabito, Mullery, Mundy, Murphy, Myers, Neuman, O'Brien, M., Pashinski, Payton, Petrarca, Preston, Ravenstahl, Readshaw, Roebuck, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Shapiro, Smith, K., Smith, M., Staback, Sturla, Thomas, Toepel, Vitali, Wagner, Waters, Wheatley, White, Williams, Youngblood.

NAYS—107

Table listing names of members who voted 'NAYS' (107 total). Includes names like Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Cox, Creighton, Culver, Cutler, Davidson, Day, Delozier, Denlinger, DiGiroloamo, Dunbar, Emrick, Evankovich, Evans, J., Everett, Farry, Fleck, Gabler, Geist, Gerber, Gillen, Gillespie, Gingrich, Godshall, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Lawrence, Major, Maloney, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Millard, Miller, Milne, Moul, Murt, Mustio, O'Neill, Oberlander, Payne, Peifer, Perry, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Reed, Reese, Roae, Rock, Ross, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Tobash, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson.

NOT VOTING—0

EXCUSED—8

Table listing names of members who were 'EXCUSED' (8 total). Includes Ellis, Evans, D., Kavulich, Mahoney, Micozzie, O'Brien, D., Parker, Reichley.

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?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Matt Smith, who calls up amendment A05915.

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 as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

BILLS SIGNED BY SPEAKER

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

HB 563, PN 619

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motorcycle safety education program.

HB 1461, PN 2625

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in functions of appointed officers and employees, further providing for appointments and incompatible offices; and, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

SB 200, PN 1637

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

SB 286, PN 1667

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

SB 314, PN 1724

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; and prohibiting use of interactive wireless communications devices for text-based communications while operating motor vehicles.

SB 566, PN 1032

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

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

STATEMENT BY MAJORITY LEADER

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

Mr. TURZAI. Mr. Speaker, earlier when I referenced SB 818, I spoke to the part that dealt with the juvenile court issues. That bill, as it came over from the Senate, also dealt with necessary reforms to Megan's Law.

We had, earlier this session, sent over two reform bills, one sponsored by the good gentleman from Dauphin County who is the chair of our Judiciary Committee and the good gentleman from Lycoming County. Those individuals were spearheading reforms to Megan's Law. We are pleased that that legislation was incorporated into SB 818, and I applaud them for their efforts, and we are pleased to make sure that that needed legislation goes to the Governor's desk. Thank you.

FINANCE COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Centre County, Mr. Benninghoff, for the purpose of an announcement.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The House Finance Committee will meet tomorrow morning at 10 in the Appropriations conference room to go over HB 1950; that is 10 a.m., House Appropriations conference room tomorrow. Thank you.

The SPEAKER. The Finance Committee will meet tomorrow at 10 a.m. in the Appropriations conference room.

There will be no further votes this afternoon.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 298 and HB 1503 be recommitted to the Committee on Appropriations.

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 the following bills be removed from the tabled calendar and placed on the active calendar:

HB 439;
HB 849;
HB 1758;
HB 2005;
HB 2012; and
SB 834.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle, who moves that this House do adjourn until Wednesday, November 2, 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 5:36 p.m., e.d.t., the House adjourned.