

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 14, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 74

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

The SPEAKER. This afternoon the prayer will be offered by the Reverend Michael Salnicky, St. Nicholas Byzantine Catholic Church, Pocono Summit, Pennsylvania.

REV. MICHAEL SALNICKY, Guest Chaplain of the House of Representatives, offered the following prayer:

Members of the House, ladies and gentlemen, it is a pleasure to be here with you today. Before you begin, let us bow our heads in all humility.

O Heavenly Father, we, Your children, are assembled here in Your sight and in the sight of all men and women to administer the affairs of this chamber today and in the days to come. We thank You for the spirit of cooperation that must reign here and for the inspiration You place in the hearts of these elected Representatives today.

We humbly beg that You will find merit in their endeavors as they labor long and unselfishly. Bestow upon them the grace to remember that as all duly appointed authority stems from You, so, too, is the wisdom to exercise that authority with justice and charity.

Inspire them therefore, O God, to consult with You always when important decisions must be made, and imbue them with the strength to act always in a spirit of brotherly love. Grant them the precious humility to acknowledge the ever-present possibility of error in human deliberation and to accept correction before such error can lead to harmful legislative decisions. Grant them the leadership among the people of God that flows from this, our prayer, invoking God's help to fulfill this mission. We ask this in Your son's name, who lives and reigns with You and the Holy Spirit forever and ever. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, November 3, 2011, will be postponed until printed.

### JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print and, without objection, will be approved: Monday, June 27, 2011, and Tuesday, June 28, 2011.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1659** By Representatives PYLE, EVANKOVICH, BAKER, BARBIN, BARRAR, BROOKS, BURNS, CALTAGIRONE, CAUSER, CHRISTIANA, CLYMER, D. COSTA, P. COSTA, CUTLER, DeLUCA, DUNBAR, ELLIS, J. EVANS, EVERETT, FARRY, GABLER, GEIST, GERGELY, GIBBONS, GILLEN, GINGRICH, GODSHALL, GROVE, HACKETT, HALUSKA, HARHAI, HARKINS, HARRIS, HEFFLEY, HELM, HESS, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, KORTZ, KOTIK, LONGIETTI, MAHER, MAJOR, MALONEY, MARSHALL, MASSER, MATZIE, METCALFE, METZGAR, MILLER, MIRABITO, MOUL, MURT, MUSTIO, NEUMAN, OBERLANDER, PERRY, PETRARCA, PICKETT, PRESTON, QUIGLEY, RAPP, RAVENSTAHL, REED, REESE, ROAE, ROCK, SACCONI, SAINATO, SANTONI, SAYLOR, CULVER, SONNEY, STEVENSON, SWANGER, TOBASH, TOEPEL, TOOHIL, TURZAI, VEREB, VULAKOVICH, WATSON and WHITE

An Act providing for the effective and thorough review of permit applications to the Department of Environmental Protection and other entities to ensure environmental protection and foster economic growth.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 9, 2011.

**No. 1863** By Representatives MURT, DiGIROLAMO, GERBER, BARBIN, K. BOYLE, BRENNAN, CALTAGIRONE, CARROLL, COHEN, D. COSTA, CREIGHTON, CURRY, DALEY, DAVIDSON, DAVIS,

DePASQUALE, J. EVANS, FLECK, FREEMAN, GIBBONS, GOODMAN, HARPER, HENNESSEY, HESS, HORNAMAN, JOSEPHS, W. KELLER, KILLION, KIRKLAND, KORTZ, KULA, MAHONEY, MICOZZIE, MIRABITO, MURPHY, D. O'BRIEN, M. O'BRIEN, O'NEILL, PASHINSKI, PAYTON, PETRI, READSHAW, REICHLEY, SANTARSIERO, SANTONI, SCAVELLO, K. SMITH, STURLA, TAYLOR, VITALI, WAGNER, WATERS, WATSON, WILLIAMS, HACKETT and M. SMITH

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for a natural gas severance tax; establishing accounts and funds; and providing for use of revenue.

Referred to Committee on FINANCE, November 9, 2011.

**No. 1913** By Representatives CULVER, BARRAR, AUMENT, BOBACK, BOYD, EVERETT, GEIST, HARHART, HESS, HICKERNELL, KAUFFMAN, F. KELLER, M. K. KELLER, MASSER, MILLARD, MURT, MUSTIO, SANTARSIERO, SWANGER, TALLMAN, TOOHIL, VULAKOVICH and YOUNGBLOOD

An Act authorizing abatement of real estate taxes because of destruction or damage of property by Hurricane Irene or Tropical Storm Lee, or the refund of the amount of such taxes by certain political subdivisions; and authorizing reassessment of properties retroactive to August 1, 2011, and a limited moratorium on the increase of certain real estate taxes.

Referred to Committee on FINANCE, November 3, 2011.

**No. 1916** By Representatives MILLARD, ADOLPH, BAKER, BOBACK, CALTAGIRONE, CARROLL, EVERETT, FARRY, FLECK, GINGRICH, HESS, HORNAMAN, KNOWLES, MAJOR, MICOZZIE, MOUL, MULLERY, MUNDY, MYERS, PICKETT, SCAVELLO, CULVER, TAYLOR, TOOHIL, YOUNGBLOOD, GEIST and TOBASH

An Act itemizing public improvement projects for flood protection and flood damage repair to be constructed by the Department of General Services, together with their estimated financial costs; stating the estimated useful life of the projects; making an appropriation; and providing for the adoption of specific disaster mitigation or assistance projects to be financed from debt incurred under clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of Pennsylvania.

Referred to Committee on APPROPRIATIONS, November 9, 2011.

**No. 1961** By Representatives HARPER, MURPHY, RAPP, BOYD, V. BROWN, CALTAGIRONE, CLYMER, CREIGHTON, DALEY, FABRIZIO, FARRY, GEORGE, GINGRICH, GOODMAN, HORNAMAN, KAUFFMAN, KILLION, KORTZ, KOTIK, LONGIETTI, MANN, MILLER, MILNE, D. O'BRIEN, O'NEILL, QUINN, READSHAW, ROCK, ROSS, SCAVELLO, SIMMONS, K. SMITH, SWANGER, TAYLOR, THOMAS, TOEPEL, TOOHIL, VULAKOVICH, WATSON and YOUNGBLOOD

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for purpose, for definitions and for liability.

Referred to Committee on PROFESSIONAL LICENSURE, November 3, 2011.

**No. 1962** By Representatives GODSHALL, BAKER, CUTLER, EVERETT, GINGRICH, GROVE, METZGAR, PAYNE, PICKETT, PYLE, REICHLEY and SCAVELLO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for additional alternative energy sources.

Referred to Committee on CONSUMER AFFAIRS, November 3, 2011.

**No. 1963** By Representatives W. KELLER, CALTAGIRONE, CARROLL, D. COSTA, CREIGHTON, CRUZ, DALEY, DONATUCCI, EVERETT, FARRY, HARRIS, HORNAMAN, KORTZ, MAHONEY, MANN, MILLER, MURT, M. O'BRIEN, READSHAW, REICHLEY, SABATINA, SANTARSIERO, K. SMITH, SONNEY, SWANGER, TAYLOR, THOMAS, VULAKOVICH, WATSON and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing for certain firearms offense while on probation or parole.

Referred to Committee on JUDICIARY, November 3, 2011.

**No. 1964** By Representatives McGEEHAN, K. BOYLE, CARROLL, DAVIS, JOHNSON, W. KELLER, M. O'BRIEN, SABATINA, BROWNLEE, DeLUCA and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for automated red light enforcement systems in first class cities; and abrogating a regulation.

Referred to Committee on TRANSPORTATION, November 3, 2011.

**No. 1965** By Representatives DeLUCA, D. COSTA, KOTIK, BOYD, DEASY, CALTAGIRONE, DALEY, FRANKEL, GIBBONS, HORNAMAN, MAHONEY, MUNDY, M. O'BRIEN, READSHAW, THOMAS and YOUNGBLOOD

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for nondiscrimination by payers in health care benefit plans.

Referred to Committee on INSURANCE, November 9, 2011.

**No. 1966** By Representatives K. SMITH, BAKER, CALTAGIRONE, CARROLL, D. COSTA, DALEY, DAVIS, DeLUCA, EVERETT, GINGRICH, GROVE, HARKINS, KOTIK, MURT, M. O'BRIEN, PASHINSKI, READSHAW, STABACK, STURLA, SWANGER, TAYLOR, THOMAS, WHITE and GEIST

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for definitions and for classes of income; and, in corporate net income tax, further providing for definitions.

Referred to Committee on FINANCE, November 9, 2011.

**No. 1967** By Representatives MULLERY, PASHINSKI, MUNDY, CARROLL, BISHOP, BOBACK, BRENNAN, BRIGGS, V. BROWN, CALTAGIRONE, D. COSTA, CURRY, DONATUCCI, GEORGE, GOODMAN, JOSEPHS, KAVULICH, KORTZ, KOTIK, KULA, MANN, MYERS, M. O'BRIEN, READSHAW, SANTONI, K. SMITH, STABACK, TOBASH, WAGNER, YOUNGBLOOD and MURPHY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for special emergency legislation.

Referred to Committee on STATE GOVERNMENT, November 9, 2011.

**No. 1968** By Representatives FARRY, GINGRICH, BOBACK, BOYD, CALTAGIRONE, CARROLL, COHEN, CREIGHTON, DeLUCA, DONATUCCI, ELLIS, EVERETT, GEIST, GIBBONS, GOODMAN, JOSEPHS, KAVULICH, KILLION, MILLER, MILNE, MURT, MYERS, RAPP, REICHLEY, ROSS, SAYLOR, SCHRODER, SWANGER, TAYLOR, VULAKOVICH, WAGNER, WATSON and YOUNGBLOOD

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for qualifications required to secure compensation.

Referred to Committee on LABOR AND INDUSTRY, November 9, 2011.

**No. 1969** By Representatives HESS, FARRY, DALEY, FLECK, MARSHALL, CUTLER, KRIEGER, STERN, STURLA, BOYD, QUINN, YOUNGBLOOD, GIBBONS, KILLION and GEIST

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for additional powers of incorporated institutions related to conduct of business; providing for ownership of property; and further providing for names permitted to be used and for prohibition of adoption, use or advertisement of certain names, titles and descriptions.

Referred to Committee on COMMERCE, November 9, 2011.

**No. 1970** By Representatives VULAKOVICH, AUMENT, BENNINGHOFF, D. COSTA, FLECK, GABLER, GINGRICH, GROVE, KNOWLES, MARSHALL, MILLARD, STERN and KILLION

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration and for limits on number of towed vehicles.

Referred to Committee on TRANSPORTATION, November 9, 2011.

**No. 1971** By Representatives SIMMONS, ADOLPH, AUMENT, BISHOP, BOBACK, BOYD, BROOKS, V. BROWN, CHRISTIANA, CLYMER, D. COSTA,

CREIGHTON, DeLUCA, DENLINGER, FREEMAN, GABLER, GILLEN, GINGRICH, GOODMAN, GROVE, HARHART, HEFFLEY, HICKERNELL, HORNAMAN, KAUFFMAN, KNOWLES, LAWRENCE, MICOZZIE, MILLER, MURT, O'NEILL, PYLE, QUINN, RAPP, READSHAW, REESE, ROCK, SCAVELLO, SONNEY, STEPHENS, STERN, TALLMAN, TOBASH, TOOHIL, TRUITT, VULAKOVICH, WATSON, R. BROWN and GEIST

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance and in reimbursements by Commonwealth and between school districts, providing for consideration of the residences of registered sex offenders by the Department of Transportation in evaluating the hazards to child safety in walking to school.

Referred to Committee on EDUCATION, November 9, 2011.

**No. 1972** By Representatives SIMMONS, SAYLOR, BLOOM, BOYD, BRENNAN, CALTAGIRONE, CHRISTIANA, CLYMER, CUTLER, FLECK, GINGRICH, GROVE, HARHART, KAMPF, KAUFFMAN, M. K. KELLER, LAWRENCE, LONGIETTI, MAJOR, MARSICO, PAYTON, PETRARCA, PICKETT, QUINN, READSHAW, REED, ROSS, SCHRODER, K. SMITH, STEVENSON, WAGNER, GIBBONS and KILLION

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for a research and development tax credit; and making related repeals.

Referred to Committee on FINANCE, November 9, 2011.

**No. 1974** By Representatives DONATUCCI, BISHOP, V. BROWN, CLYMER, DeLUCA, FARRY, HESS, M. O'BRIEN, READSHAW and SABATINA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of selling or furnishing spray paint to minors.

Referred to Committee on JUDICIARY, November 10, 2011.

**No. 1975** By Representatives GABLER, CREIGHTON, GROVE, HARHART, KAUFFMAN, MAHER, MUNDY, QUINN, STEPHENS, WAGNER and YOUNGBLOOD

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, in preliminary provisions, further providing for definitions; and, in general requirements, further providing for well permits, for well location restrictions and for protection of water supplies.

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

**No. 1976** By Representatives CUTLER, AUMENT, BAKER, BLOOM, BOYD, CLYMER, DENLINGER, GINGRICH, GODSHALL, GRELL, GROVE, HESS, HICKERNELL, KAMPF, KAUFFMAN, LAWRENCE, METCALFE, SAYLOR, SCHRODER, STERN, TALLMAN, VULAKOVICH, REICHLEY, CREIGHTON and BEAR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for original jurisdiction and venue in courts of common pleas; and providing for venue in personal injury actions against corporations and similar entities.

Referred to Committee on JUDICIARY, November 10, 2011.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the Speaker has given permission to the Children and Youth Committee to continue their meeting even though the House is in session. However, there will be no votes, no recorded roll-call votes, during that period.

### LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Mrs. GINGRICH, from Lebanon County for the day, and the gentleman, Mr. MUSTIO, from Allegheny County for the week. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day, and the gentleman, Mr. MYERS, from Philadelphia County for the day. Without objection, the leaves will be granted.

### GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, I want to introduce some of the guests that are with us, and we have a number of guests that are here today.

Located to the left of the rostrum, we welcome Amie and Michael Patsilevas. They are the daughter and son-in-law of Representative Hornaman. Welcome to the hall of the House.

Also to the left of the rostrum we would like to welcome John Kozlowsky and his mother, JoAnna Cameron, who is the executive assistant to Representative Turzai. Will our guests please rise. Welcome to the hall of the House.

Also over here to the left of the rostrum we would like to welcome Grandfather Daryl Deidrich from the Navajo Chiricahua Apache Tribe and Mary Ann Robins from the Onondagas Tribe, and they are here today as guests of Representative Cutler. Will our guests please rise. Welcome to the hall of the House.

In the rear of the House we would like to welcome Representative Scavello's wife, Mary Ann, and she is here today with Pat and Larry Peratta. Will our guests please rise. Welcome to the hall of the House.

Also in the rear of the House, we welcome Hunter Szymanski. Hunter is a member of the Evans City Youth Trap Team and recently won first place in the subjunior division at the State trapshoot in Elysburg. He is also participating in the national shoot in Sparta, Illinois. Hunter is here today with his parents, Dan and Lorna Szymanski, and his brother, Gavin, and they are the guests of Representative Pyle. Welcome to the hall of the House and please rise. Will all of our guests please rise.

And up in the gallery we would like to welcome the Alzheimer's Advocates, who are here today as the guests of Representative Reichley. Will our guests please rise. It is the entire gallery.

Additionally up in the balcony is Ann Kampf; she happens to be Representative Kampf's mother, and several of her friends are along. So they are guests, obviously, of Representative Kampf. Will our guests please rise. Welcome to the hall of the House. They are over here on the far right as we look back at the gallery.

And in the well of the House we have some guest pages. As guests of Representative Everett and Representative Mirabito, we have Eric Ask. Eric, welcome to the hall of the House.

As guests of Representative Rock, guest pages Mary Hudzinski and Evelyn Travis. Welcome to the hall of the House, girls.

And as guests of Representative Brooks, we would like to welcome guest pages Adam Clark and Aaron Emmett, and they are eighth grade students at St. Michael School. Welcome to the hall of the House, guys.

And located over here to the left of the Speaker, as a guest of Representative Rick Geist, we would like to welcome the former Speaker pro tem of the Florida House of Representatives, the Honorable Ronald Reagan. Welcome to the hall of the House.

### DUNCANNON PRIDE 10 AND UNDER ALL-STAR SOFTBALL TEAM PRESENTED

The SPEAKER. Representative Mark Keller is invited to the rostrum for the purpose of presenting a citation to the National Champion Duncannon Pride 10 and Under All-Star Softball Team.

The gentleman, Mr. Keller, may proceed.

Mr. M. KELLER. Thank you, Mr. Speaker.

It certainly is a pleasure to stand here this afternoon and recognize the Duncannon Pride 10 and Under All-Star Team.

Especially coming from my district, a very rural district as it is, I want to give great credit to the members of this Duncannon Pride 10-year-old and Under All-Star Team. What they did was they won all the games in the State tournament, including the championship title, prior to advancing to the National Youth Slow Pitch Softball Championship, which was held in South Dakota. They advanced the whole way there and won with the score of 17 to 2.

Now, I would like to take the opportunity to recognize the individuals of the team, and first I would like to start out with the ones that are standing behind me – Ashlee Sheibley, Taylor Hardy, Kylie Young, and Faith Kreiger, and of course coach Tammy Sheibley – and in the back of the House we have Cheyenne Shafer, Morgan Yeager, Ashley Urich, Hannah Stone, Callie Rohrer, Alyssa Spease, Alayna Walsh, Ayrianna Walsh, and Makenzie Casey.

Now, these young ladies would not have been able to do it without the expertise of their great coaches, Tammy Sheibley, Andy Kreiger, Jason Urich, and Jody Beck.

It certainly is an honor for me to stand here and present them with a citation from the House of Representatives acknowledging their excellence in achieving this great national title of 10 and under slow pitch softball. So if the House could please give them a round of applause. Thank you, Mr. Speaker.

**CONESTOGA HIGH SCHOOL  
BOYS LACROSSE, BASEBALL, AND  
TENNIS TEAMS PRESENTED**

The SPEAKER. Representative Kampf and Representative Milne are invited to the rostrum for the purpose of presenting citations to the Conestoga High School's boys lacrosse, baseball, and tennis teams.

The gentleman, Mr. Kampf, may proceed.

Mr. KAMPF. Thank you, Mr. Speaker.

To you and to the fellow members of the House, I rise, along with my colleague from Chester County, to celebrate not one, not two, but three State championships for the Fighting Pioneers of Conestoga High School last spring.

This high school sent three separate teams in three separate sports – lacrosse, baseball, and tennis – to the State championships, and all three came away victorious. This is a wonderful achievement for these teams, their coaches, and for Conestoga High School, and we wanted to bring them before this House and show the Commonwealth's recognition for what they have done and to congratulate them on their incredible achievement.

With respect to the three teams, let me just say a couple of things. The lacrosse team, which is coached by Brian Samson and Craig Gratton and Brody Bush, who are here with us in the back of the House today, repeated their 2010 State title this year by going 25 and 1 in the regular season and outscoring their opponents in postseason play by a combined 108 goals to 24 goals on their way to the second State championship, and I am told that they are ranked in the ESPN poll third in the nation.

The men's tennis team also won the AAA State championship. They were coached by Jon Goodman and Blake Stabert to a 22-and-0 season, and with this win they became the first team from Chester County ever to take the State title.

The men's baseball team, which is coached by John Vogan and Kevin Pechin, who have also joined us here today, made it to the AAAA State title game and won in 10 innings, which is the longest such title game ever.

Behind me I also want to acknowledge Pat Boyle. Pat is the athletic director for Conestoga High School and an assistant principal, along with Scott Williams from the baseball team, Jordan Klunder from the lacrosse team, and Kevin Wang from the tennis team.

And now I will turn it over to Representative Milne for a few remarks.

Mr. MILNE. Good afternoon, colleagues in the House.

I rise to add my congratulations to the Conestoga High School victorious teams that have joined us this afternoon.

As somebody who played varsity sports at one of the rival high schools, I can certainly appreciate and relate to the experiences these young men are having, not quite the part about the championships, but the other aspects that they are enjoying with their athletic careers at high school.

I think it is wonderful to realize that they are dedicating considerable time and effort into the pursuit of excellence on behalf of their school, on behalf of their communities. And I can tell you our communities have followed their progress very, very closely, and it really was a great way to rally the community spirit back in the Conestoga general area.

I also think it is worthy to note that this high school, in terms of where it is situated in terms of achievements, Conestoga High School was recently ranked as the 17th best high school, public high school, in the United States. So it is a wonderful, wonderful tribute that part of what makes it excellent is that we have students that are achieving both in the classroom and in curricular activities such as the great examples that we have here today.

I know from my own experiences, in chatting with some of the students in the back of the floor this afternoon, that they are, I think, really drawing a lot of great lessons that I know made an impact on me and they will carry forward with them the rest of their lives in terms of discipline and teamwork, perseverance, working toward goals, sportsmanship, all values that you and I use every day and they will carry forward for the rest of their lives. And I know from talking with them, a lot of them are destined to go on to some outstanding public and other types of institutions once they leave Conestoga, and that is a tribute I think to the hard work that they, I think, have taken from the athletic field and also applied to the classroom. I have no doubts that the group assembled here today, we are looking at some of the future leaders in many sectors of our society for Pennsylvania and the nation as a whole.

So again, gentlemen, congratulations on your victories. It is a wonderful accomplishment that you achieved on behalf of your high school. You are representing your school in exemplary fashion – yes, high five; I saw that one back there – you are representing your school in an exemplary fashion in terms of your model personal conduct, your classroom performance, and certainly the reason you are here today, for your prowess on the athletic fields, and Representative Kampf and I are both very, very proud to represent Conestoga High School and to extend our congratulations on behalf of the Commonwealth of Pennsylvania.

Go Stoga.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. CRUZ, from Philadelphia County for the day; the gentleman, Mr. DALEY, from Washington County for the day; and the lady, Ms. WAGNER, from Allegheny County for the day. Without objection, the leaves will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—196**

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Cruz	Evans, D.	Mustio	Wagner
Daley	Gingrich	Myers	

LEAVES ADDED—2

Gingrich	Harper
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LEAVES CANCELED—1

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

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

**HB 283, PN 2728** (Amended) By Rep. MILLER

An Act amending the act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act, increasing the minimum bid requirement; and providing for evasion of requirements.

LABOR AND INDUSTRY.

**HB 1602, PN 2729** (Amended) By Rep. MILLER

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for right to lien and amount, for formal notice by subcontractor as condition precedent, for priority of lien and for discharge of lien on payment into court or entry of security.

LABOR AND INDUSTRY.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. TURZAI called up **HR 474, PN 2603**, entitled:

A Resolution congratulating and recognizing Pennsylvania's American Indian Peoples and communities.

On the question,  
Will the House adopt the resolution?

**RESOLUTION RECOMMITTED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that **HR 474, PN 2603**, be recommitted to the Committee on Rules.

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

\* \* \*

Mr. MAHONEY called up **HR 490, PN 2657**, entitled:

A Resolution honoring the 75th anniversary of Fallingwater.

\* \* \*

Mr. REICHLEY called up **HR 496, PN 2682**, entitled:

A Resolution designating November 2011 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Evans, D.	Mustio	Wagner
Daley	Gingrich	Myers	

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

STATEMENT BY MR. REICHLEY

The SPEAKER. If I could have the members' attention.

The Speaker recognizes the gentleman, Mr. Reichley, who seeks recognition under unanimous consent relative to HR 496.

Mr. REICHLEY. Thank you, Mr. Speaker.

Just very briefly, I appreciate the attention of the members. This is an important day for advocates for developing more funding for Alzheimer's research. As many members have told me over the years, they have family members who have been personally afflicted, and as they full well know, this does not afflict just the individual; it affects their entire family structure and support network.

So I want to thank the Speaker for granting me this brief recognition, and I thank all the advocates who are out here today. Continue to do your great work, and hopefully we will bring an end to this very devastating illness in the near future. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

UNCONTESTED  
SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. CUTLER called up HR 499, PN 2713, entitled:

A Resolution congratulating and recognizing Pennsylvania's American Indian peoples and communities.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Evans, D.	Mustio	Wagner
Daley	Gingrich	Myers	

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

### STATEMENT BY MR. CUTLER

The SPEAKER. The Speaker recognizes the gentleman from Lancaster County, Mr. Cutler, who would like to be recognized under unanimous consent relative to HR 499.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, I just wanted to thank the members of the House for their unanimous support of HR 499. Most importantly, Mr. Speaker, I would like to thank Grandfather Daryl for bringing this to our attention.

Some time ago, Grandfather Daryl lives in the district, and I first met him at an Eagle Scout ceremony where he was coming to impart some of his knowledge to those individuals seeking to serve our community, and he talked about the things that he did and why he thought it was important.

Mr. Speaker, I think all too often we do not recognize or appreciate the impacts that the Native-American culture have had on us as citizens. We have it here in the hall of the House before us, this representation of the signing of the treaty. And, Mr. Speaker, all throughout history, we have had positive interactions with the Native-Americans, and I certainly look forward to that in the future.

I personally want to thank Grandfather Daryl again for his service both in the community as well as in the military. I had the privilege of recognizing him on Friday at a veterans event,

and he served our country proudly in the Korean war and he continues to serve our community. I just want to thank both him and Mary Ann Robins for coming up this afternoon to be here for this occasion of us recognizing them and their accomplishments. So thank you.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For the purpose of announcing a committee meeting, the Speaker recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce an Appropriations Committee meeting in the majority caucus room immediately upon the break. Thank you.

The SPEAKER. Appropriations will meet immediately upon the break in the majority caucus room.

### REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 2 o'clock. I would ask our Republican members to please report to our majority caucus room at 2 p.m., and we would be prepared to come back on the floor at 5.

Thank you, Mr. Speaker.

### DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

The Democrats will caucus at 2 o'clock; Democrats will caucus at 2 o'clock. Thank you.

### RECESS

The SPEAKER. This House stands adjourned, or stands in recess – excuse me – this House stands in recess until 2 p.m., unless sooner recalled by the Speaker. Until 5 p.m.

Ah, I was going to adjourn, so what the heck do you want?

Let me clarify that: This House stands in recess until 5 p.m., unless sooner recalled by the Speaker.

### RECESS EXTENDED

The time of recess was extended until 6 p.m.

### AFTER RECESS

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



**LEAVE OF ABSENCE**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Ms. HARPER, from Montgomery County for the remainder of the day. Without objection, leave will be granted.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Additionally, the Speaker recognizes the presence of the lady, Mrs. Gingrich, from Lebanon County on the floor of the House. Her name will be added to the master roll call.

**BILLS REREPORTED FROM COMMITTEE**

**HB 1317, PN 2703** By Rep. ADOLPH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for electronic prior approval for Medicaid.

**APPROPRIATIONS.**

**HB 1343, PN 2700** By Rep. ADOLPH

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

**APPROPRIATIONS.**

**SB 834, PN 1669** By Rep. ADOLPH

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

**APPROPRIATIONS.****BILL SIGNED BY SPEAKER**

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

**SB 458, PN 1299**

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.

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

The SPEAKER. Members will please report to the floor.  
The House will come to order.

**CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1140, PN 1242**, entitled:

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

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

\* \* \*

The House proceeded to second consideration of **HB 149, PN 2574**, entitled:

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

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

**SUPPLEMENTAL CALENDAR B****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 834, PN 1669**, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

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	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Cruz	Evans, D.	Mustio	Wagner
Daley	Harper	Myers	

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 1317, PN 2703**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for electronic prior approval for Medicaid.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to ask for a "no" vote on HB 1317. I think it is a bill that is well intended, but it is a bill that I think we should be doing some other things in order to take a look at this problem, which is far bigger than what this bill essentially addresses.

HB 1317 includes language that weakens the Department of Public Welfare's ability to manage the medical assistance prescription drug benefits program. Under HB 1317, preferred and nonpreferred drugs prescribed by psychiatrists would be exempt from prior authorization requirements. This will likely result in the loss of supplemental rebates, and we have a fiscal note on this that indicates that that loss will be \$11 million – it is estimated to be \$11 million – and will thereby increase costs in the MA Program.

The preferred drug list, together with DPW's (Department of Public Welfare's) prior authorization process, has been a very effective tool in managing prescription drug costs in the MA Program while maintaining access to clinically defective drugs. If we exempt psychiatrists from the prior authorization requirements, who will be the next group that will seek this exemption?

Mr. Speaker, I understand the reason for having this bill and for introducing this bill and congratulate the maker, the prime sponsor, and I think he is trying to do the right thing, but this is essentially an exemption to a rule that has worked very well. And what will be the precedent, what will be the precedent that we set if we let the psychiatrists be exempted from the list of prescriptions that they can be reimbursed for through the MA system? Will not that then encourage a lot of other, a lot of other medical professions to then come forward and say, you know, the psychiatrist got an exemption, should not we?

I think it will in many ways harm the overall program. It will cost us some money up front, for sure, \$11 million as we see from the fiscal note, and for those reasons I respectfully ask all of our colleagues to vote "no" on HB 1317. Thank you, Mr. Speaker.

**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 lady from Lebanon County, Mrs. GINGRICH, for the remainder of the day. Without objection, the leave will be granted.

**CONSIDERATION OF HB 1317 CONTINUED**

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

I appreciate the gentleman's prior comments regarding HB 1317, but I think it might be helpful to share a little bit of background on this bill and the genesis from which it came.

Mr. Speaker, several years ago when I was in the minority, the honorable gentleman from Philadelphia, who was the then majority chair of the Health Committee, held a hearing, and it dealt with the ability of mentally ill patients to have access to their care, some of which was prescriptions. We held that down in Philadelphia. It was a wonderful hearing. We had good testimony from both the providers as well as the patients' families.

Mr. Speaker, the reality is, those patients suffering with mental illness have some unbelievable barriers to their care, and working with the gentleman from Allegheny County, we championed it last session, it got out of the Health Committee, but unfortunately, the bill did not get past the Appropriations Committee.

One of the things that came out of the hearing, Mr. Speaker, was the availability of medications, and I think it is important to recognize that not making these medications available to these patients has other additional costs. These individuals who are not properly medicated or unable to seek proper treatment, they end up in our prison system, they end up in our emergency rooms, and they end up costing the Commonwealth a great deal of other money, I believe, in other areas that perhaps are not accurately reflected in either the fiscal note or the department's consideration.

The truth is, Mr. Speaker, it is difficult to ascertain the exact cost of the bill. The fiscal note indicates that, that while there may be a loss of funds associated with the preferred drug status, the reality is, when we approached the department about what those funds were based on, where those numbers came from, we did not have proper access to that information. We were told that the pharmacy management company has made that information proprietary and therefore is protected, Mr. Speaker. So I do not know what the difference is on this information, because we cannot see it, we cannot evaluate it, and we cannot question it.

More importantly, Mr. Speaker, while I understand it is a good-faith estimate from the administration, I do not know that they properly account for those other associated costs that are in this scheme that I just mentioned. Those individuals who do not get treated ultimately seek treatment elsewhere through the emergency system or end up in our prison system.

Mr. Speaker, truthfully, the psychiatrist exemption was put in in an attempt to limit the financial impact of the bill in the hopes that the administration would come on board. The reality is, they have a very high approval rate for their prescriptions. Obviously, the association does support the bill, but I would have gladly welcomed an amendment to expand the scope of the bill. Let all of the drugs that are currently under this provision be prescribed by any medical doctor. But we were trying to find a compromise that would make it acceptable, and ultimately it does appear that we were unable to do so.

So, Mr. Speaker, while I would have welcomed that amendment, I would welcome those changes in the Senate. I believe that it is a very good possibility that we should continue to seek this kind of improved care for those patients suffering from mental illness. And the other reality is, Mr. Speaker, I believe that we made some very good changes to the bill. They were offered by the now Democratic chairman of the Health Committee. They were approved overwhelmingly and in a bipartisan manner. I do not necessarily believe this is the best bill that we could have gotten because of the process, but the reality is, it is the best that I think can get a majority of the votes while we continue to work on the process.

Mr. Speaker, I would welcome access to that information so that we could accurately analyze to see if that \$11 million is an accurate figure. Mr. Speaker, we have no way of knowing, are we spending \$50 million? \$100 million? What is the exact cost that we are spending to get that \$11 million rebate, and is there a cheaper alternative available that we can put in place in this electronic prior-approval system?

Mr. Speaker, I believe that the department will have significant latitude in adjusting this. I believe the Federal laws allow for an electronic approval system to be in place. And finally, Mr. Speaker, as I believe the gentleman from Allegheny County might share, we have been trying to do this under two different administrations. We keep running into the same roadblocks with the promises that it will be done. Mr. Speaker, it has not been done yet, so I think that we should take action on this bill.

I ask for an affirmative vote and would appreciate everyone's support. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Markosek, for the second time.

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

Mr. Speaker, again I applaud the gentleman, the prime sponsor, and I think, again, that he is very well intended. This bill takes a situation where we are essentially giving an exemption to certain types of drugs with a certain medical profession that the other professions are not entitled to and in fact, I think, would then have every right to come back and say, hey, we need an exemption also.

This exemption makes it easier for psychiatrists to prescribe drugs that are not on the department's preferred drug list. Drugs included on the preferred drug list are determined by a committee, the Pharmacy and Therapeutics Committee, which takes into account the efficacy, quality, and safety of drugs. This committee includes psychiatrists, and its meetings are open to the public. Let me repeat that: Its meetings are open to the public. So any group that wants an exemption can come, under the current law, can come and plead their case to this open committee.

For any nonpreferred drugs prescribed by psychiatrists, DPW will have to forgo the supplemental rebates that it currently receives for those drugs on the preferred drug list, and therein lies the \$11 million that I talked about that is estimated that this bill will cost us. If problems exist in getting the appropriate drugs to consumers, we should work to improve the current P&T Committee (Pharmacy and Therapeutics Committee) process for maintaining the preferred drug list and to improve the prior authorization requirements which enable consumers to use drugs that are not on that list.

So we have a situation where one group is asking for an exemption. It is going to cost us, the Commonwealth, the department, money in lost rebates, and any other group will now be encouraged to come forward and ask for those same kinds of exemptions, and then who knows what the cost will be? It can only grow, and it could be in fact millions if not billions of dollars as we move forward with these very expensive drug programs.

So again, Mr. Speaker, I would ask all the members here tonight to reject HB 1317, to vote "no," and we will keep having then the rebates that we get for these particular drugs and will save the Commonwealth \$11 million.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—123

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

NAYS—72

Barbin	Deasy	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Roebuck
Boyle, K.	Dermody	Kotik	Sabatina
Bradford	DeWeese	Kula	Samuelson
Brennan	Donatucci	Longiotti	Santarsiero
Briggs	Fabrizio	Mahoney	Santoni
Brownlee	Frankel	Mann	Shapiro
Burns	Galloway	Markosek	Smith, K.
Buxton	George	Matzie	Smith, M.
Caltagirone	Gerber	McGeehan	Staback
Carroll	Gibbons	Mundy	Sturla
Cohen	Goodman	Murphy	Thomas

Conklin	Hanna	Neuman	Vitali
Costa, D.	Harkins	O'Brien, M.	Waters
Costa, P.	Hornaman	Parker	White
Curry	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

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

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

\* \* \*

The House proceeded to third consideration of **HB 1343, PN 2700**, entitled:

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

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

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

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, some of the best resources in the Commonwealth of Pennsylvania relative to higher education exist in our State System of Higher Education. This bill, 1343, is an outstanding opportunity to bring high-quality graduate doctoral degrees specifically into some of the most needy areas of Pennsylvania. I am referring to some of the rural areas of Pennsylvania where some of our institutions in the State System of Higher Education exist, such as California and Indiana, the Mansfield area and Clarion. Bringing these high-quality graduate programs will enhance the standard of living in those areas, Mr. Speaker.

And finally, Mr. Speaker, I want to mention that in addition to those other assets, this high-quality higher education graduate education is also very, very cost-effective, some of the most reasonable costing of higher education in the country. So I commend the gentleman on his bill, and I encourage support for this. Thank you.

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

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

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

Mr. Speaker, this is truly a bipartisan effort. This is the Higher Education Modernization Act. It is one of the highest priorities of the 14 State universities throughout the Commonwealth of Pennsylvania, representing over 100,000 students, and it would update our laws governing the Pennsylvania State System of Higher Education universities to enhance economic development opportunities for PASSHE (Pennsylvania State System of Higher Education) universities, faculty, and students. Specifically, it would clarify permitted activities between PASSHE universities and private affiliated entities, allow all PASSHE universities to offer applied doctorate programs, and repeal outdated conflicting statutes.

Currently State universities are unable to contract with their faculty who have developed valuable and potentially marketable intellectual property and services that could be leveraged for the benefit of students, the university, and the Commonwealth. Allowing the sharing of faculty expertise already occurs at State-related universities in the Commonwealth and their peers in public university systems throughout the country. Therefore, this legislation would allow the playing field to be level across sectors of higher education.

Again, Mr. Speaker, this is strongly supported by our 14 State universities, our faculty, APSCUF (Association of Pennsylvania State College and University Faculties), our students, and our presidents. And I would also like to thank the solid bipartisan support of the gentleman from Clinton County, Mr. Hanna, who also serves on the Board of Governors with me for a number of years now, and I ask for your affirmative vote.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, as a member of the Board of Governors of the State System of Higher Education, I rise in support of HB 1343. I want to thank my colleague from Tioga County for introducing this legislation. I was pleased to be able to work with him and the PASSHE universities on this, and it is a great piece of legislation and I urge a "yes" vote.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	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.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 169, PN 2694**, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for legislative intent, for definitions, for games of chance permitted and for prize limits, for limits on sales, for distributor licenses, for registration of manufacturers, for regulations, for licensing of eligible organizations and for special permits; providing for club licensees; further providing for revocation of licenses, for local option, for advertising and for penalties; and making editorial changes.

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

The SPEAKER. On that question, the Speaker recognizes the lady from Mercer County, Mrs. Brooks. The lady, Mrs. Brooks, is recognized on second consideration.

Mrs. BROOKS. Thank you, Mr. Speaker.

We all understand the significant impact in a positive way that all of our nonprofits and local clubs make for our communities. They raise significant dollars to contribute to those areas that government cannot reach. There has been a significant amount of work done on this piece of legislation. However, with that being said, there is a piece in the legislation that I feel is overreaching and would hurt our local clubs.

I would like to read a part from a letter from the Pennsylvania Federation of Fraternal and Social Organizations where it talks about this piece in the legislation that requires a club licensee to purchase daily drawings, weekly drawings, and raffle tickets from a licensed distributor: "What this clause would mean to our local clubs is the—"

The SPEAKER. Will the lady suspend just a minute. I apologize for interrupting.

If the House will please come to order. If the members would kindly hold the conversations down. If the members would kindly take the conversations to the back of the House.

Mrs. BROOKS. What this piece in the legislation—

The SPEAKER. The lady just suspend for another second, please.

Mrs. BROOKS. Okay.

The SPEAKER. Will the members please hold the conversations down. We would appreciate if the members would clear the aisles and take the conversations to the back of the hall of the House.

Could I have the members' attention. Kindly hold the conversations down. Members, if necessary, take the conversations to the back of the House. The Speaker thanks the members.

The lady, Mrs. Brooks, may proceed.

Mrs. BROOKS. Thank you, Mr. Speaker.

What this piece in the legislation would do is it would prohibit our local clubs, like our Moose clubs or our VFWs (Veterans of Foreign Wars) or our Elks clubs, any of those clubs that have books that you weekly or daily go in and have their members sign, this piece in the legislation would prohibit that from being allowed to happen now. So what this amendment would do is remove that and would allow that process to continue to occur for our local organizations.

So again, what my amendment would do is it would remove the piece in the legislation that would prohibit the signing of the books in our local Moose clubs, VFWs, Elks clubs. We all understand the purpose for needed oversight, and if there are pieces in this amendment that would need tweaked, I am happy to work—

The SPEAKER. Will the lady will suspend a minute.

Mrs. BROOKS. Sure.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, could we have a little order so I can hear the young lady on her issue? I think it is an important issue, and I think she deserves the credit. She deserves to have people

understand what she is talking about. So I would appreciate if we had some order in this House.

The SPEAKER. The gentleman is correct. Will the members kindly take their seats; take the conversations to the back of the hall of the House. The Speaker thanks the members.

The lady may proceed.

Mrs. BROOKS. I am more than willing and want to work with the sponsor of the bill. I know she has put a lot of work into this bill. If she—

The SPEAKER. The lady will suspend. I apologize.

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Delaware County, Mr. Vitali, rise?

Mr. VITALI. A point of order, Mr. Speaker.

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

Mr. VITALI. Discussion is being made on an amendment, but there is no amendment on the board or on our screens. So I think if we are going to discuss an amendment, it should be up there. That would be my point.

The SPEAKER. Yes; the gentleman is correct. We will try to confine the remarks to the bill that is before us.

The lady, Mrs. Brooks, may proceed on the bill that is before us.

Mrs. BROOKS. Thank you, Mr. Speaker.

If there are concerns about this amendment, I am more than happy to work with the prime sponsor to correct this inequity that would discourage or put a roadblock in our clubs' ways as far as raising additional money with the signing of the books. All I am asking is that we give our clubs back this tool of the signing of the books to raise those needed dollars, and if there are additional things that they would like to see in my amendment, I would be happy to work with her on that.

### MOTION TO SUSPEND RULES

Mrs. BROOKS. I am asking for a suspension of the rules for this amendment that gives our clubs the tools needed for reinstating the signing of the books. Thank you.

The SPEAKER. The lady, Mrs. Brooks, moves to suspend the rules for the consideration of amendment A06209.

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

The SPEAKER. The question is, shall the House suspend the rules?

The gentleman, Mr. Schroder, from Chester County is recognized as a deferment from the majority leader.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I must somewhat reluctantly rise to oppose the motion to suspend the rules by my good friend, the gentelady, Representative Brooks.

Mr. Speaker, if we suspend the rules and vote her amendment in, it will result in the significant weakening of the enforcement and accountability measures that have been built into this particular piece of legislation.

Mr. Speaker, the prime sponsor of the bill has done a tremendous job negotiating a very delicate and careful balance between the administration, the State Police, the Department of Revenue, and the various clubs and organizations and nonprofits who benefit from small games of chance.

Mr. Speaker, if you are concerned at all about the impact on your taverns, I know many have expressed concern that the nonprofits do compete unfairly with the taverns in their district. If you have that concern, you will very much want to vote against suspending the rules for this amendment, and the reason is this: The Tavern Association adamantly opposes this amendment. They have pointed to this practice that the amendment seeks to eliminate as really one of the gigantic loopholes that allow clubs to avoid the daily, weekly, and monthly prize limits.

So, Mr. Speaker, the delicate balance that has been struck here in the amendment that was put in by the Gaming Oversight Committee is this: The Governor has indicated that he will sign legislation increasing the dollar amounts for small games of chance and will sign legislation even allowing the clubs now to split the money, a 70-30 split, which is in this bill, that will allow for the first time the clubs to keep 30 percent of the proceeds for themselves, for their own operations and maintenance and construction and those needs that the clubs have. However, the deal that has been sealed is that the administration, the State Police, the Department of Revenue, they have to be satisfied with the enforcement mechanisms that have been put in place.

Mr. Speaker, I will just emphasize once again that your taverns, your taverns are very much opposed to this amendment because they see this as a gigantic loophole to get around the enforcement of the weekly, daily, and monthly limits. So, Mr. Speaker, with that, I must ask that we vote "no" on suspension of the rules, and I thank you for your consideration.

The SPEAKER. The question is, will the House suspend the rules for the consideration of amendment A06209?

On that question, the Speaker recognizes the lady, Mrs. Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

Very simply put, what this amendment does is it simply restores the longstanding tradition that many of our clubs and nonprofits have of the signing of the books. I am asking you to give them back that tool. Thank you very much.

The SPEAKER. On the question of suspension, does the lady, Ms. Delozier, seek recognition? The lady from Cumberland County, Ms. Delozier, is recognized, on suspension.

Ms. DELOZIER. Thank you, Mr. Speaker.

As a sponsor of this bill, and there has been a lot of work that has been mentioned that has been done on this bill, the capability of bringing everyone to a consensus does not always mean we agree with everything in the bill, but it is for the greater good of being able to say this helps the clubs, this allows for the enforcement of the law, which as legislators we should all want enforcement of the law. This does not make signing the book illegal, does not take away the capability of a club to have the book, to have their members sign it. What this does is simply allow for us to move ahead on the issues and relief of a bill that has not been updated since 1988.

I ask for a "no" vote on the rules suspension. Thank you.

The SPEAKER. The question is, shall the House suspend the rules for the consideration of amendment A06209?

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

The following roll call was recorded:

YEAS—132

Aument	Ellis	Kauffman	Pickett
Baker	Emrick	Kavulich	Preston
Barbin	Evans, J.	Knowles	Pyle
Benninghoff	Everett	Kortz	Quigley
Bishop	Fabrizio	Kotik	Rapp
Boback	Fleck	Krieger	Ravenstahl
Boyd	Frankel	Kula	Readshaw
Boyle, B.	Gabler	Longietti	Reese
Boyle, K.	Galloway	Maher	Roac
Bradford	Geist	Mahoney	Rock
Brennan	George	Mann	Saccone
Briggs	Gerber	Markosek	Sainato
Brooks	Gergely	Marshall	Santarsiero
Brown, R.	Gibbons	Masser	Santoni
Brown, V.	Gillen	Matzie	Scavello
Burns	Gillespie	Metcalf	Shapiro
Caltagirone	Godshall	Metzgar	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grove	Milne	Sonney
Christiana	Hahn	Mirabito	Staback
Clymer	Haluska	Moul	Stern
Cohen	Hanna	Mundy	Stevenson
Conklin	Harhai	Murphy	Sturla
Costa, D.	Harhart	Murt	Thomas
Costa, P.	Harkins	Neuman	Tobash
Cox	Harris	O'Neill	Vitali
Culver	Heffley	Oberlander	Watson
Curry	Helm	Parker	Wheatley
Day	Hennessey	Pashinski	White
Deasy	Hess	Payne	Williams
DeLuca	Hickernell	Payton	
Denlinger	Hornaman	Peifer	Smith, S., Speaker
Dermody	Hutchinson	Petrarca	
DeWeese	Johnson		

NAYS—63

Adolph	Evankovich	McGeehan	Saylor
Barrar	Farry	Miccarelli	Schroder
Bear	Freeman	Micozzie	Simmons
Bloom	Grell	Miller	Stephens
Brownlee	Hackett	Mullery	Swanger
Buxton	Josephs	O'Brien, D.	Tallman
Creighton	Kampf	O'Brien, M.	Taylor
Cutler	Keller, F.	Perry	Toepel
Davidson	Keller, M.K.	Petri	Toohil
Davis	Keller, W.	Quinn	Truitt
DeLissio	Killion	Reed	Turzai
Delozier	Kirkland	Reichley	Vereb
DePasquale	Lawrence	Roebuck	Vulakovich
DiGirolamo	Major	Ross	Waters
Donatucci	Maloney	Sabatina	Youngblood
Dunbar	Marsico	Samuelson	

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

\* \* \*

The House proceeded to second consideration of **HB 849, PN 1708**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for regulation and operation of neighborhood electric vehicles; and further providing for slow moving vehicle emblem and for operation of vehicle without official certificate of inspection.

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

Mr. **FLECK** offered the following amendment No. **A05988**:

Amend Bill, page 2, lines 26 and 27, by striking out all of said lines

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

Hours of operation

Amend Bill, page 3, lines 29 and 30, by striking out "WHERE THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR" in line 29 and "LESS" in line 30

Amend Bill, page 4, lines 22 through 27, by striking out all of said lines and inserting

(a) General rule.—Notwithstanding any other provision of Chapter 33 (relating to rules of the road in general), a neighborhood electric vehicle may be operated only on a highway or roadway with a speed limit of 25 miles per hour or less. A neighborhood electric vehicle may not enter an intersection with a highway or roadway with a posted speed limit of more than 25 miles per hour, or cross a highway or roadway with a posted speed limit of more than 25 miles per hour, unless traffic on that highway or roadway is stopped by a traffic-control signal at the point the highway is crossed. A neighborhood electric vehicle may not cross a divided highway or limited access highway.

(b) Violation.—Any person operating a neighborhood electric vehicle upon a highway or roadway or crossing a highway or roadway in violation of this section shall be subject to the penalties under section 6502 (related to summary offenses).

Amend Bill, page 5, line 10, by striking out "(A) GENERAL RULE.—"

Amend Bill, page 5, lines 14 through 30; page 6, lines 1 through 7, by striking out all of said lines on said pages

Amend Bill, page 6, lines 12 through 14, by striking out all of said lines and inserting

§ 3596. Hours of operation.

A neighborhood electric vehicle shall not be operated from sunset to sunrise or during periods of decreased visibility.

Amend Bill, page 6, line 23, by striking out "120" and inserting 180

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

AMENDMENT WITHDRAWN

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

Mr. FLECK. We are withdrawing that amendment, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

The SPEAKER. The gentleman has two other amendments. Could he give the guidance to the Speaker if there is one of those amendments that you would prefer to be considered?

Mr. FLECK. 5992, Mr. Speaker.

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

Mr. **FLECK** offered the following amendment No. **A05992**:

Amend Bill, page 1, line 4, by inserting after "PROVIDING" for slow moving vehicle emblem and

Amend Bill, page 2, lines 26 and 27, by striking out all of said lines

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

Hours of operation

Amend Bill, page 3, lines 29 and 30, by striking out "WHERE THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR" in line 29 and "LESS" in line 30

Amend Bill, page 4, lines 6 and 7, by striking out "ADEQUATE TO CONTROL THE MOVEMENT OF AND TO" in line 6 and "STOP SUCH VEHICLE" in line 7

Amend Bill, page 4, by inserting between lines 13 and 14

(5) Pneumatic tires.

(6) Windshield wipers.

Amend Bill, page 4, lines 22 through 27, by striking out all of said lines and inserting

(a) General rule.—Notwithstanding any other provision of Chapter 33 (relating to rules of the road in general), a neighborhood electric vehicle may be operated only on a highway or roadway with a speed limit of 25 miles per hour or less. A neighborhood electric vehicle may not enter an intersection with a highway or roadway with a posted speed limit of more than 25 miles per hour, or cross a highway or roadway with a posted speed limit of more than 25 miles per hour, unless traffic on that highway or roadway is stopped by a traffic-control signal at the point the highway is crossed. A neighborhood electric vehicle may not cross a divided highway or limited access highway.

(b) Violation.—Any person operating a neighborhood electric vehicle upon a highway or roadway or crossing a highway or roadway in violation of this section shall be subject to the penalties under section 6502 (relating to summary offenses).

Amend Bill, page 5, line 10, by striking out "(A) GENERAL RULE.—"

Amend Bill, page 5, lines 14 through 30; page 6, lines 1 through 7, by striking out all of said lines on said pages

Amend Bill, page 6, lines 12 through 14, by striking out all of said lines and inserting

§ 3596. Hours of operation.

A neighborhood electric vehicle shall not be operated from sunset to sunrise or during periods of decreased visibility.



Amend Bill, page 6, by inserting between lines 14 and 15  
Section 3. Section 4529(a) of Title 75 is amended to read:

§ 4529. Slow moving vehicle emblem.

(a) General rule.—All implements of husbandry, commercial implements of husbandry, neighborhood electric vehicles and special mobile equipment designed to operate at 25 miles per hour or less and all animal-drawn vehicles shall, when traveling on a highway, display on the rear of the vehicle a reflective slow moving vehicle emblem as specified in regulations of the department. The use of the slow moving vehicle emblem shall be in addition to any other lighting devices or equipment required by this title.

\* \* \*

Amend Bill, page 6, line 15, by striking out "3" and inserting  
4

Amend Bill, page 6, line 23, by striking out "4" and inserting  
5

Amend Bill, page 6, line 23, by striking out "120" and inserting  
180

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

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

Mr. FLECK. Thank you, Mr. Speaker.

This cleans up the bill a little bit. PENNDOT had some reservations regarding the implementation of putting this in action and adding another vehicle type to their already system of operation.

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—1

Ross

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

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

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

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 439, PN 2502**, entitled:

An Act prohibiting certain licensees from knowingly employing illegal aliens; and imposing sanctions.

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

Mr. **METCALFE** offered the following amendment  
No. **A06092**:

Amend Bill, page 2, line 11, by inserting after "alien" to perform a function for or in connection with:  
(1) the profession that the licensee is licensed to practice; or  
(2) a business activity:  
(i) in which the licensee engages; and  
(ii) which is related to the profession that the licensee is licensed to practice in terms of services provided

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment being proposed to HB 439 is supported by the prime sponsor, Representative Mustio, and it was to clear up any problems that anybody might potentially see with the bill that could possibly lead into a 14th Amendment due process challenge due to the language that we currently have, which we are tightening it up to ensure that the license would be revoked from an individual who is employing an illegal alien if it is connected to that individual's business that they have the license for or that business that is connected to them because of the professional license that they hold.

Thank you, Mr. Speaker.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed. Just one second, kindly.

Will the members please hold the conversations down. Will the House come to order, please. Will the House please come to order. Will the members hold the conversations down. The Speaker thanks the members.

The gentleman may proceed with interrogation.

Mr. VITALI. Thank you, Mr. Speaker.

I am just trying to thresh out a little more in what circumstances would this come into play. Perhaps if the gentleman could explain what this does in the context of the bill itself, maybe using an example of where this amendment might improve a fact scenario. Just help us understand. I sat through the hearings and a committee meeting, but I just want to make sure I understand how this changes the bill.

Mr. METCALFE. Thank you, Mr. Speaker.

The language that we are amending in the bill is on page 2, line 11, where we are inserting after the word "alien" there "to perform a function for or in connection with: (1) the profession that the licensee is licensed to practice; or...a business activity...in which the licensee engages; and...which is related to the profession that the licensee is licensed to practice in terms of services provided."

Some, as we discussed the bill after it had left committee, some had thought that the language would have allowed for the professional license to be revoked if the individual had been found to have engaged an illegal alien in some business unrelated to for which they were licensed, and that raised the concern that if that were the case and it would be held that the language did that, then there could be a 14th Amendment challenge to it because of due process problems with that potentially.

Mr. VITALI. Okay. Thank you.

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

Is the lady, Ms. Josephs, from Philadelphia seeking recognition on the amendment?

Ms. JOSEPHS. Yes.

The SPEAKER. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Although it is very difficult to hear at this late hour, and I do not even know whether the combined forces of yourself and myself could calm down this body at this point, I want to say that I do understand what the gentleman from Butler is trying to do with this amendment.

We, if I can back up a little bit, we felt and many of our lawyers felt that, for instance, if you are a dentist and you hired knowingly somebody to do your landscaping at home who was here without papers, you might lose your dental license, and that seemed to be very broad, and the gentleman from Butler is trying to narrow this amendment. I am happy that he made that approach, but my analysis of the amendment is that it does not do what the gentleman purports that it will do or the gentleman tried to make it do.

We still think that the language is so broad and there are so many definitions missing. For instance, a key phrase in the amendment is "a business activity." Well, not defined anywhere. What if this same dentist hires a landscaper knowingly who is not here, who does not have papers, who is here without documents, to clean up the front lawn of the dentist's office so that patients are not turned away or patients do not hurt themselves walking on sticky leaves or something like that. Well, is that a business activity or is that not a business activity?

I just see situations, even with this amendment, where an entire hospital in a locality where there is one person who is here without papers in the housekeeping department could lead to shutting the whole hospital—

The SPEAKER. Thank you.

The lady may proceed.

Ms. JOSEPHS. That was remarkable, Mr. Speaker. I commend you.

The SPEAKER. They are getting trained – the Pavlov theory. When they hear the gavel, they start to quiet down sometimes.

Ms. JOSEPHS. Sometimes?

The SPEAKER. Speak quickly while they are quiet.

Ms. JOSEPHS. Yes; yes.

Here is a hypothetical I think could very well happen, and it would have devastating consequences even with this amendment.

Suppose the licensee, let us say a physician, a cosmetologist, a barber or anybody, hires a housekeeper to work at this person's home and knows that the housekeeper is here without documents, and one day asks the housekeeper to travel to the office where this person is practicing his or her profession or trade or occupation to do an errand or bring some supplies or take supplies from the office to the dentist's husband or some such thing. It happens all the time. Does this trigger a suspension of the professional or the occupational, the trade license? I do not think we know the answer, and I think that this is very dangerous.

Again, I commend the maker of this amendment for trying to clean up very overbroad language, but I do not think that it happened. He did not reach his goal. We do not know what these words and phrases mean. They are not defined. We are still putting professionals at risk, loss of jobs – another job killer here. So I recommend that we vote "no" on this amendment.

Thank you, Mr. Speaker.

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

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

Mr. VITALI. Would the maker of the amendment stand for interrogation?

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

Mr. VITALI. Now, I just read it again. Now, would it be safe to say that if this amendment were in the bill, it would narrow the application of the bill? There would be less opportunities to suspend a license? Does this amendment, in your opinion, narrow the application of this bill?

Mr. METCALFE. The amendment was drafted to specifically address any potential 14th Amendment due process challenges to ensure that the penalty was connected to the license of the individual or to the business that extends from the licensing of the individual.

Mr. VITALI. So do you have an opinion as to the answer to my question? In other words, what I am trying to get at is maybe this is— If this narrows the scope, it is maybe a more sellable amendment. For example, let us just take the example of a dental license. If a dentist hires a landscaper, perhaps under the bill as drafted it would not trigger prohibition or suspension, but if the dentist hires an illegal dental assistant, then it would. What I am trying to get at is, does your amendment narrow the scope so that in this hypothetical, if it were not in, the dentist's license could be suspended for hiring a landscaper, but if the amendment got in, then the dentist's license could not be suspended for hiring a landscaper but an illegal dental assistant? Do you know what I am saying?

Mr. METCALFE. Well, Mr. Speaker, ultimately this amendment is being proposed to HB 439 to ensure that we do not address hypothetical questions but that we actually address the problem we have in Pennsylvania of employers hiring illegal aliens, to ensure that if somebody has a professional license and they have a business as a result of that professional license and they are engaged in business or they are engaged in hiring individuals, and if they hire an illegal alien knowingly, that their professional license could be revoked if that hiring is in connection with that professional licensee and the business that extends from his professional license.

Mr. VITALI. Okay. Now, let me ask you another question.

Under this amendment, if the dentist hires someone to rake his leaves who he knows to be an illegal alien, under the language of your amendment, could that dental license be suspended because he hired someone to rake the leaves of his dental office?

Mr. METCALFE. Yes. If he was actually, as an operation of his business that is an extension of his professional license, that he would hire an illegal alien knowingly, then the majority of Pennsylvanians believe that that individual should be punished for that, and the only recourse we have as a State is to take away licenses, because the Feds have preempted us from financial penalties or from prison terms.

Mr. VITALI. Okay. I think I— But if the dentist hired that same person to rake the leaves of his home, then it would not. But I am still struggling with the difference between what happens if the amendment gets in versus not getting in. How would the application of this bill change if the amendment got in versus not gotten in? What does the amendment do? How does it change things?

Mr. METCALFE. Mr. Speaker, I read the language previously that is being added to the bill where it speaks of, and it is adding it in to page 2, line 11, by inserting after the word "alien," "to perform a function for or in connection with: (1) the profession that the licensee is licensed to practice; or (2) a business activity:...in which the licensee engages; and...which is related to the profession that the licensee is licensed to practice in terms of services provided." I think the language is very clear in what it does, and I think the legislation is very clear in what it is going to do, and that is to take away the professional license of an individual who is knowingly hiring an illegal alien in violation of our law.

Mr. VITALI. Okay. Thank you.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Galloway.

Mr. GALLOWAY. Thank you, Mr. Speaker.

Will the maker of the amendment please answer a few questions?

First of all, I want to say—

The SPEAKER. The gentleman will just suspend one minute, please.

It is still really loud in here, and it is especially difficult when it is interrogation. We would appreciate the members holding conversations down.

The gentleman, Mr. Metcalfe, indicates he will stand for interrogation. The gentleman, Mr. Galloway, may proceed.

Mr. GALLOWAY. First of all, I want to thank the member, the maker of the bill, for the intent of what he is trying to do, and I just want to clarify a couple of things in my mind of what exactly he is trying to do with this bill.

Current law does not have— We currently have laws on our books now that deal with knowingly employing illegal aliens. What you are trying to do is go further and put a penalty on that provision. Is that correct?

Mr. METCALFE. If the gentleman could repeat the question. I am having a hard time hearing.

Mr. GALLOWAY. We currently have laws on our books that deal with knowingly hiring illegal aliens. What you are trying to do is add penalties and an enforcement arm to that law. Is that correct?

Mr. METCALFE. What this amendment to HB 439 ultimately will do is to ensure that if somebody is hiring an illegal alien knowingly, that they will have their license revoked if they do that.

Mr. GALLOWAY. Yes.

Mr. METCALFE. Their professional license.

Mr. GALLOWAY. I appreciate that. And what I want to get to is the word "knowingly." Define, how do we know that someone is an illegal alien? How would somebody know that?

Mr. METCALFE. Ultimately the professional licensing board for that license would be the body that would take the license away and would make that decision through their processes and ultimately should rely on the Federal government to tell them whether or not somebody is here illegally. It would most likely come out of a prosecution or some other circumstance that had shown that individual was here illegally to have it brought to the attention of the board.

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate it.

I know this is more speaking to the bill than the amendment itself, and I appreciate your work and what you have done on

this. And do not get me wrong, I just need— I do not think I understand how someone, without an E-Verify component, how someone would knowingly know that they were dealing with someone who hired illegal aliens. How would you know that? There is no way of proving that. You are saying some board, some professional licensure board, would make that determination at a later date?

Mr. METCALFE. Ultimately, Mr. Speaker, ultimately the board that would be responsible for either allowing the person to retain or revoking that person's license would be the body that would be deciding whether or not they had knowingly hired an illegal alien, and they would do that through information that was made available to them. That information, certainly, ultimately would need to come from the Immigration and Customs Enforcement to let them know that the individual was not here illegally. It may not be the E-Verify system that they would query to gather that. There are other databases that ICE (Immigration and Customs Enforcement) has beyond E-Verify.

E-Verify is a system that employers use. It is in another piece of legislation that we expect to consider at another date that we have already passed from committee. But E-Verify really does not segue into this specific piece of legislation. This specific piece of legislation is going after the professional license of anybody who has one that knowingly hires an illegal alien and doing that through the proper board that actually is responsible for maintaining that license and that licensee's status.

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate that, and I appreciate your intent here. I think we are on the same page. I just think you are putting the cart before the horse. Until you have a component in which employers are put on the spot in which they have to verify someone's employment, in which they know, they absolutely know that this person is legally allowed to work here or not, until that component is in place, then you cannot then go ahead with the licensing part of it, the enforcement part of it. But I appreciate what it is you are trying to do.

Mr. METCALFE. Well, Mr. Speaker, if I could reply to the—

Mr. GALLOWAY. Okay.

Mr. METCALFE. —rhetorical question, I believe, from the gentleman related to the cart before the horse.

The E-Verify system, there is not a stronger advocate for that system than I have been both across the nation and here in Pennsylvania. But that system is a system that could be voluntarily used by employers, and it is used right in my township by Einstein Bagels, and they have it right up on their billboard that they use E-Verify. Every employer in Pennsylvania can utilize E-Verify, which would actually give them protection against having an illegal alien employed that might have given them false ID. So that would create a protection for them if they voluntarily entered that system.

We are not mandating it yet in Pennsylvania as other States are. I hope that we do, and I will be working to make that happen. But in the meantime, this is another avenue that we can use to discourage the employment of illegal aliens and at the same time encourage the use of E-Verify, because anybody who has a professional license, once this bill is signed into law, they ought to rush to their computer system and sign up to voluntarily use E-Verify to protect themselves against hiring an illegal alien.

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate that.

And I do respect your long commitment to not only E-Verify but this issue in general, and I am just trying to flesh this out a little bit. That is all.

And one last question: Does this just strictly deal with people who do business with the State, or is it State and private?

Mr. METCALFE. This would be any individual that has a professional license, whether they are working with the State or working solely in the private sector.

Mr. GALLOWAY. Are there other States— We all know other States, there are 14 other States that have moved forward with some sort of this type of penalty, which is, as you and I know, legal. You know, it does not federally preempt— We are not preempted from the Federal government from doing something like this, which is what I like. I like that part of the component.

Did the other States that we are talking about, the 14 other States that have implemented some sort of E-Verify or going after illegal immigration, have they done it in this way? Have they looked at going after somebody's license before there was some verification procedure in place, or is this just half of what we are talking about? Are you going to come forward with another bill that says we have to go through some verification process? Am I missing something? I apologize; I seem to be missing something.

Mr. METCALFE. I have been working with State legislators now in 41 other States besides Pennsylvania on these issues. I am not familiar with each step that they have taken along the way to move into a position to take away licenses of businesses who are employing illegal aliens. Many of them are using E-Verify, which is also legislation that we are working on here. Whether they are taking this approach or not specifically, I could not answer that. But I believe that this is an avenue that should complement the E-Verify requirements that could be mandated, and hopefully will be mandated, but right now is certainly a voluntary alternative to any business in Pennsylvania that wants to protect themselves against hiring illegal aliens, that they can voluntarily use that right now for free without us mandating it. This would encourage people to sign up for that voluntarily to protect themselves against hiring illegal aliens.

Mr. GALLOWAY. Thank you, Mr. Speaker.

May I speak on the bill, please?

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

Mr. GALLOWAY. First, I want to commend the gentleman from Butler, not only for his work on this bill but his long commitment to his work on immigration reform. I think he and I know and people in this chamber know that we do differ on the way in which we should be going about this and the scope of what we should be talking about. But I like this bill. You know, to be honest with you, I think it is a smart way of beginning to address the issue.

I do have some problems, maybe some concerns. Maybe I would have done it a different way. However, I think in the end this is an intelligent way to start the process and make people accountable, and it is also a legal way. You know, whenever you are talking about these types of bills, you have to be very, very concerned about the constitutionality of the penalty phase of what you are trying to do. You also have to be

wary of your enforcement and the cost of enforcement. And I am not sure about those components which are in this bill, which is the enforcement and the cost, the cost of the fiscal notes and the cost of bills.

But I think in general the idea that the penalty for using and abusing people, a cheap labor force for profit, should be at the very least the revocation of a license. It is a penalty that is used in 14 other States. It is a penalty that is legal, it is a penalty that is constitutional, and it is a penalty that is enforceable. And, Mr. Speaker, I would urge the members to vote "yes" on this amendment and "yes" on this bill. Thank you very much.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, let us go back to the hypothetical of the dentist who knowingly hires an illegal to do landscaping at his office versus knowingly hiring one to do work at his home. If I am a dentist and I knowingly hire a company that I know the owner is a citizen of the United States and he sends over an illegal alien to do work at my business, is it my responsibility to know whether that person is illegal or not?

Mr. METCALFE. The language of the legislation is that they would knowingly employ or permit the employment of the illegal alien. So coming before the board to have his license revoked, it would have to be proven that he knew that the subcontracted individual actually was employing illegal aliens.

Mr. STURLA. So if I simply hire a go-between and I say to the go-between, listen, just so that I never lose my license, I do not want to ever know who is working on my property, because most professionals I know hire a property manager. They do not actually go hire the landscaper; they do not actually go hire the painter; they do not actually go hire the cleaning company to clean their building. They do not actually do any of that stuff. They hire a property manager who does all that. So if I say to my property manager, I do not ever want to know who is working on my building because my license could be in jeopardy, do not you ever tell me who is working on my building, am I free and clear?

Mr. METCALFE. Mr. Speaker, you could come up with a thousand different hypothetical situations. The intent of this amendment to HB 439 is to ensure that if somebody has a professional license and they are employing an illegal alien that is connected to that professional license or to a business that is extended through that professional license, then they would be in jeopardy of losing that license and ultimately could have that license revoked.

Mr. Speaker, citizens of this State are fed up with having illegal aliens steal jobs from Pennsylvanians. This is directed at helping to bring that to an end. It is one bill in a series of bills. We could go on with hypothetical situations all night, and unless the interrogator has a question besides some hypothetical situation, I will not be taking any further questions.

Mr. STURLA. Thank you.

Could I comment, Mr. Speaker?

The SPEAKER. Are you asking a point of parliamentary inquiry?

Mr. STURLA. No, no. Just can I comment on the—

The SPEAKER. On the amendment?

Mr. STURLA. Can I speak on the amendment?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what is apparent here, if in fact the employment of illegal aliens in this State is as rampant as the maker of this amendment claims, then no person that holds a professional license in the State of Pennsylvania can assume that anyone that works at their business as a landscaper, as a painter, as a cleaning person, as a janitor, as a plumber, as an electrician, they can assume that no one might not be an illegal alien. So therefore, every professional in the State of Pennsylvania will have to ask for papers on every person that sets foot on their property, because it would only be reasonable to assume that there has got to be some illegal alien working for you if in fact it is as rampant as the maker of the amendment claims.

Now, if you say, well, no, all you have to do is say you just did not know, according to the maker of the amendment, this is rampant; you surely have to know that there is a good chance there will be an illegal alien working for you. So the notion that someone will lose their professional license because by chance someone that they employed may have employed an illegal alien, or that someone that they hire, not thinking, that somebody knocks on their door and says, hey, can I clean up the leaves in front of your building and it is a fall day and they say, sure, here is 20 bucks, that they might lose their professional license. A doctor, a brain surgeon, someone who has studied for tens of years to help people in this State, could lose their license as a result of an offhand employment of an illegal alien, which the maker of the amendment claims is rampant in this State.

This amendment makes no sense. It is better than the bill, which really does not make any sense. But this amendment makes no sense and puts professionals at jeopardy throughout the State. And the question of, does it cost anything, if anybody gets accused of this, they are going to have to go before their licensure board, and believe me, there will be people accusing people every day if there is the potential of a license being lost as the result of an accusation that somebody employed an illegal alien.

This is a solution looking for a problem, and it is one that is devastating to professionals in the State of Pennsylvania. I would urge a "no" vote. Thank you, Mr. Speaker.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the gentleman from Butler County if he would stand for brief interrogation.

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I first want to stand and first agree to the level that no one wants to see someone come into the State of Pennsylvania, into our Commonwealth, and take jobs if they are not documented or legal in terms of what we have determined to

be a legal citizen in our Commonwealth. The question that I have, though, is for people who are going to be subject to this law, and perhaps if they by mistake did hire an undocumented person, how long would their license be suspended? That is my question, Mr. Speaker.

Mr. METCALFE. Mr. Speaker, if someone who had a professional license knowingly hired an illegal alien, their license will be revoked, period.

Mr. WATERS. So, Mr. Speaker, you are saying that their license would be permanently suspended in the State of Pennsylvania, once it has been determined based on this legislation or perhaps law, forever?

Mr. METCALFE. Mr. Speaker, I wish that we could put them in jail for 7 years and fine them \$20,000, but we are preempted from doing that by the Federal government, so yes, they would lose their professional license if they knowingly hired illegal aliens. I think that is, unfortunately, a very small price to pay for somebody that hires an illegal alien, but it would be the price that we would be able to exact from them.

Mr. WATERS. I just— Well, first, Mr. Speaker, according to this legislation, then it would be left up to the board to determine if that person knowingly hired an undocumented citizen. It would be up to that board to determine if this person hired, this licensed person hired an undocumented citizen.

Mr. METCALFE. Mr. Speaker, it would be up to the board that governs the use of that professional license to determine that somebody has hired an illegal alien, not an undocumented citizen. All citizens are documented. It would not be an undocumented person. Even illegal aliens have documents. It would be an illegal alien that they would be determining that they were not entitled to work here.

Mr. WATERS. Right. I believe that is my point. I agree with— Let us say, I will use the same way that you just said it. They would still be held accountable for doing it by somebody, and that would be by the licensing board that they hired a person who was not a legal citizen of America.

Mr. METCALFE. Under this legislation, the board would be required to revoke the license if they determined that a person with a professional license had hired an illegal alien for employment.

Mr. WATERS. Okay. All right. All right.

I think that we see each other on what my question is, and I cannot help but to see this as an expensive— Mr. Speaker, I would like to speak on the bill.

The SPEAKER. The gentleman is in order on the amendment.

Mr. WATERS. Mr. Speaker, thank you.

I would like to thank the gentleman from Butler County for the brief interrogation, but I cannot help but to see this as a very expensive, overboard, overkill legislation that could become very expensive because now we might have people who are in competition with one another who might just say to someone else who may be an undertaker or someone else who might be a barber, or someone else who might have another professional license and they want to kill their competition. All you have to do is call up and make a claim against this person, and then based on that claim, now the board is going to be responsible for an investigation. That could be very costly, and the boards are paid for by taxpayers.

Now, this could go on and on, but the board has the responsibility here based on this to do the investigation. Now, that could send that other company who might be innocent,

totally innocent, into a very expensive tailspin on proving their innocence. And I just want to say this, too. I thank God that the Federal government does have jurisdiction over this because I would hate to see us start to lock people up for something like this for 7 years or more. It is bad enough that a person who has become indebted for their energy and commitment to education might have a student debt to pay back or a student loan to pay back and they are working on that while taking care of their family, and while they are taking care of all of the other responsibilities that they have and also have other people working for them, because if this person loses their license, their employees are now out of work, too. So in addition to a person not going to jail, thankfully, and a person now whose license is in jeopardy, now the welfare of a lot of other innocent people is going to be at stake, let alone the competition factor.

I believe that this is going too far. I know that we have to find a way to solve this problem of undocumented citizens coming into the country and taking advantage of our Constitution, of our Commonwealth—excuse me— or the rights of Americans, have benefited from it. We do have to find a way to do it, but we cannot punish the people, and what is the punishment for the illegal person who is here? What is their punishment? They get sent back out of the country. They get sent back out of the country, back home, but the person who was here, who maybe unknowingly hired a person, and maybe their competition found out that person was illegal. Maybe the competition sent the illegal person to work for them. Maybe they sent the person. I think this legislation is just too broad and allows too many ways for it to be exploited.

So to the gentleman from Butler County, I just want to say, I believe that we have to go back and rework this legislation to make sure that we do not unintentionally harm innocent people in an effort to solve a problem. I just want to say sometimes I believe that we use a sledgehammer to kill a gnat, and I would hate to think that we are doing that in this case because we could do more damage than good if we do not tighten up this to make sure that the focus is on solving the problem and not just on punishment. Thank you, Mr. Speaker.

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have never heard of an attorney hiring an illegal alien, but I guess somewhere, some attorney might have. But this mainly affects doctors, nurses, barbers, other people who might be in contact with the immigrant communities, which might include some illegal aliens. I oppose this amendment because I do not view with unrestrained enthusiasm the idea that we ought to be categorizing groups of people and treating others by how they respond to a person based on his group status.

### POINT OF ORDER

Mr. TURZAI. Mr. Speaker, point of order, please.

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

Mr. TURZAI. Sir, the remarks by the good gentleman from Philadelphia are certainly appropriate with respect to the underlying bill, but I would contend, Mr. Speaker, they are not appropriate with respect to the amendment. This amendment in

fact narrows the application of the underlying bill. We are addressing the amendment right now, not the underlying bill, and I would contend that the Speaker is out of order.

The SPEAKER. The gentleman is correct in that we would ask the members to confine their remarks to the amendment and not to the underlying bill.

Mr. COHEN. Thank you.

I am puzzled as to how the majority leader knew that my remarks were inappropriate.

Mr. Speaker, the imposition of penalties creates problems. There may be occasions from time to time in which the hiring of an illegal alien, as obnoxious as it seems to the sponsor of this amendment or other people, may be morally justified. There may be occasions in which the alternative to hiring an illegal alien is that a person would be shipped abroad to a foreign country where he would be killed for purely political reasons or purely bureaucratic reasons. I do not think that we ought to assume that in all cases, at all times, the hiring of an illegal alien is necessarily a bad thing. Maybe most of the time it is, but not every single time.

I therefore am voting "no" and would urge anybody else who is interested in this to also vote "no."

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Galloway, for the second time.

Mr. GALLOWAY. Thank you, Mr. Speaker. I appreciate that, and I want to get back to the amendment.

The SPEAKER. That would be much appreciated.

Mr. GALLOWAY. I would like to ask the gentleman from Butler if a doctor—

The SPEAKER. Is the gentleman seeking interrogation?

Mr. GALLOWAY. Yes, please.

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

Mr. GALLOWAY. What your amendment does, if I can read this right, if a doctor hired a landscaper and that landscaper employed an illegal alien, this amendment would prohibit the revocation of the license based on the fact that they are apples and oranges. One is a doctor and one is a landscaper. Is that correct?

Mr. METCALFE. If he was hiring a landscaper, subcontracting the landscaper to cut the grass or take care of the bushes on the property of the dental office, then he would still be in jeopardy. If he was just hiring that person at his home, it would not be connected to his business license. So that is what the amendment— The amendment ensures that. The taking of the license would be related to the business for which he has license to practice, which was being proposed and is being proposed to ensure that we do not have any 14th Amendment due process challenges that might overturn the law that we are putting in place to try and stop those who have professional licenses from employing illegal aliens.

Mr. GALLOWAY. Thank you, Mr. Speaker.

If I could just— I think it is an important point. I want to just stay here for a second – all right? – because the way I read the amendment, and excuse me for misinterpreting it, it says it narrows the prohibition to employment "...to perform a function...in connection with: (1) the profession that the licensee is licensed to practice; or (2) a business activity: (i) in which the licensee engages...."

It seems to me the reading of the amendment would include such an example as what I just brought up. It would only apply to a doctor who employs someone in his business, and you could say that somebody cutting the lawn of the place where he actually does business is in a broad scope related. Is that what you are trying to say? I mean, is that what this amendment is doing? What I am trying to get to is, how is this narrowing the scope?

Mr. METCALFE. It is narrowing the scope to ensure that the taking of the license will be in connection with a business activity for which the license was given and not for the personal lives of those individuals, such as at their home in contrast to at their place of business.

Mr. GALLOWAY. Who would make that determination?

Mr. METCALFE. The board which is governing the issuance of that license.

Mr. GALLOWAY. And would they have discretion in trying to enforce that? I mean, it seems as though it is open to interpretation, is what I am trying to say. Maybe I am trying to nitpick, but I think this is what the opposition is trying to bring up. I think it is important— This amendment, I thought, was really trying to eliminate that, the open to interpretation problem.

Mr. METCALFE. This amendment does clear up the open to interpretation problem if somebody would try and judge whether or not this would be connected to somebody hiring an illegal alien to cut the lawn at their home or the lawn at their practice for which they are engaged in the business activity connected with their license. It would clear that up, and that is what it is intended to do, is to ensure that the connection is between the business activity and the licensee and that license that is given by that professional license board, and the professional license board would have the responsibility of determining whether or not that individual knowingly hired that illegal alien and of course having Federal systems to query to do so, that that individual was an illegal alien, but then they would be required under the legislation to revoke the license. Once determined it was knowingly, then they would be required to revoke the license.

Mr. GALLOWAY. Okay. Thank you, Mr. Speaker.

I think what you are trying to do here in the amendment is good. You are trying to narrow the scope. You are trying to make it easier for a board to come up with some sort of justification for the revocation of the license.

Let me ask one more question. You are saying that this does not just deal with companies that deal with State government. In other words, we are revoking licenses in the private sector?

Mr. METCALFE. That is correct.

Mr. GALLOWAY. Did the speaker think of splitting these two in half? I mean, you know where I am going with this. I mean, every other State seems to have attacked the State portion and they were on good, solid, legal grounding when revocation of licenses had to deal with State government funding. It is when you start moving in the private sector that the ACLU (American Civil Liberties Union) and the chamber starts to really come up and be in opposition. The revocation of license for a doctor who hires a landscaper to cut his lawn just does not seem to be something that is addressed in the 14 other States.

Mr. METCALFE. As I understand the Whiting v. Chamber case, I believe it was in Arizona where they won in Supreme Court related to the use of E-Verify and their revoking licenses. They were revoking licenses in connection with State work and in the private sector, businesses to operate, both in the private sector and doing State business. So this is in line with what we have seen in other States and fully expected to be ruled constitutional if it was challenged, and that is the reason for this amendment, to ensure that we take away any potential due process argument that somebody would try and make that it was not connected with the licensee's business practice for which they have the license—

Mr. GALLOWAY. Thank you, Mr. Speaker. I agree with that. However, in Arizona, in the case that you are talking about, there was a mandatory E-Verify component with the bill, and that is how people knowingly knew that they were hiring someone illegal, which is why I talked about putting the cart before the horse before. Could you just address that one last time?

Mr. METCALFE. Well, the E-Verify is available for Pennsylvania employers now. We do not have to mandate it for them to be able to use it. It is a free service that every employer in the State can sign up and use to ensure that they are protecting themselves against hiring illegal aliens and have that Federal protection against hiring an illegal alien when they fill out the I-9 forms that they are required to for every employee when they hire somebody and they are given the documentation, Social Security, birth certificate, driver's licenses. If they are being presented with fraudulent documentation and cannot identify that, the E-Verify system would help them to weed some of that out and also give them protection if they did hire somebody unknowingly because they were presented with fraudulent documentation. So the E-Verify system is already available for every Pennsylvania employer. We are just not mandating it yet. I hope that we do, and I am going to be working to make that happen. But today what we have before us is this amendment which tightens the language up in this bill to ensure that this bill does not see a constitutional challenge on 14th Amendment due process, because we do not expect it to see any other challenges because we fully expect that it would be held constitutional based on all of the other court rulings across the country when you have seen these issues addressed for what States can do to address the illegal alien employment problem in their States.

Mr. GALLOWAY. On the bill, Mr. Speaker— Or on the amendment. I am sorry.

The SPEAKER. On the amendment, the gentleman may proceed.

Mr. GALLOWAY. I appreciate what the maker of the amendment is trying to do here. I do have a problem with the process in which this is going forward. It is just my opinion; that is all. I think there should have been a way in which we can define "knowingly." Right now we do not have a way in which we can define "knowingly."

However, on this amendment to this bill, I think it is a good amendment. I think it narrows the definition. I think it gives the board who is ultimately going to make this decision some sort of guidelines and guidance. I urge the members to vote "yes" on this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—150

Adolph	Ellis	Killion	Quigley
Aument	Emrick	Knowles	Quinn
Baker	Evankovich	Kortz	Rapp
Barbin	Evans, J.	Kotik	Readshaw
Barrar	Everett	Krieger	Reed
Bear	Farry	Lawrence	Reese
Benninghoff	Fleck	Longietti	Reichley
Bloom	Freeman	Maher	Roae
Boback	Gabler	Major	Rock
Boyd	Galloway	Maloney	Ross
Boyle, B.	Geist	Mann	Sabatina
Boyle, K.	Gerber	Markosek	Sacone
Briggs	Gergely	Marshall	Sainato
Brooks	Gibbons	Marsico	Saylor
Brown, R.	Gillen	Masser	Scavello
Burns	Gillespie	McGeehan	Schroder
Buxton	Godshall	Metcalfe	Shapiro
Carroll	Goodman	Metzgar	Simmons
Causar	Grell	Miccarelli	Sonney
Christiana	Grove	Micozzie	Stephens
Clymer	Hackett	Millard	Stern
Costa, D.	Hahn	Miller	Stevenson
Cox	Haluska	Milne	Swanger
Creighton	Hanna	Mirabito	Tallman
Culver	Harhai	Moul	Taylor
Cutler	Harhart	Mullery	Tobash
Davidson	Harris	Murt	Toepel
Davis	Heffley	Neuman	Toohil
Day	Helm	O'Brien, D.	Truitt
Deasy	Hennessey	O'Neill	Turzai
Delozier	Hess	Oberlander	Vereb
DeLuca	Hickernell	Payne	Vitali
Denlinger	Hutchinson	Peifer	Vulakovich
DePasquale	Kauffman	Perry	Watson
Dermody	Kavulich	Petrarca	White
DeWeese	Keller, F.	Petri	
DiGirolo	Keller, M.K.	Pickett	Smith, S.,
Dunbar	Keller, W.	Pyle	Speaker

NAYS—45

Bishop	Fabrizio	Matzie	Santarsiero
Bradford	Frankel	Mundy	Santoni
Brennan	George	Murphy	Smith, K.
Brown, V.	Harkins	O'Brien, M.	Smith, M.
Brownlee	Hornaman	Parker	Staback
Caltagirone	Johnson	Pashinski	Sturla
Cohen	Josephs	Payton	Thomas
Conklin	Kampf	Preston	Waters
Costa, P.	Kirkland	Ravenstahl	Wheatley
Curry	Kula	Roebuck	Williams
DeLissio	Mahoney	Samuelson	Youngblood
Donatucci			

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

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



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

The SPEAKER. Does the gentleman, Mr. Waters, seek recognition for suspension of the rules? No.

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.)

### BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 169 be recommitted to the Appropriations Committee.

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1503, PN 2690**, 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 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 Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, on the bill. I understand that one of the premises for this is to create jobs, help to drive some economic development. Unfortunately, I cannot support this bill because angel investors are not motivated by tax credits. Somebody who has a net worth of \$1 million and annual income at a minimum of \$200,000 is looking for investments along the lines of what their return will be for those investments, and that return is somewhere in the neighborhood of 15 to 40 percent as a return on their risk. The tax credit is not the motivating factor. Tax credits subsequently take dollars out of the General Fund that would be available to support things like basic education and any other number of types of programming and just will not generate the jobs that are anticipated here.

So I would urge everybody to consider why a millionaire is in need of a tax credit. That is not their incentive. They are making this investment regardless, absolutely regardless of whether that tax credit is there or not. So it is just diverting funds from our General Fund and for the benefit of other citizens.

So I will be voting "no" and would urge everybody to consider a similar vote. Thank you.

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

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

Ms. MUNDY. Thank you, Mr. Speaker.

I would like to be able to vote for this bill because I do believe that angel investors are good for entrepreneurs and encourage job creation and new ventures, and had the two amendments that I offered last time we met passed, I would be voting for this bill, but we talk about waste, fraud, and abuse on this House floor a lot, and without the two amendments that I offered previously, that both were defeated – one that defined "immediate family" so that investors cannot invest in their own businesses basically and take a tax credit for it, and another that would have prevented an angel investor from investing, withdrawing the investment, and still getting a tax credit – to me, those two issues make this underlying bill ripe for abuse. So if the Senate, in its wisdom, decides to close the loopholes in this bill that make it so ripe for fraud and abuse, then I will most assuredly be a "yes" because I do support the underlying premise of the bill, that angel investment should be encouraged through a tax credit, but as it stands and with the responses to the questions that we got as to why my two amendments were opposed, I have very strong concerns about the loopholes in this bill that, again, make it ripe for abuse.

So I will be a "no" on the bill today and hope that should the Senate take it up and fix the problems with it, that in the end I will be able to support it. Thank you, Mr. Speaker.

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

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

Mr. BARBIN. On the bill, Mr. Speaker.

This bill provides unused Keystone Innovation grants as the funding mechanism for the angel investors. While I have no opposition to the idea of angel investors, the fact is, today as we sit here on the House floor, we have a much bigger problem than giving a tax credit to an angel investor. We have a significant number of veterans that have no tax credit for themselves, and they are coming home in record numbers from Afghanistan and Iraq, and I believe that before we hand out more money to angel investors without any requirements that the money be properly spent, we should be spending that same amount of money, transferring it just like we transfer it here, to make some of those veterans that are coming home have a job now. And for that reason, I will be voting against the bill.

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—151

Adolph	Everett	Knowles	Quigley
Aument	Fabrizio	Kortz	Rapp
Baker	Farry	Kotik	Ravenstahl
Barrar	Fleck	Krieger	Readshaw
Bear	Frankel	Lawrence	Reed
Benninghoff	Gabler	Longietti	Reese
Bloom	Galloway	Major	Reichley
Boback	Geist	Maloney	Roae
Boyd	Gerber	Mann	Rock
Bradford	Gergely	Markosek	Ross
Brennan	Gibbons	Marshall	Saccone
Brooks	Gillen	Marsico	Sainato
Brown, R.	Gillespie	Masser	Santarsiero
Burns	Godshall	Matzie	Santoni
Buxton	Goodman	McGeehan	Saylor
Carroll	Grell	Metcalfe	Scavello
Causar	Grove	Metzgar	Schroder
Christiana	Hackett	Miccarelli	Simmons
Clymer	Hahn	Micozzie	Smith, K.
Conklin	Hanna	Millard	Smith, M.
Costa, P.	Harhai	Miller	Sonney
Cox	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harris	Moul	Swanger
Davidson	Heffley	Mullery	Tallman
Davis	Helm	Murt	Taylor
Day	Hennessey	Neuman	Tobash
Deasy	Hess	O'Brien, D.	Toohil
Delozier	Hickernell	O'Neill	Truitt
Denlinger	Hornaman	Oberlander	Turzai
DePasquale	Hutchinson	Payne	Vereb
Dermody	Kampf	Payton	Vulakovich
DeWeese	Kauffman	Peifer	Watson
DiGirolamo	Kavulich	Perry	Wheatley
Dunbar	Keller, F.	Petrarca	White
Ellis	Keller, M.K.	Petri	
Emrick	Keller, W.	Pickett	Smith, S.,
Evankovich	Killion	Pyle	Speaker
Evans, J.			

## NAYS—44

Barbin	Curry	Maher	Samuelson
Bishop	DeLissio	Mahoney	Shapiro
Boyle, B.	DeLuca	Mundy	Staback
Boyle, K.	Donatucci	Murphy	Stephens
Briggs	Freeman	O'Brien, M.	Sturla
Brown, V.	George	Parker	Thomas
Brownlee	Haluska	Pashinski	Toepel
Caltagirone	Johnson	Preston	Vitali
Cohen	Josephs	Quinn	Waters
Costa, D.	Kirkland	Roebuck	Williams
Creighton	Kula	Sabatina	Youngblood

## NOT VOTING—0

## EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	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.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman from York, Mr. Saylor, is recognized under unanimous consent relative to the legislation that just passed. The gentleman may proceed.

Mr. SAYLOR. Thank you, Mr. Speaker.

I would just like to submit my comments written for the record.

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

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

Thank you, Mr. Speaker.

I rise today to urge my colleagues to join me in support of HB 1503. This bill would accelerate the ability of small businesses to secure growth financing by creating a new angel investment tax credit in Pennsylvania.

Closely modeled after legislation that has already been adopted in more than 20 States, this bill encourages angel investors to move their capital from the sidelines and into the hands of small businesses and job creators in Pennsylvania's emerging technology economy.

Despite the current economic conditions, I can tell you that Pennsylvania's innovators are hard at work building strong companies and investing in new technologies that will not only solve some of the most pressing challenges facing society today but will also result in the creation of family-sustaining jobs right here in our Commonwealth.

Imperiled by today's crunch on credit, entrepreneurs in Pennsylvania are working to bring new technologies to the marketplace that will transform how we produce and consume energy, how we tackle the world's most debilitating diseases and ailments, and how we enable everyday businesses to compete in the global marketplace.

But to take ideas from the laboratory or the inventor's garage to the marketplace requires much-needed investment capital that is currently in short supply.

To help entrepreneurs build successful business here, HB 1503 would encourage angel investors to place their scarce capital in Pennsylvania-based startup businesses. By enacting a new 25-percent tax credit for such investments in PA-based small businesses, this legislation would create a powerful incentive for out-of-State and in-State investors to take a hard and serious look at the technologies and businesses that are being developed in our State.

With the adoption of this new credit, our Commonwealth's job creators will be given a fighting chance to raise capital, especially in light of the fact that our competitor States are already offering similar tax incentives.

The startup businesses that would benefit from the expanded investment activity would need to be less than 5 years old and have raised no more than \$5 million in equity financing. They would be required to document their ability to create Pennsylvania jobs and must agree to remain headquartered in Pennsylvania for at least 5 years.

Importantly, this new credit would ensure that every State dollar invested in the angel tax credit would leverage 3 additional dollars in private-sector investment activity in our small business community.

From a budgetary perspective, we are financing this new credit by repurposing unused credits from Pennsylvania's existing Keystone Innovation Zone, which currently only utilizes approximately \$10 million of its \$25 million in authorized annual credits.

For the entrepreneurs that are being lured away by other States that offer similar incentives, this bill provides them with the opportunity to build their businesses where they want to live and raise their families.

For our Commonwealth, this bill is a jobs bill if there ever was one.

It is targeted at a critical segment of our economy. It is financed by repurposing an existing but underutilized tax incentive, and it simply could not come at a more crucial time in Pennsylvania's history. I urge a "yes" vote on HB 1503.

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1950, PN 2689**, entitled:

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.

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

Mr. **MAHER** offered the following amendment  
No. **A06117**:

Amend Bill, page 9, line 28, by striking out "An" and inserting  
Any provision of an

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. **MAHER**. Thank you, Mr. Speaker.

I would just like to say this is an excellent amendment and I would ask for your support. No, I will explain. This is to clarify that only the aspects of an agreement that would be aberrant to the intent of the legislation would be cast aside and an agreement would otherwise stay in place.

Thank you, Mr. Speaker.

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

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

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

Will the maker of the amendment stand for brief interrogation?

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

Mr. **VITALI**. I am sorry. Could you just thresh out that a little more maybe, a little more context. You made reference to an agreement. What agreement are you referring to and so forth?

Mr. **MAHER**. The really excellent part or the other? I am sorry.

The bill as drafted is intended to protect landowners from having additional amounts deducted from their royalties as a result of the legislation taken as a whole, and it is really a technical correction because as drafted, it provided that the agreement between the owner of the mineral rights and the company that is acquiring those mineral rights, that the entire agreement would be null and void when in fact the intent was that any aspect of that agreement that contradicted the public

policy of not passing through costs that were not anticipated by the landowner at the time of the transaction would be cast aside and not the agreement taken as a whole. Does that help?

Mr. **VITALI**. I think it is a good start.

Now, I now understand it deals with the royalty arrangement between the driller and the landowner. Is that correct?

Mr. **MAHER**. That is correct, and I believe that it is almost identical to an amendment that may have been offered by the whip on your side of the aisle.

Mr. **VITALI**. Okay. So you would say that if this amendment were to become part of the bill and the bill would become law, then it would result in the landowner receiving more moneys vis-a-vis the driller?

Mr. **MAHER**. No, it would not increase anything that is being received by the landowner. It would prohibit any deduction from the amounts being paid to the landowner. It would not increase what he is entitled to, but it would protect him from any offsets.

Mr. **VITALI**. So it would reduce, the amount will be decreased? In other words, the landowner would be financially better in the lease transaction were this to get in? Is that correct?

Mr. **MAHER**. This protects the owner. That is correct.

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

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. **HANNA**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment A06117. I agree with the explanation offered by the gentleman from Allegheny that in fact this does protect the landowner, and I would urge a "yes" vote on the amendment.

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

The following roll call was recorded:

**YEAS—195**

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

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

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

On the question,

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

Mr. GEORGE offered the following amendment No. A06108:

Amend Bill, page 59, lines 16 through 27, by striking out all of said lines and inserting

(1) except as set forth in paragraph (2):  
(i) the pollution existed prior to the drilling or alteration activity as determined by a predrilling or prealteration survey;

(ii) the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey;

(iii) the water supply is not within 1,000 feet of the well;

(iv) the pollution occurred more than six months after completion of drilling or alteration activities; and

(v) the pollution occurred as the result of a cause other than the drilling or alteration activity; or  
(2) in the case of an unconventional well:

(i) the pollution existed prior to the drilling or alteration activity as determined by a predrilling or prealteration survey;

(ii) the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey;

(iii) the water supply is not within 2,500 feet of the well; and

(iv) the pollution occurred more than 12 months after completion of drilling or alteration activities.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, thank you very much.

This amendment modifies the defenses of the rebuttable presumption to coincide with the extended distance and duration provided by the original language of the bill. If we afford people greater protection under the law, the defenses to the presumption of liability should coincide with the increased protections we afford the citizens of this Commonwealth. Basically, sir, this is a technical amendment that I believe we should adopt. Thank you.

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

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

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

We are in agreement with this amendment. We would ask the members to support this amendment, and we thank the gentleman from Clearfield County for putting forth this amendment correcting an oversight in the original drafting of the legislation. So please vote in favor of the George amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Cruz	Evans, D.	Harper	Myers
Daley	Gingrich	Mustio	Wagner

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

On the question recurring,

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

**BILL PASSED OVER**

The SPEAKER. HB 1950 will be over for the day.

For the information of the members, there will be no further votes this evening.

### HEALTH COMMITTEE MEETING

The SPEAKER. The gentleman from Tioga, Mr. Baker, is recognized for the purpose of making an announcement.

Mr. BAKER. Thank you, Mr. Speaker.

A friendly reminder. We have a Health Committee meeting tomorrow at 9 a.m., in room 205, Ryan Office Building; Health Committee meeting, 9 a.m., room 205, Ryan Office Building.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Health Committee meeting tomorrow at 9 a.m. in room 205 of the Ryan Office Building.

### BILLS RECOMMITTED

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

HB 149;  
HB 439;  
HB 849; and  
HB 1140.

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 98;  
HB 1526;  
HB 1884; and  
HB 2009.

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, Mr. Neuman, from Washington County, who moves that this House do now adjourn until Tuesday, November 15, 2011, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 8:07 p.m., e.s.t., the House adjourned.