

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 13, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 41

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

The SPEAKER. This morning the prayer will be offered by the Reverend Henry Knapp, First Presbyterian Church, Beaver, Pennsylvania.

Please join me in prayer:

Gracious and loving Lord, we praise You this morning for Your greatness, Your sovereign control over Your world, and Your loving-kindness to Your people. I thank You, Father, for Your calling of these men and women gathered in this place, for gifting them with the talents, desires for the public good, abilities, and intelligence. Yet we know, Lord, that without Your blessing no plan succeeds, no dream is fulfilled. And therefore, I ask that You would grant great discernment to this body, wisdom in what they do, and graciousness in how they do it.

Therefore, O Lord, we lift our eyes up to You, the author and perfecter of our faith, for our help comes from the maker of heaven and earth. You will not let this body slip, nor will You use us save for furthering Your kingdom. Therefore, we ask that You watch over what happens here today and bless it for the furthering of Your glory. We pray this in Your son's name, Jesus Christ, our Lord. 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 Tuesday, June 12, 2012, will be postponed until printed.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 2437, PN 3731 (Amended)** By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for reinsurance credits, for definitions, for acquisition of control of or merger or consolidation with domestic insurer, for acquisitions involving insurers not otherwise covered, for registration of insurers, for standards and management of an insurer within a holding company system and for examination; providing for supervisory colleges and for group-wide supervision for international insurance groups; further providing for confidential treatment, for rules and regulations, for injunctions and certain prohibitions and for sanctions.

INSURANCE.

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

**SB 1144, PN 2077** By Rep. MICOZZIE

An Act amending the act of July 2, 1996 (P.L.514, No.85), known as the Health Security Act, defining "covered dentist services"; and prohibiting insurers from setting fees for noncovered dentist services.

INSURANCE.

**SB 1464, PN 2238** By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for reinsurance credits, for definitions, for acquisition of control of or merger or consolidation with domestic insurer, for acquisitions involving insurers not otherwise covered, for registration of insurers, for standards and management of an insurer within a holding company system and for examination; providing for supervisory colleges and for group-wide supervision for international insurance groups; and further providing for confidential treatment, for rules and regulations, for injunctions and certain prohibitions and for sanctions.

INSURANCE.

### BILLS SIGNED BY SPEAKER

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

**SB 388, PN 1388**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, adding definitions; and providing for professional liability insurance.

**SB 1351, PN 2140**

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for death and fetal death registration information for certificates, for coroner referrals and for pronouncement of death by a professional nurse.

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

**ACTUARIAL NOTES**

The SPEAKER. The Speaker acknowledges receipt of the following actuarial notes: amendment No. 11448 to HB 11, PN 2889, and an actuarial note for amendment No. 11451 to HB 11, PN 2889.

(Copies of actuarial notes are on file with the Journal clerk.)

**COMMUNICATION FROM  
INDEPENDENT FISCAL OFFICE**

The SPEAKER. The Speaker acknowledges receipt of the Independent Fiscal Office's Official Revenue Estimate for fiscal year 2012-2013, pursuant to Act 71, subsection 4105, of the Pennsylvania Consolidated Statutes.

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

**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 gentleman, Mr. GODSHALL, from Montgomery County for the day; the gentleman, Mr. KILLION, from Delaware County for the day; and the gentleman, Mr. MASSER, from Northumberland County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority caucus chairman, who requests a leave of absence for the gentleman, Mr. HANNA, from Clinton County for the day. Additional leaves are requested by the Democratic caucus chairman for the gentleman, Mr. Ken SMITH, from Lackawanna County, for the day, and the gentleman, Mr. BRIGGS, from Montgomery County for the day. Without objection, the leaves will be granted.

**GUESTS INTRODUCED**

The SPEAKER. The House will please come to order.

Just wanted to introduce some of the guests that are with us.

Along with Pastor Knapp up here on the dais is his son, Jason, who is visiting us today, and of course they are the guests of Representative Christiana. Will the guests please rise. Welcome to the hall of the House.

And over to the left of the rostrum, former House member Marie Lederer is here. Welcome back to the hall of the House.

Also to the left of the rostrum, we would like to welcome the Honorable James K. Reiley. He is the judge on the Schuylkill County Magisterial District, and he is the guest of Representative Tobash. Welcome to the hall of the House.

Also to the left of the rostrum, we would like to welcome Gina Quinn and her children, Jack and Owen Quinn; and Rosemarie George and her children, Sierra and Andrew George. They are here today as guests of Representative Harper.

Additionally, Representative Harper has some guests in the rear of the House. Mike McLaughlin is here from the district office along with two interns. Samantha Arena will be a sophomore at Emory University this fall, and Sarah Pace will be a senior at Brandeis University. Will all our guests please rise. Welcome to the hall of the House; back here on the left.

Also to the left of the rostrum, we would like to welcome Gerald and Sharon Leaman and their grandsons, Keegan and Kyran Ross. I hope I got that right. They are the guests of Representative Denlinger.

Located in the rear of the House, we would like to welcome Representative Harhart's summer intern, Rio Weber. Rio is a recent graduate of Northampton Area High School and will be attending Lehigh-Carbon Community College in the fall. Welcome to the hall of the House. Please rise; right here, just to the right of the door.

Also in the rear of the House, we would like to welcome Travis Wagerman, who is shadowing Representative Moul for the day. Welcome to the hall of the House; also just to the right of the door.

And in the rear of the House, we would also welcome interns and staff from Representative Simmons's office: Eric Tannenbaum, Courtney Buchalter, and Dan Pashke. Will our guests please rise; back here to the left, far corner.

And a guest page located in the well of the House, we would like to welcome Siena Cardamone. She is here with her mother, Maureen, and friend Jackie Debo. They are here today as the guests of Representative Kavulich. Welcome to the hall of the House. Other guests are back near the right door.

And also located to the left of the Speaker, we would like to welcome the Honorable William H. Gray, the Reverend Kevin Johnson, and Tony Ross, president of the United Way of Pennsylvania. They are here today as the guests of Representative Youngblood. Will our guests please rise. Welcome to the hall of the House, gentlemen.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 771** By Representatives COHEN, BRENNAN, BRIGGS, V. BROWN, CALTAGIRONE, CLYMER, FREEMAN, GEORGE, GINGRICH, HARKINS, HENNESSEY, JAMES, JOSEPHS, MAHONEY, MANN, MILLARD, MURT, SCAVELLO, SCHMOTZER, STABACK, STURLA, WILLIAMS, YOUNGBLOOD and SWANGER

A Resolution recognizing the year 2012 as "The Year of Religious Diversity" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 13, 2012.

**No. 772** By Representatives METZGAR, CALTAGIRONE, D. COSTA, EVANKOVICH, FLECK, GABLER, GROVE, HELM, MILLARD, RAPP, SCHMOTZER, STERN, WATERS and BEAR

A Resolution memorializing the United States Secretary of Transportation to issue a TIGER grant for the construction of the Rockwood Station project and urging the Pennsylvania Congressional Delegation to support the project.

Referred to Committee on TRANSPORTATION, June 13, 2012.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2453** By Representatives KAMPF, SACCONI, STEPHENS, BENNINGHOFF, GABLER, AUMENT, BARRAR, BEAR, BLOOM, CLYMER, CUTLER, DENLINGER, EMRICK, EVANKOVICH, GINGRICH, GROVE, HACKETT, HARPER, HARRIS, HENNESSEY, HUTCHINSON, KAUFFMAN, F. KELLER, KILLION, LAWRENCE, MAHER, MALONEY, MASSER, MILLER, MOUL, MUSTIO, O'NEILL, PERRY, QUIGLEY, ROSS, SCHMOTZER, SWANGER, TALLMAN, TOBASH, TOEPEL, TOOHIL, TRUITT, TURZAI and WATSON

An Act amending Titles 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 51, in employment preferences and pensions, further providing for military leaves of absence; in Title 71, in retirement for state employees and officers, further providing for definitions, for preliminary provisions and for membership, credited service, classes of service, and eligibility benefits, providing for State Employees' Defined Contribution Plan, further providing for contributions, for benefits and for administration, funds and accounts; and making editorial changes.

Referred to Committee on FINANCE, June 13, 2012.

**No. 2454** By Representatives KAMPF, SACCONI, STEPHENS, BENNINGHOFF, GABLER, AUMENT, BARRAR, BEAR, BLOOM, CLYMER, CUTLER, DENLINGER, EMRICK, EVANKOVICH, GINGRICH, GROVE, HACKETT, HARPER, HARRIS, HENNESSEY, HUTCHINSON, KAUFFMAN, F. KELLER, KILLION, LAWRENCE, MAHER, MALONEY, MASSER, MILLER, MOUL, MUSTIO, O'NEILL, PERRY, QUIGLEY, ROSS, SCHMOTZER, SWANGER, TALLMAN, TOBASH, TOEPEL, TOOHIL, TRUITT, TURZAI and WATSON

An Act amending Titles 24 (Education) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions and construction and providing for references; in retirement membership, contributions and benefits, further providing for mandatory and optional membership, credited school service, waiver of adjustments, providing for spouses rights and benefits and further providing for classes of service, elections, eligibility points, eligibility for annuities, eligibility for refunds, pickup contributions, member contributions, contributions to for purchase of credit, incomplete payments, annual compensation limit, contributions by Commonwealth, payments by employers, actuarial cost method, appropriations by Commonwealth, return of accumulated deductions, maxim single life annuity disability annuities, termination of annuities, various supplemental annuities and payment of benefits; providing for school employees' defined contribution plan; in administrative and miscellaneous provisions, further providing for the Public School Employees' Retirement Board, administrative duties of board, health insurance, advisory and reporting duties, application and election

duties, duties of employers, rights and duties of school employees and members, management of fund and accounts, Public School Employees' Retirement Fund, State accumulation account, annuity reserve account, State guarantee, taxation, attachment and assignment of funds, approval of domestic relations orders, irrevocable survivor annuitant and amendment of approved domestic relations orders, providing for irrevocable successor payee, further providing for fraud and adjustment of errors, providing for spousal consent and further providing for payments to school entities by Commonwealth; in health insurance for retired school employees, further providing for definitions; and, in military leave of absence, further providing for retirement rights.

Referred to Committee on FINANCE, June 13, 2012.

**No. 2468** By Representatives CHRISTIANA, QUIGLEY, S. H. SMITH, TURZAI, SAYLOR, REED, ADOLPH, AUMENT, B. BOYLE, V. BROWN, EMRICK, GABLER, GALLOWAY, GINGRICH, GODSHALL, GROVE, HARRIS, HELM, JAMES, KILLION, PAYTON, ROCK, SCAVELLO, SIMMONS, SONNEY, TALLMAN, K. BOYLE, VEREB, MOUL, SANTARSIERO and BRADFORD

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

Referred to Committee on EDUCATION, June 13, 2012.

**No. 2469** By Representatives F. KELLER, BLOOM, BOYD, CUTLER, DeLUCA, GROVE, MASSER, HARRIS, HORNAMAN, KAUFFMAN, MARSICO, MASSER, MUNDY, TALLMAN, VULAKOVICH, MOUL, NEILSON, SWANGER and METCALFE

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for definitions, for disqualification and forfeiture of benefits and for restitution for monetary loss.

Referred to Committee on STATE GOVERNMENT, June 13, 2012.

**No. 2470** By Representatives EVANKOVICH, M. K. KELLER, KNOWLES, MARSHALL, METCALFE, OBERLANDER and PYLE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in permit extensions, further providing for definitions and for existing approval.

Referred to Committee on FINANCE, June 13, 2012.

**No. 2471** By Representatives MOUL, D. COSTA, GINGRICH, GROVE, HARRIS, HELM, HORNAMAN, M. K. KELLER, MUNDY, O'NEILL, READSHAW, SCAVELLO, SCHMOTZER and VULAKOVICH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for when transportation of pupils provided.

Referred to Committee on EDUCATION, June 13, 2012.

**No. 2472** By Representatives MOUL, CREIGHTON, BAKER, CALTAGIRONE, CLYMER, D. COSTA, EMRICK, EVERETT, FREEMAN, GILLESPIE, GODSHALL, HARRIS, HENNESSEY, LAWRENCE, MUNDY, MURT, O'NEILL, ROCK, STEPHENS, STERN, TALLMAN, VULAKOVICH, MILLER and QUINN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for assessment of mobile homes and house trailers.

Referred to Committee on LOCAL GOVERNMENT, June 13, 2012.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—195**

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

DiGirolamo Kirkland Pyle Speaker  
Donatucci

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Briggs Hanna Masser Smith, K.  
Godshall Killion

LEAVES ADDED—5

Gerber Micozzie Mullery Vereb  
Hackett

LEAVES CANCELED—5

Briggs Godshall Hanna Masser  
Gerber

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

**UNCONTESTED CALENDAR**

**RESOLUTIONS**

Mr. GEIST called up **HR 755, PN 3654**, entitled:

A Resolution recognizing the month of August 2012 as "Adrenoleukodystrophy Awareness Month" in Pennsylvania and encouraging research on adrenoleukodystrophy to be conducted.

\* \* \*

Mr. KORTZ called up **HR 757, PN 3673**, entitled:

A Resolution recognizing the 237th anniversary of the founding of the United States Army.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

**YEAS—195**

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Briggs	Hanna	Masser	Smith, K.
Godshall	Killion		

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

### STATEMENT BY MR. PERRY

The SPEAKER. The gentleman, Mr. Miccarelli, from Delaware County, and the gentleman, Mr. Perry, from York County are seeking recognition on one of the resolutions that was just adopted?

The gentleman, Mr. Perry, from York County is recognized on unanimous consent relative to one of the resolutions just adopted.

Mr. PERRY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend just a minute.

If the members could kindly hold the conversations down. We would appreciate if the members would take their seats or take the conversations to the rear of the House if necessary. We would appreciate the members' attention, please. Kindly hold the conversations down. Thank you.

The gentleman, Mr. Perry, may proceed.

Mr. PERRY. Thank you, Mr. Speaker.

Colleagues and guests, the name of Israel Bissell. Israel Bissell. Before Israel disappeared into the pages of American Revolutionary War history, on April 19, 1775 – which is 237 years ago – on a crisp, spring day, the evening actually, he mounted his horse with the charge of alerting the Colonies of

what had just happened near his hometown in Boston. His express duty was to alert the populace to the need for general mobilization. So he rode with all due haste. As a matter of fact, after the first 2 hours of riding, on his first stop, the horse dropped over in its tracks, but Israel pressed on because all the colonists at the time were given the charge to provide him with a fresh horse everywhere he went. So he pressed on south, even though he was exhausted and he endured great frustration because at every point the colonists could not believe what they heard and they asked him to swear upon his testimony, because to fire on the King's troops was unthinkable and they needed more assurance.

It was Wednesday when he left, and at the point of Sunday he met the Gothamites. On Sunday in 1775, he was met with frowns, for no one would talk of war on Sunday, but Israel pressed on his message and made sure that they heard him loud and clear. And on that Sunday, he rode the distance of the present State of New Jersey so that on the 25th he could arrive in Philadelphia, which he did as he collapsed, delivering his message for the last time.

Bissell made that ride in slightly over 5 days, despite the countless delays, and he alerted thousands of troops through the various communities and committees. The Boston to Philadelphia stage always took 6 days with predetermined stops for new, fresh horses and provisions and no hindrances along the way. You see, at that time the King was determined to put down the insurrection brewing in the Colonies and he would start by arresting two of its most notable leaders, John Hancock and Samuel Adams and the entire Massachusetts Provincial Congress.

But those wily rebels had a plan. Paul Revere had arranged for a signal to be sent by lantern from the steeple of the North Church – one if by land, and two if by sea. On the night of April 18, 1775, the lantern's alarm sent Revere riding. And in the predawn light of April 19, the beating drums and peeling bells summoned militiamen to the town green at Lexington, where they met the British Army and the General told them, "Lay down your arms, you damned rebels, or you are all dead men!" And surely, some of them became dead men. And Israel Bissell reported the shot heard around the world.

When the American Revolution broke out, the rebellious Colonies did not possess an army in the modern sense. Rather, the revolutionaries fielded amateur forces from each colony. There was no unity of command as we call it, no unified chain of command. Each colony served its own colony, was equipped by its own colony, paid for and supported by each individual colony. But this army in 1775 was about to face and confront the British troops near Boston, Massachusetts, the British Army, the most prestigious, most well-trained, most well-equipped, most successful army in the history of the world.

The revolutionaries had to reorganize their forces quickly if they were even to stand a chance. Recognizing the need to enlist the support of all the American seaboard colonies, the Massachusetts Provincial Congress, moving from place to place, holding elections over and over again as not to be found out by the British, appealed to the Second Continental Congress in Philadelphia to assume authority of the New England Army. And reportedly, at John Adams's request, the Congress voted to adopt the Boston troops on June 14, which is tomorrow, although there is no record of this decision, no written record.

And also on that day, Congress resolved to form a committee to draft rules and regulations and voted \$2 million to support the

forces around Boston and those in New York City. Moreover, Congress authorized the formation of 10 expert rifleman companies, one from Pennsylvania. Now, when Congress reconvened on 10 May, it had two alternatives. They could disavow the rebellion and disband and live under the boot of the King of England, or they could take control and take ownership on behalf of the Thirteen Colonies. So that is what they did, and on April 15 they appointed George Washington as the first Commander in Chief.

It would be a year before the Colonies declared independence from Britain, but the U.S. Army had been born on that day and the Revolutionary War for America's freedom had begun. Within days, hundreds of men, some uniformed, others in rags, marched along the same dusty roads that Israel Bissell had ridden to deliver the message, and many of those same men were to perish behind the Bunker Hill parapets on June 17.

Whether it was the new American Army waiting to see the whites of their eyes as they stared down brilliant battalions of grenadiers and light infantry at Bunker Hill or the War of 1812, the Indian wars, the Mexican War, the Civil War, the Spanish-American War, World War I in the Marne, World War II in Normandy, Chosin at the Korean war, Tet at Vietnam, Grenada, Panama, the highway of death in Desert Storm, Fallujah in Iraq, or the Helmand Province in Afghanistan, the United States Army has been unmatched, and when left to conduct its mission unfettered, it has been unstoppable.

Thank you for this affirmative vote on this resolution. I say thanks for the freedom and happy birthday, happy 237th to the U.S. Army. Hooah.

## CALENDAR

### RESOLUTION PURSUANT TO RULE 35

Ms. YOUNGBLOOD called up **HR 730, PN 3521**, entitled:

A Resolution honoring the life and contributions of William H. Gray III and recognizing the impact of historically black colleges and universities.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, and fellow— I am just waiting for everybody to sit down and have their seats. Thank you.

Today I have—

The SPEAKER. The lady will suspend just a minute.

Will the members kindly take their seats or take the conversations to the rear of the House, please. The Speaker would appreciate your attention.

The lady, Ms. Youngblood, may proceed.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

Today I have the great pleasure of introducing to the Pennsylvania House of Representatives one of Pennsylvania's native sons, the Honorable Reverend Congressman William H. Gray.

Congressman Gray has had a lot of accomplishments in his life and has done a lot for humanity, and I am very thankful that I can call him a friend, a mentor, and also a spiritual adviser. He

has had major impacts on some of the decisions that I have made in my life. I can also call on him with some things people might consider trivial, when I think it is very important. He is always there with a listening ear. He ran the United Negro College Fund for 14 years. In the entire history of the United States House of Representatives, he is the only African-American that was the majority whip; he also headed up the Budget Committee, which were positions that normally do not come to an African-American or a person from Pennsylvania. But he knows how to negotiate with people. He understands the art of politics. He understands the need of all Americans as well as others that live on other continents.

At this time I would like to introduce my fellow Representative, Curtis Thomas.

The SPEAKER. The gentleman, Mr. Thomas, from Philadelphia is recognized on the resolution.

Mr. THOMAS. Thank you, Mr. Speaker.

Let me thank my colleague, the Honorable Rosita Youngblood. I am overwhelmed, excited, and honored to stand here and welcome an icon of the 20th century, the Honorable William H. Gray III.

Representative Youngblood mentioned a few things, but he was an icon of lawmaking. If you look at his history, he has provided some of the most progressive legislative proposals to go through the United States House of Representatives. As a negotiator, I have watched Congressman Gray deal with the Rwanda and other conflicts when he was called on by President William Jefferson Clinton. I know that there are more young people who are doctors, lawyers, teachers, navigators, and people from all walks of life who are celebrating that today because of the contribution that he made to the Negro College Fund as president of the Negro College Fund.

And last but not least, we can celebrate the history of this icon because of the contributions that he has made to local, State, and Federal legislative bodies. The first African-American to sit in the Pennsylvania Senate, that foundation was laid by the Honorable William H. Gray III, and I am talking about the late Honorable Roxanne Jones, was the first African-American in the Pennsylvania Senate.

In the city of Philadelphia, there are women serving in city council now, stellar stewards in a lawmaking body – the Honorable Marian B. Tasco; the Honorable Augusta A. Clark – and even if you look at this body, this body and the Pennsylvania Senate, the Honorable Vincent Hughes, Democratic chair of the Appropriations Committee, Pennsylvania Senate; the Honorable Dwight Evans. Ninety percent of the African-Americans that have come to the House and Senate had to come through, had to work with, and had to get the support of the Honorable William H. Gray III. So he is an icon in lawmaking; he is an icon in sending good people to legislative bodies at the local, State and Federal levels; an icon in resolving conflicts that we did not know which way to turn.

And last but not least, the people of South Africa are enjoying freedom today like you and I have never known, and it exists because it was Congressman William H. Gray III that stood up and did what he needed to do to help bring an end to apartheid in South Africa. South Africa is a new country today because of the contribution that he made.

So, Mr. Speaker, Mr. Speaker, Mr. Speaker, it is my honor to welcome, introduce, and present to this body, the Honorable William H. Gray III. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

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

**CONSIDERATION OF HR 730 CONTINUED**

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Briggs	Godshall	Killion	Smith, K.
Gerber	Hanna	Masser	

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

**REMARKS BY MR. GRAY**

The SPEAKER. And with that, I would like to offer the dais to Mr. Gray for a few remarks in recognition of his contributions to this State and this country.

Mr. Gray.

Mr. GRAY. Mr. Speaker, officers and members of this great legislative body, it is indeed a great honor for me to stand here and hear all of those wonderful things said about me. I only wish my wife was here. I have been trying for years to convince her that I am not a bad person, and with your help, maybe I will have better luck next week.

But I am indeed honored, honored by all of you, but especially by Rosita Youngblood, the Representative, and Curtis Thomas for their efforts in this great honor, but also I am honored that you would do something like this because of who you are. You are the public servants of the Commonwealth of Pennsylvania. You are the ones who shape the policy that will move this great State forward. You are the ones that mend the broken places of our society. And I am just honored to be here with you and to receive from you this honor and to say to you, there is no greater work than the work that you do in serving the public of our great State.

So, Mr. Speaker, let me say thank you to all of the members of this great body and wish you well as you continue to build a great Commonwealth.

The SPEAKER. The Speaker thanks the gentleman.

**REMARKS BY MAJORITY LEADER**

The SPEAKER. The majority leader, Mr. Turzai, is recognized.

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

I want to congratulate Representative Thomas and Representative Youngblood on this resolution honoring Congressman Gray.

Congressman Gray, I remember when I was a little bit younger, not so much younger than you, but when you had gotten to that post as majority whip and my parents – I use this often, but I tease – my dad was a lifelong Democrat, my mom was a lifelong Republican, and they were very much in support of the civil rights movement. They were not activists, but they were the people that were there, and they thought what a great honor that you had achieved that. And then I remember your taking on the United Negro College Fund, the leadership of that outstanding organization. For many of those who are from my generation, that ad that used to run, "A Mind is a Terrible Thing To Waste." It is one of those compelling messages. Your

leadership on behalf of the people, I mean, the President would not be where he is today – and he is a good man – he would not be here today without groundbreaking people like yourself.

Thank you very, very much. It is an honor to see you here today.

### REMARKS BY MINORITY LEADER

The SPEAKER. The Democratic leader, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I, too, want to congratulate both Representative Youngblood and Representative Thomas, and really they said everything about Congressman Gray, all the fine work he has done throughout all these years. I, on behalf of the Democratic Caucus, would like to thank him, really, for his efforts not just as a Congressman in Washington, but as we have heard what he has done with the United Negro College Fund and the work he has done worldwide, in South Africa in particular. It is an honor to have you here today, Congressman. It is an honor that you are in our presence. I congratulate you on the fine work you have done for all of us. Thank you.

The SPEAKER. Now would be an appropriate time for you all to talk, you know. When I need you to be quiet, you are not, and when it does not really matter, you suddenly go silent.

### LEAVE OF ABSENCE CANCELED

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

### GUESTS INTRODUCED

The SPEAKER. A few other guests that are with us, located in the gallery, we would like to welcome representatives of the Pennsylvania State Grange. They are Katarina Darmofal, State Junior Grange Princess; Derek Snyder, State Junior Grange Prince; Samantha Gourley and Tyler Sattazahn, State Grange Youth Ambassadors; and Miranda and Matthew Irons, State Grange Young Couple. Seated with these guests are several adults accompanying the group, including the president of the State Grange, Carl Meiss. And they are here today as the guests of Representatives Perry, Killion, Christiana, Cox, and Rapp. Will our guests please rise. Welcome to the hall of the House.

Also in the rear of the House, we would like to welcome interns and staff from Representative Petri's district office: Pat Caimano, Amy Schreffler, Seth Markin, and Mike Patterson. Welcome to the hall of the House. Will our guests please rise. Welcome to the hall of the House.

### APPROPRIATIONS COMMITTEE MEETING

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

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

Mr. Speaker, there will be a House Appropriations Committee meeting immediately in the majority caucus room. Thank you.

The SPEAKER. There will be an immediate House Appropriations Committee meeting in the majority caucus room.

### RULES COMMITTEE MEETING

The SPEAKER. Is the gentleman, Mr. Turzai, seeking recognition for an announcement?

Mr. TURZAI. Yes, sir. Thank you.

We will have a Rules Committee meeting at noon, really following the Appropriations meeting, but we will meet around noon, just after the Appropriations Committee in 60 East Wing. We are going to be in 60 East Wing today for the Rules Committee meeting; 60 East Wing. Thank you.

The SPEAKER. There will be a Rules Committee meeting following the Appropriations Committee meeting in 60 East Wing.

### REPUBLICAN CAUCUS

The SPEAKER. Caucus announcement?

The Speaker recognizes the lady, Ms. Major, from Susquehanna County.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 1:30.

Thank you, Mr. Speaker.

### DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

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

### ANNOUNCEMENT BY MR. THOMAS

The SPEAKER. For what purpose does the gentleman from Philadelphia County, Mr. Thomas, rise?

Mr. THOMAS. Thank you, Mr. Speaker.

I just wanted to let people know that there will be a reception with Congressman Gray in room 302 of Irvis Office Building if you want to stop over.

### GUEST INTRODUCED

Mr. THOMAS. And I wanted to also make sure we introduce the young man that succeeded Congressman Gray at Bright Hope Baptist Church, and that is the Reverend Kevin R. Johnson.

The SPEAKER. The Speaker thanks the gentleman.

### RECESS

The SPEAKER. This House stands in recess until 1:30, unless sooner recalled by the Speaker.



**RECESS EXTENDED**

The time of recess was extended until 1:45 p.m.; further extended until 2 p.m.; further extended until 2:30 p.m.

**AFTER RECESS****THE SPEAKER PRO TEMPORE  
(JOHN MAHER) PRESIDING**

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

**BILLS REREPORTED FROM COMMITTEES****HB 528, PN 3725** By Rep. ADOLPH

An Act requiring certain long-term care facilities to coordinate with licensing agencies and local area agencies on aging to provide assistance to consumers in circumstances involving relocation of consumers; and providing for powers and duties of the Department of Aging.

APPROPRIATIONS.

**HB 910, PN 3727** By Rep. ADOLPH

An Act designating the Pennsylvania Long Rifle as the official firearm of the Commonwealth of Pennsylvania and the Piper J-3 Cub as the official State aircraft of the Commonwealth of Pennsylvania.

APPROPRIATIONS.

**HB 1991, PN 3672** By Rep. TURZAI

An Act amending the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, further providing for legislative findings and for definitions; providing for verification of eligibility, for fraud reporting to Inspector General and for conflict of interest policy; further providing for weatherization and energy conservation; providing for performance audits by the Auditor General; and making editorial changes.

RULES.

**HB 2043, PN 3660** By Rep. TURZAI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

RULES.

**HB 2275, PN 3661** By Rep. ADOLPH

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation.

APPROPRIATIONS.

**HB 2349, PN 3476**

By Rep. ADOLPH

An Act redesignating the bridge on State Route 322 over North Fork Creek in Brookville Borough, Jefferson County, as the Purple Heart Memorial Bridge of Jefferson County.

APPROPRIATIONS.

**HB 2400, PN 3728**

By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications, for possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices, for issuance of order and effect; providing for target-specific orders; and further providing for emergency hostage and barricade situations, for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for evidentiary disclosure of contents of intercepted communication or derivative evidence, for requirements for governmental access, for cost reimbursement, for mobile tracking devices, for application for an order for use of certain devices and for issuance of an order for use of certain devices.

APPROPRIATIONS.

**HB 2406, PN 3650**

By Rep. ADOLPH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township, certain lands in Susquehanna Township, Dauphin County.

APPROPRIATIONS.

**HB 2407, PN 3670**

By Rep. ADOLPH

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in criminal history for employees, further providing for information relating to prospective facility personnel.

APPROPRIATIONS.

**HB 2421, PN 3622**

By Rep. TURZAI

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, in officers, directors and members, further providing for manner of giving notice.

RULES.

**HB 2438, PN 3659**

By Rep. TURZAI

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, amending the title of the act; further providing for conflicts of interest and penalty; reorganizing the Department of Banking and the Pennsylvania Securities Commission; and making related repeals.

RULES.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 1844, PN 3747** (Amended) By Rep. ROSS

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for powers of authority.

URBAN AFFAIRS.

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

**SB 276, PN 1977** By Rep. ROSS

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for powers and duties of the Department of General Services.

URBAN AFFAIRS.

**SB 887, PN 903** By Rep. ROSS

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for disposition of abandoned personal property.

URBAN AFFAIRS.

**SB 1321, PN 2237** By Rep. ROSS

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for definitions, for contents, for plan not affected by certain collective bargaining agreements or settlements, for filing municipal debt adjustment under Federal law and for collective bargaining agreements, furlough of employees and disputes.

URBAN AFFAIRS.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 773** By Representatives WATERS, BISHOP, B. BOYLE, V. BROWN, BROWNLEE, CALTAGIRONE, CLYMER, KIRKLAND, CUTLER, KORTZ, FLECK, FREEMAN, READSHAW, STURLA, GEORGE, GINGRICH, GOODMAN, HARPER, HELM, HENNESSEY, HESS, HUTCHINSON, JOSEPHS, JAMES, LONGIETTI, MAHONEY, MAJOR, MANN, MILLARD, MIRABITO, MUSTIO, M. O'BRIEN, PARKER, PASHINSKI, PAYTON, SACCONI, SANTONI, STABACK, SWANGER, THOMAS and WHEATLEY

A Resolution designating the third Saturday in June as "Juneteenth National Freedom Day" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 13, 2012.

**No. 774** By Representatives QUIGLEY, BEAR, BOBACK, BOYD, BRADFORD, BRIGGS, CALTAGIRONE, COX,

CREIGHTON, CUTLER, DALEY, DAVIDSON, DeLUCA, DENLINGER, DONATUCCI, EVANKOVICH, FARRY, FREEMAN, GEIST, GIBBONS, GILLEN, GILLESPIE, GINGRICH, GOODMAN, GROVE, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. K. KELLER, KORTZ, KRIEGER, LAWRENCE, MAHONEY, MALONEY, MARSICO, MICOZZIE, MILLARD, MILNE, MIRABITO, MOUL, MURT, O'NEILL, PASHINSKI, PERRY, PICKETT, PRESTON, RAPP, ROCK, SANTONI, SCAVELLO, SONNEY, STEPHENS, SWANGER, TALLMAN, THOMAS, TOEPEL, TOOHIL, VEREB, VULAKOVICH and WATSON

A Resolution establishing a select committee to investigate and review the interrelationship between all current sources of school district and local government tax revenue, with a focus on property taxes, the current system of Federal and State funding of school districts and other local government functions.

Referred to Committee on EDUCATION, June 13, 2012.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2473** By Representatives DERMODY, THOMAS, STABACK, MIRABITO, D. COSTA, FREEMAN, KILLION, SANTARSIERO, BISHOP, STEPHENS, McGEEHAN, B. BOYLE, HORNAMAN, HELM, K. BOYLE, MAHONEY, ROSS, PARKER, BRENNAN, DeLUCA, CARROLL, GEIST, CALTAGIRONE, DEAN, KULA, PRESTON, BROWNLEE, SWANGER, DELOZIER, MUNDY, DAVIDSON, YOUNGBLOOD, WATERS, MANN, JAMES, GIBBONS, FABRIZIO, DEASY, JOSEPHS and SCHMOTZER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce and for counseling.

Referred to Committee on JUDICIARY, June 13, 2012.

**No. 2474** By Representatives NEUMAN, DUNBAR, CALTAGIRONE, CARROLL, D. COSTA, CRUZ, DALEY, DEASY, GILLEN, GODSHALL, GROVE, HARKINS, W. KELLER, KOTIK, MATZIE, MURT, READSHAW, REESE, SACCONI, SCHMOTZER, STABACK, SWANGER, THOMAS, WILLIAMS and YOUNGBLOOD

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for licensure of manager-barbers and barber-teachers.

Referred to Committee on PROFESSIONAL LICENSURE, June 13, 2012.

**No. 2475** By Representatives NEUMAN, DUNBAR, CALTAGIRONE, CARROLL, D. COSTA, CRUZ, DALEY, DEASY, GILLEN, GODSHALL, GROVE, HARKINS, W. KELLER, KOTIK, MATZIE, MURT, READSHAW, REESE, SACCONI, SCHMOTZER, STABACK, SWANGER, THOMAS, WILLIAMS and YOUNGBLOOD

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for credit for registered barbers.

Referred to Committee on PROFESSIONAL LICENSURE,  
June 13, 2012.

### SENATE BILLS FOR CONCURRENCE

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

#### **SB 8, PN 2269**

Referred to Committee on HEALTH, June 13, 2012.

#### **SB 866, PN 2270**

Referred to Committee on VETERANS AFFAIRS AND  
EMERGENCY PREPAREDNESS, June 13, 2012.

#### **SB 1528, PN 2213**

Referred to Committee on PROFESSIONAL LICENSURE,  
June 13, 2012.

#### **SB 1545, PN 2267**

Referred to Committee on COMMERCE, June 13, 2012.

#### **SB 1546, PN 2268**

Referred to Committee on LOCAL GOVERNMENT,  
June 13, 2012.

### GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the rostrum, the Chair welcomes Representative Eddie Day Pashinski's daughters and grandchildren. Daughter Lori Miller is here with her children, Julia and J.T. Daughter Mandy Costello is here with her children, Brian and Mia Rose. Also seated with the family is Representative Pashinski's district office intern Kara Bowen. She attends Ursinus College.

To the left of the Speaker, the Chair welcomes Na'lah Dawkins, a Penn State student from Upper Marlboro, Maryland, interning with Representative Cohen's office, and Emma Watts, a Penn State student from Pittsburgh – excuse me – from Upper St. Clair in the 40th District, interning with Representative Cohen, a constituent of mine, whose parents are my dear friends. Welcome to the hall of the House.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of Representative Briggs from Montgomery County on the floor of the House. His leave will be canceled.

### SUPPLEMENTAL CALENDAR B

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2421, PN 3622**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, in officers, directors and members, further providing for manner of giving notice.

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 2438, PN 3659**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, amending the title of the act; further providing for conflicts of interest and penalty; reorganizing the Department of Banking and the Pennsylvania Securities Commission; and making related repeals.

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 2043, PN 3660**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

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 1991, PN 3672**, entitled:

An Act amending the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, further providing for legislative findings and for definitions; providing for verification of eligibility, for fraud reporting to Inspector General and for conflict of interest policy; further providing for weatherization and energy conservation; providing for performance audits by the Auditor General; and making editorial changes.

On the question,

Will the House agree to the bill on second consideration?

Mr. **CUTLER** offered the following amendment  
No. **A11285**:

Amend Bill, page 6, line 10, by striking out "423" and inserting  
432.23

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

**AMENDMENT PASSED OVER TEMPORARILY**

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Lancaster County, Mr. Cutler. Amendment 11285 will be over temporarily.

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

Mr. **CUTLER** offered the following amendment  
o. **A11301**:

Amend Bill, page 6, line 10, by striking out "423" and inserting  
432.23

Amend Bill, page 7, line 9, by inserting after "WHICH"  
the subgrantee.

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman, Mr. Cutler.

Mr. **CUTLER**. Thank you, Mr. Speaker, and thank you for agreeing to run this amendment in place of the prior one.

Mr. Speaker, this addresses the citation that we referred to in the original bill that was incorrect as well as adds the language "subgrantee" to those individuals that the subdivision would apply to. Both of these were missed in the original draft, and we felt that we should probably provide better clarification to show that subgrantees are in fact included in those individuals that will fall under the conflict of interest policy. Thank you.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—196**

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

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—5**

Gerber	Hanna	Killion	Smith, K.
Godshall			

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?

**AMENDMENT WITHDRAWN**

The **SPEAKER** pro tempore. The Chair understands the gentleman, Mr. Cutler, is withdrawing amendment 11285. The Chair thanks the gentleman.

**LEAVE OF ABSENCE CANCELED**

The **SPEAKER** pro tempore. The Chair recognizes the presence on the floor of the House of Representative Godshall, and his leave will be canceled.

**CONSIDERATION OF HB 1991 CONTINUED**

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment No. **A11354**:

Amend Bill, page 5, line 7, by inserting after "and"  
, except as set forth in subsection (d).

Amend Bill, page 5, line 16, by inserting after "and"  
, except as set forth in subsection (d).

Amend Bill, page 6, line 10, by striking out "423" and inserting  
432.23

Amend Bill, page 6, by inserting between lines 14 and 15  
(d) Time period.—For purposes of compliance with the verification procedures under subsections (a) and (b), the time period of ten business days in section 432.23(b)(2) of the Public Welfare Code shall be extended to 30 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentelady, Representative DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I will be withdrawing this amendment, but I would like to speak on it before it is withdrawn or after it is withdrawn.

The SPEAKER pro tempore. Well, you are certainly in order to speak right now, and when you conclude your remarks would be a good time to withdraw.

Ms. DeLISSIO. Thank you.

Mr. Speaker, this amendment is to extend from 10 days to 30 days the amount of time that a potential LIHEAP (Low-Income Home Energy Assistance Program) recipient has to respond to the department in the event that they are found to be ineligible, and that could be for a good and sufficient reason or it could be in error. Mr. Speaker, I maintain that during even my personal experience, a lot of older, older adults are applicants for LIHEAP and are the very grateful recipients of this benefit, and in many instances it is their adult children or other adults in their lives who are helping them navigate a very complicated bureaucratic system to access almost any benefit, and that 10-day window is just extremely tight that allows somebody who is helping them to pick up that piece of mail or that advisory and get it back in. If those 10 days expire, it is my understanding that the case is closed and the process has to start all over again.

I am withdrawing the amendment with the understanding that the Department of Public Welfare is going to be reviewing this situation. I have already had one discussion with the Secretary of Aging about this as well, because of course older adults are very near and dear to the Department of Aging, and I hope that then this issue will be corrected in the Senate. Thank you, Mr. Speaker.

**AMENDMENT WITHDRAWN**

Ms. DeLISSIO. So I will withdraw the amendment.

The SPEAKER pro tempore. The Chair thanks the gentelady.

On the question recurring,

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

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Cutler, seek recognition?

Mr. CUTLER. Thank you, Mr. Speaker.

To speak briefly on the points that the lady just raised regarding the potential future work, if I may. The SPEAKER pro tempore. The gentleman is in order.

Mr. CUTLER. Thank you, Mr. Speaker.

I appreciate the gentelady's withdrawal of the amendment as we evaluate the 10-day versus 30-day issue that she raised here on the floor. I certainly appreciate her cooperation as we head to the Senate, hopefully after an affirmative vote next week on this bill.

Mr. Speaker, I think it is also important to note that existing policy is actually running closer to 15 days, and it would be my position, which I have relayed to the gentelady as well, that since the LIHEAP and the weatherization programs are in actually a different act, that in fact this change may actually be required in the Welfare Code since we are pulling the 10-day time period in by reference and that perhaps that would be better suited. But that is one of the issues that we intend to cover going forward, and we also intend to reach out to the department for their input as well. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

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

The House proceeded to second consideration of **SB 1398**, **PN 2163**, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

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 1521**, **PN 3483**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense and consequences of possession of a vehicle with false compartments.

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

\* \* \*

The House proceeded to second consideration of **SB 449**,  
**PN 2248**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14),  
known as the Public School Code of 1949, providing for child abuse  
recognition and reporting training.

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

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the  
presence of Representative Gerber on the House floor, and his  
leave shall be canceled.

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2316**,  
**PN 3375**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14),  
known as the Public School Code of 1949, providing for  
intergovernmental agreements for school security and safety.

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

Mr. **GERBER** offered the following amendment  
No. **A11690**:

Amend Bill, page 1, line 6, by inserting after "safety"  
and for school foods reform

Amend Bill, page 2, line 3, by striking out all of said line and  
inserting

Section 2. The act is amended by adding an article to read:

#### ARTICLE XIV-A

#### SCHOOL FOODS REFORM

Section 1401-A. Findings and declarations.

The General Assembly finds and declares as follows:

(1) Childhood obesity has reached epidemic levels in  
this Commonwealth and throughout the nation. Studies show  
approximately 16.5% of American children are obese, and the  
rates have doubled in children and tripled in teens over the past  
two decades.

(2) Overweight and obese children are at a higher risk  
for long-term health problems, including:

- (i) Heart disease.
- (ii) Stroke.
- (iii) Type 2 diabetes.
- (iv) Certain cancers.
- (v) High blood pressure.
- (vi) Gallbladder disease.

(3) Childhood obesity significantly increases the risk of  
obesity in adulthood. In addition, the lives of overweight youth  
are also often affected by:

- (i) Discrimination.
- (ii) Psychological stress.

(iii) Poor body image.

(iv) Low self-esteem.

(4) Two-thirds of deaths in this Commonwealth result  
from four chronic diseases:

(i) Heart disease.

(ii) Cancer.

(iii) Stroke.

(iv) Diabetes.

(5) Health experts agree one of the most effective ways  
to prevent these four chronic diseases is to establish policies and  
programs to help children and adolescents develop healthy eating  
and physical activity habits they can maintain throughout their  
lives.

(6) A child who is physically healthy is more likely to be  
academically motivated, alert and successful. Good nutrition  
plays an important role in learning and cognitive development.  
Inadequate diet and hunger have been found to adversely  
influence the ability to learn and to decrease motivation and  
attentiveness.

(7) The school environment significantly influences the  
foods children eat nearly every day. While the United States  
Department of Agriculture (USDA) regulates the nutritional  
quality of meals sold under its reimbursable school lunch and  
breakfast programs, similar standards do not exist for foods and  
beverages sold individually outside the USDA meal programs.  
This includes foods sold through vending machines, a la carte  
lines, fundraisers and school stores. These foods are often high in  
added sugars, salt or saturated fats and trans fats.

(8) Only 2% of children two to 19 years of age meet the  
five main recommendations for a healthy diet from the USDA.  
Soft drink consumption has doubled over the last 30 years.  
USDA surveys have found that children two to 18 years of age  
consumed an average of 118 more calories per day in 1996 than  
they did in 1978. According to the USDA, the increases are  
largely driven by increased intake of foods and beverages high in  
added sugars, especially sodas, fruit drinks, cookies and other  
sweet baked goods. Only one-third of children eat the  
recommended amount of fruit, and about three-quarters of  
school-age children consume too much saturated fat and sodium  
and not enough fiber.

(9) Nutrition-poor foods in schools undermine parents'  
efforts to feed their children well. Parents entrust schools with  
the care of their children during the school day. Without their  
parents' knowledge, some children spend their lunch money on  
low-nutrition foods from vending machines and a la carte lines,  
rather than on balanced school meals.

(10) Schools are switching to the sale of healthier foods  
without losing revenue. The USDA and the Centers for Disease  
Control and Prevention (CDC) studied 17 schools and school  
districts reporting income data after improving the nutritional  
quality of school foods and beverages. After improving their  
school foods, 12 schools and school districts increased their  
revenue and four reported no change.

Section 1402-A. Definitions.

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

"A la carte entrée." A main dish sold outside of the reimbursable  
school meal program. A la carte entrées include, but are not limited to,  
items such as sandwiches, wraps, pizzas and salads. The term a la carte  
entrée shall not include side dishes, snacks or other individually sold  
items.

"A la carte line." The portion of the school selling individual  
items, as opposed to a complete meal.

"Individual item." Separately priced food or beverage sold or  
served outside of reimbursable school meal programs in schools.

"Nutritionally equivalent nondairy beverages." A liquid fortified  
with calcium, protein, vitamin A, vitamin D, riboflavin, vitamin B12,

magnesium, phosphorus and potassium to ensure it has the same nutritional value as a cup of milk.

"School day." The period of time between the arrival of the first student at the school building and the end of the last instructional period. The term shall not include periods of time before or after the school day which are commonly used for extracurricular activities such as clubs, yearbook, band, choir, student government, drama and sports.

"Snack items." A food generally regarded as supplementing a meal, including, but not limited to, fruits, vegetables, yogurts, puddings, soups, cheeses, snack chips, pretzels, crackers, popcorn, nuts, seeds, french fries, onion rings, pastries, dried meat snacks, granola bars, energy bars, breakfast bars, cookies, brownies, snack cakes, candy, doughnuts, ice cream, frozen yogurt, frozen fruit bars and other similar foods.

"USDA." The United States Department of Agriculture.

Section 1403-A. Nutritional standards for foods and beverages sold individually on school grounds during the school day.

(a) Sales on school grounds.—The sale of foods on school grounds during the school day shall meet the standards in sections 1404-A and 1405-A.

(b) Foods sold outside of reimbursable school meals.—Food or beverages served or sold through vending machines, cafeteria a la carte lines, fundraisers and school stores at elementary and secondary schools on campus throughout the school day shall meet the standards in subsections (c) and (d) and sections 1404-A and 1405-A.

(c) Elementary schools.—Food and beverages available to students in elementary schools shall meet the standards in sections 1404-A and 1405-A.

(d) Middle, junior high and high schools.—In middle, junior high and high schools, individual items sold outside the reimbursable school meal programs, including, but not limited to, items sold through a la carte lines, vending machines, student stores or fundraising activities, shall meet the nutrition and portion size standards set forth in sections 1404-A and 1405-A.

Section 1404-A. Beverages.

(a) Elementary schools.—The following beverages shall be permitted for sale in elementary schools:

(1) Bottled water or bottled seltzer water without added caloric sweeteners.

(2) Fruit and vegetable juices and fruit-based drinks which are eight ounces or less, containing 100% fruit juice and no additional caloric sweeteners and up to 120 calories.

(3) Unflavored or flavored lowfat or fat-free fluid milk and nutritionally equivalent nondairy beverages, as defined by the USDA, which are eight ounces or less.

(b) Middle schools.—The following beverages shall be permitted for sale in middle schools:

(1) Bottled water or bottled seltzer water without added caloric sweeteners.

(2) Fruit and vegetable juices and fruit-based drinks which are ten ounces or less, containing 100% fruit juice with no added sweeteners and up to 120 calories.

(3) Unflavored or flavored lowfat or fat-free fluid milk and nutritionally equivalent nondairy beverages, as defined by the USDA, which are ten ounces or less.

(c) High schools.—The following beverages shall be permitted for sale in high schools:

(1) Bottled water or bottled seltzer water without added caloric sweeteners.

(2) Fruit and vegetable juices and fruit-based drinks which are 12 ounces or less, containing 100% fruit juice with no added sweeteners and up to 120 calories.

(3) Unflavored or flavored lowfat or fat-free fluid milk and nutritionally equivalent nondairy beverages, as defined by the USDA, which are 12 ounces or less.

(4) Noncarbonated beverages with no more than 66 calories per eight ounces.

(d) Beverages not allowed.—The following beverages shall not be for sale in schools:

(1) Soft drinks containing caloric sweeteners.

(2) Sports drinks that do not meet the guidelines established in this section.

(3) Iced teas that do not meet the guidelines established in this section.

(4) Fruit-based drinks that contain less than 100% fruit juice or that contain additional caloric sweeteners.

(5) Beverages containing caffeine, excluding lowfat or fat-free chocolate milk.

Section 1405-A. Foods.

(a) Prohibitions.—With the exception of a la carte entrées, a food item sold individually during the school day shall meet the following standards:

(1) Contain less than or equal to 150 calories.

(2) Contain less than or equal to 30% of its calories from fat, excluding nuts, seeds, peanut butter and other nut butters and 10% of its calories from saturated fats.

(3) Contain less than or equal to 35% of its weight from added sugars. If a food manufacturer fails to provide the added sugar content of a food item, schools may use the percentage of weight from total sugars and exempt fruits, vegetables and dairy foods from this total sugar limit.

(4) Contain less than or equal to 230 milligrams of sodium per serving for chips, cereals, crackers, french fries, baked goods and other snack items.

(5) Contain zero grams of trans fats as labeled.

(b) A la carte entrées.—Each a la carte entrée shall meet the following criteria:

(1) Contain less than or equal to 450 calories.

(2) Contain less than or equal to 35% of its calories from fat.

(3) Contain less than or equal to 10% of its calories from saturated fat.

(4) Contain less than or equal to 600 milligrams of sodium.

(5) Contain less than or equal to 35% of its weight from added sugars. If a food manufacturer fails to provide the added sugar content of a food item, schools may use the percentage of weight from total sugars and exempt fruits, vegetables and dairy foods from this total sugar limit.

(6) Contain zero grams of trans fat as labeled.

(c) Requirements.—A choice of at least two fruits and nonfried vegetables shall be offered for sale where foods are sold at the school. The items may include, but not be limited to:

(1) Fresh fruits and vegetables.

(2) Fruit-based drinks that contain 100% fruit juice and that do not contain additional caloric sweeteners.

(3) Cooked, dried or canned fruit products whether or not contained in fruit juice or light syrup that contain fewer than 150 calories per serving.

(4) Cooked, dried or canned vegetables that contain fewer than 150 calories per serving and that meet the fat and sodium guidelines.

Schools with vending machines are encouraged to include refrigerated snack vending machines which accommodate fruits, vegetables, yogurts and other perishable items.

Section 3. This act shall take effect as follows:

(1) The addition of Article XIV-A of the act shall take effect January 30, 2013.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman is indicating he is withdrawing his amendment. The Chair thanks the gentleman.

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

\* \* \*

The House proceeded to second consideration of **SB 157, PN 2076**, entitled:

An Act establishing a task force within the Department of Education, providing for its powers and duties and providing for administrative support.

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

Mr. **VULAKOVICH** offered the following amendment No. **A11522**:

Amend Bill, page 6, line 6, by inserting after "STUDY."  
If the department has already collected the data or information required, the task force shall incorporate the data or information into the report required under subsection (d).

Amend Bill, page 7, line 22, by striking out all of said line and inserting  
Section 2. Effective date.

This act shall take effect in 60 days.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Vulakovich.

Mr. VULAKOVICH. Thank you, Mr. Speaker.

I am offering amendment 11522 in addition to the current SB 157. There has been an agreement made amongst all the players in this and Senator Fontana. It would basically say, "If the department has already collected the data or information required, the task force shall incorporate the data or information into the report required under subsection (d)." That would prevent any duplication of effort on receiving information or trying to get information. So this is agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

Adolph	Donatucci	Kirkland	Pyle
Aument	Dunbar	Knowles	Quigley
Baker	Ellis	Kortz	Quinn
Barbin	Emrick	Kotik	Rapp
Barrar	Evankovich	Krieger	Ravenstahl
Bear	Evans, D.	Kula	Readshaw

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Hanna	Killion	Smith, K.
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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 pro tempore. Does the gentleman, Mr. Vulakovich, intend to offer his other amendment?

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



Mr. VULAKOVICH offered the following amendment No. A11523:

Amend Bill, page 7, line 22, by striking out "SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS." and inserting Section 2. Expiration.

This act shall expire two years following the effective date of this section.

Section 3. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the Representative from Allegheny County, Mr. Vulakovich.

Mr. VULAKOVICH. Thank you, Mr. Speaker.

This amendment will merely give a sunset date: "This act shall take effect in 60 days," but it "...shall expire two years following the effective date of this section." This is agreed to by the Senator, the maker of the bill, and also by PDE (Pennsylvania Department of Education). So I would appreciate an affirmative vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

The gentleman is correct. This is indeed an agreed-to amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

Table listing names of representatives who voted 'YEAS-198', including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Donatucci, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Mackenzie, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schmotzer, Simmons, Smith, M., Sonney, Staback, Stephens, Stern.

Table listing names of representatives who did not vote or were excused, including Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DiGirolamo, Hackett, Hahn, Haluska, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Mirabito, Moul, Mullery, Mundy, Murphy, Murt, Mustio, Myers, Neilson, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-3

Table listing names of representatives who were excused: Hanna, Killion, Smith, K.

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 as amended was agreed to.

(Bill as amended will be reprinted.)

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The House proceeded to second consideration of HB 646, PN 3509, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for definitions and for civil penalties.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman, Mr. George, is not offering his amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 444, PN 1856**, 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 licenses; 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?

Mr. **P. COSTA** offered the following amendment No. **A11420**:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR"

Amend Bill, page 1, line 25, by striking out the comma after "DEFINITIONS" and inserting  
and

Amend Bill, page 1, lines 26 through 28, by striking out "AND FOR PRIZE LIMITS, FOR LIMITS ON SALES, FOR " in line 26, all of line 27 and "REGULATIONS," in line 28 and inserting  
; providing for Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle; further providing

Amend Bill, page 1, lines 28 and 29, by striking out "AND FOR " in line 28 and all of line 29 and inserting a semicolon

Amend Bill, page 2, lines 1 and 2, by striking out ", FOR " in line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 and inserting  
and for distribution of proceeds

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

"50/50 drawing." A game in which:

(1) A participant buys a ticket for a chance at a prize with the winner or winners determined by a random drawing of a corresponding ticket.

(2) The prize paid to the winner or winners is comprised of one-half of the proceeds from the game and the remaining proceeds retained by the eligible organization.

\* \* \*

"Games of chance." Punchboards, daily drawings, weekly drawings, 50/50 drawings, raffles, Major League Baseball, National Hockey League or National Basketball Association 50/50 raffles and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any

provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\* \* \*

"Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle." A game of chance conducted by a Major League Baseball, National Hockey League or National Basketball Association team that is affiliated with a nonprofit organization at a home game in which 50% of the money taken in by raffle ticket sales is offered as the prize and the remaining 50% is retained by the affiliated nonprofit organization sponsoring the raffle.

\* \* \*

Section 2. Section 301 of the act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this chapter may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5, all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes [or], for the purchase of games of chance [as permitted], for the payment of the license fee or for the payment of the fee for background checks, as required by this act. An eligible organization, except a club licensee, may use its proceeds from games of chance to fulfill its own public interest purpose.

Section 3. The act is amended by adding a section to read:

Section 302.1. Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

(a) General rule.—A person may purchase one or more Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets, and each ticket purchased shall represent one entry in the drawing for a winner. A single Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle ticket shall be randomly chosen as the winner after a certain number of tickets are sold or a specified time period expires as designated by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

(b) Frequency.—A Major League Baseball, National Hockey League or National Basketball Association team may conduct no more than one Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle per home game.

(b.1) Sales restricted.—Tickets for the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle may not be sold in any seating area designated by the Major League Baseball, National Hockey League or National Basketball Association team as a family section.

(c) Distribution of money collected.—The prize amount for a Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle shall be 50% of the total money collected from the sale of Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets. The other 50% of the total money collected from the sale of Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets shall be donated within seven days from the date of the raffle by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle to the designated charitable organization for which the raffle was conducted.

(d) Designated charitable organization.—The charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle shall disclose to the raffle ticket purchasers the designated charitable organization for which the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle is being conducted.

(e) Unclaimed prizes.—Any Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle prize

remaining unclaimed by the winner at the end of the Major League Baseball, National Hockey League or National Basketball Association team's season shall be donated within 30 days from the end of the season by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle to the designated charitable organization for which the 50/50 raffle was conducted.

(f) Applicability of other sections.—The limitations under sections 302, 308 and 704 shall not apply to a Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

Section 4. Sections 307(b.1) and 502 of the act, renumbered and amended or added February 2, 2012 (P.L.7, No.2), are amended to read:

Section 307. Licensing of eligible organizations to conduct games of chance.

\* \* \*

(b.1) Location of games of chance.—

(1) [Every] Except as otherwise provided in this section, a licensed eligible organization, except a limited occasion licensee, may conduct small games of chance [only] at a licensed premises. The licensed premises shall be indicated on the eligible organization's license application. [Only one license shall be issued per licensed premises. Except as provided under paragraph (4), a licensed eligible organization may not share a licensed premises with another licensed eligible organization; and no licensed eligible organization may permit its premises to be used for small games of chance by another licensed eligible organization.]

(2) Where there exists a location or premises which is the normal business or operating site of the eligible organization and the location or premises is owned or leased by that eligible organization to conduct its normal business, that site shall be the eligible organization's licensed premises. If that location consists of more than one building, the eligible organization shall [choose] identify the building that will be designated as the licensed premises.

(2.1) If an eligible organization wishes to conduct games of chance in a different location from the one that is listed on its application and license, the eligible organization must submit a written request to the district attorney. The request must include the change in the location and the dates and times the games of chance will be operated at the new location. The district attorney may approve the request, deny the request or stipulate additional requirements as a condition of approval.

(3) When an eligible organization does not own or lease a specific location to conduct its normal business, the eligible organization may use the premises of another eligible organization to conduct games of chance or may make arrangements that are consistent with this act to establish a licensed premises, including leasing a premise under a written agreement for a rental; however, the rental may not be determined by either the amount of receipts realized from the conduct of games of chance or the number of people attending. An eligible organization may lease a facility for a banquet in connection with the serving of a meal based on a per-head charge. Prior to the use of the premises of another eligible organization to conduct games of chance, an eligible organization must notify, in writing, the district attorney regarding the location of the premises and the dates and times the games of chance will be operated. When an eligible organization permits another eligible organization to use its licensed premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the other eligible organization is conducting its games on the premises.

(4) An eligible organization that has obtained a limited occasion license under subsection (b.3) may use another eligible organization's licensed premises to conduct its games of chance. When a licensed eligible organization is permitting a limited occasion licensee to use its licensed premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the limited occasion licensee is conducting its games on the premises.

\* \* \*

Section 502. Distribution of proceeds.

(a) Distribution.—The proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 70% of the proceeds shall be paid to organizations for public interest purposes in the calendar year in which the proceeds were obtained.

(2) No more than 30% of the proceeds obtained in a calendar year may be retained by a club licensee and used for the following operational expenses relating to the club licensee:

- (i) Real property taxes.
- (ii) Utility and fuel costs.
- (iii) Heating and air conditioning equipment or repair costs.
- (iv) Water and sewer costs.
- (v) Property or liability insurance costs.
- (vi) Mortgage payments.
- (vii) Interior and exterior repair costs, including repair to parking lots.
- (viii) New facility construction costs.
- (ix) Entertainment equipment, including television, video and electronic games.
- (x) Other expenses adopted in regulation by the department.

(xi) License fees as required under this act.

(xii) Background check fees as required under this act.

(a.1) Amounts retained.—Amounts retained by a club licensee under subsection (a)(2) shall be expended within the same calendar year unless the club licensee notifies the department that funds are being retained for a substantial purchase or project. Notification shall include a description of the purchase or project, the cost and the anticipated date of the purchase or project.

(b) Prohibition.—

(1) Proceeds shall not be used for wages, alcohol or food purchases or for the payment of any fine levied against the club licensee.

(2) An officer or employee of a club licensee who operates the game of chance shall not participate in the game. This paragraph shall not apply to a raffle.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman has withdrawn that amendment.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. Is the gentleman planning to offer his other amendment?

The House will be at ease.

The House will come to order.

Mr. P. COSTA offered the following amendment No. A11700:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting definitions and for games of chance permitted; and providing for Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

"50/50 drawing." A game in which:

(1) A participant buys a ticket for a chance at a prize with the winner or winners determined by a random drawing of a corresponding ticket.

(2) The prize paid to the winner or winners is comprised of one-half of the proceeds from the game and the remaining proceeds retained by the eligible organization.

\* \* \*

"Games of chance." Punchboards, daily drawings, weekly drawings, 50/50 drawings, raffles, Major League Baseball, National Hockey League or National Basketball Association 50/50 raffles and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\* \* \*

"Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle." A game of chance conducted by a Major League Baseball, National Hockey League or National Basketball Association team that is affiliated with a nonprofit organization at a home game in which 50% of the money taken in by raffle ticket sales is offered as the prize and the remaining 50% is retained by the affiliated nonprofit organization sponsoring the raffle.

\* \* \*

Section 2. Section 301 of the act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this chapter may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5, all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes [or], for the purchase of games of chance [as permitted], for the payment of the license fee or for the payment of the fee for background checks, as required by this act. An eligible organization, except a club licensee, may use its proceeds from games of chance to fulfill its own public interest purpose.

Section 3. The act is amended by adding a section to read:  
Section 302.1. Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

(a) General rule.—A person may purchase one or more Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets, and each ticket purchased shall represent one entry in the drawing for a winner. A single Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle ticket shall be randomly chosen as the winner after a certain number of tickets are sold or a specified time period expires as designated by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

(b) Frequency.—A Major League Baseball, National Hockey League or National Basketball Association team may conduct no more than one Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle per home game.

(b.1) Sales restricted.—Tickets for the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle may not be sold in any seating area designated by the Major League Baseball, National Hockey League or National Basketball Association team as a family section.

(c) Distribution of money collected.—The prize amount for a Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle shall be 50% of the total money collected from the sale of Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets. The other 50% of the total money collected from the sale of Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle tickets shall be donated within seven days from the date of the raffle by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle to the designated charitable organization for which the raffle was conducted.

(d) Designated charitable organization.—The charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle shall disclose to the raffle ticket purchasers the designated charitable organization for which the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle is being conducted.

(e) Unclaimed prizes.—Any Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle prize remaining unclaimed by the winner at the end of the Major League Baseball, National Hockey League or National Basketball Association team's season shall be donated within 30 days from the end of the season by the charitable organization conducting the Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle to the designated charitable organization for which the 50/50 raffle was conducted.

(f) Applicability of other sections.—The limitations under sections 302, 308 and 704 shall not apply to a Major League Baseball, National Hockey League or National Basketball Association 50/50 raffle.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman, Mr. Costa, and he may play ball.

Mr. P. COSTA. Thank you, Mr. Speaker.

Sorry for the confusion on which amendment we were running, but basically this amendment is the same as HB 2015 that we voted for yesterday. So we are just making sure that we are covering our bases and that we get it in this bill, too. So I appreciate a positive vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—181

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

NAYS—17

Aument	Cox	Emrick	Maloney
Bear	Creighton	Gillen	Metcalfe
Bloom	Cutler	Hickernell	Swanger
Boyd	Denlinger	Lawrence	Tallman
Clymer			

NOT VOTING—0

EXCUSED—3

Hanna	Killion	Smith, K.
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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?

Mrs. **BROOKS** offered the following amendment No. **A11648**:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting regulations.

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 306 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 306. Regulations of department.

(a) Authorization.—The department shall promulgate regulations to:

(1) Impose minimum standards and restrictions applicable to games of chance manufactured for sale in this Commonwealth, which may include standards and restrictions which specify the maximum number of chances available to be sold for any single game of chance or prize and such other standards and restrictions as the department deems necessary for the purposes of this chapter. The department shall consider standards adopted by the National Association of Gambling Regulatory Agencies and other standards commonly accepted in the industry.

(2) Establish procedures by which manufacturers may register and distributors of games of chance may apply for licensure on forms which the department shall provide. Procedures shall include a requirement that manufacturer and distributor applicants provide criminal history record information obtained from the Pennsylvania State Police under 18 Pa.C.S. § 9121(b) (relating to general regulations) for each officer and manager of the manufacturer's or distributor's organization and for any other individual specified by the department. As used in this paragraph, the term "criminal history record information" has the meaning given in 18 Pa.C.S. § 9102 (relating to definitions).

(3) Provide for the suspension or revocation of distribution licenses or manufacturer certificates for violations of this act or regulations of the department.

(4) Carry out other provisions of this act.

(b) Limitation on recordkeeping requirements.—This section shall not be construed to authorize the department to promulgate regulations providing for recordkeeping requirements for licensed eligible organizations which require unreasonable or unnecessary information or a repetitious listing of information. The department shall strive to keep such recordkeeping requirements from being an undue hardship or burden on licensed eligible organizations. Except as provided under section 701(b), the department may not require the retention of records for a period in excess of two years.

(c) Reporting requirements.—Each eligible organization which has proceeds in excess of \$2,500 in a single calendar year shall submit an annual report to the department including:

(1) Prizes awarded as required under section 335 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2) Amounts expended for public interest purposes.  
Section 2. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentledady, Mrs. Brooks. The Chair thanks the gentledady.

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

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the minority leader, who asks for leave to be granted for Representative MULLERY from Luzerne County. Without objection, the leave is granted.

**CONSIDERATION OF SB 444 CONTINUED**

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

The following roll call was recorded:

YEAS—195

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

DeLissio	Josephs	Payton	Wheatley
DeLozier	Kampf	Peifer	White
DeLuca	Kauffman	Perry	Williams
Denlinger	Kavulich	Petrarca	Youngblood
DePasquale	Keller, F.	Petri	
Dermody	Keller, M.K.	Pickett	Smith, S.,
DiGirolamo	Keller, W.	Preston	Speaker
Donatucci			

NAYS—2

Curry	Schmotzer
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NOT VOTING—0

EXCUSED—4

Hanna	Killion	Mullery	Smith, K.
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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?

Mrs. **BROOKS** offered the following amendment No. **A11656**:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR"

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out " FOR GAMES OF CHANCE " in line 25, all of lines 26 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, amended and renumbered February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding a definition to read:  
Section 103. Definitions.

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

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"Games of chance." Punchboards, daily drawings, weekly drawings, raffles, selective raffles and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

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"Selective raffle." A game in which a participant buys a ticket or tickets for a chance to win a donated prize. The participant places his or

her ticket or tickets in a designated location for the prize which he or she would like to win. The winner for each prize is determined by a random drawing of tickets with a corresponding number for the prize.

\* \* \*

Section 2. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. The Chair recognizes the gentledady, Mrs. Brooks, to give a brief explanation of her amendment.

Mrs. BROOKS. Thank you, Mr. Speaker.

As we are all aware, there are many organizations in our districts that have Chinese auctions that raise money for perhaps someone in the community that has a serious illness such as cancer or other local organizations that donate those moneys to local baseball teams or football boosters or whatever local organization. What this would do is you would purchase a ticket, put that ticket in a bag in front of an item that has been donated, and then that ticket would be drawn. Then the person that holds the corresponding ticket would win that item.

I would ask my colleagues for their support on this amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentledady.

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

The following roll call was recorded:

YEAS—183

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

Deasy	James	Payton	Vitali
DeLissio	Josephs	Peifer	Vulakovich
Delozier	Kampf	Perry	Waters
DeLuca	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	Wheatley
Dermody	Keller, F.	Pickett	White
DiGirolamo	Keller, M.K.	Preston	Williams
Donatucci	Keller, W.	Pyle	Youngblood
Dunbar	Kirkland	Quigley	
Ellis	Knowles	Quinn	Smith, S.,
Evankovich	Kortz	Rapp	Speaker
Evans, D.			

NAYS—14

Aument	Cox	Emrick	Maloney
Bear	Creighton	Hickernell	Metcalfe
Boyd	Cutler	Lawrence	Murt
Clymer	Denlinger		

NOT VOTING—0

EXCUSED—4

Hanna	Killion	Mullery	Smith, K.
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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?

Mrs. **BROOKS** offered the following amendment No. **A11661**:

Amend Bill, page 1, lines 24 through 29; page 2, lines 1 and 2, by striking out "FURTHER PROVIDING FOR " in line 24, all of lines 25 through 29, page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2, page 2 and inserting further providing for definitions

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 6, 2012 (P.L.7, No.2), is amended and the section is amended by adding a definition to read:  
Section 103. Definitions.

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

"50/50 drawing." A game in which a participant buys a ticket for a chance at a prize with the winner or winners determined by a random drawing of a corresponding ticket and in which the prize paid to the winner or winners is comprised of one-half of the proceeds from the game and the remaining proceeds retained by the eligible organization.

\* \* \*

"Games of chance." Punchboards, daily drawings, weekly drawings, 50/50 drawings, raffles, and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other

contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\* \* \*

Section 2. This act shall take effect in 60 days.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Mrs. Brooks, to offer a brief explanation of the amendment.

Mrs. BROOKS. Thank you, Mr. Speaker.

This amendment is actually in one of my good colleague's amendments as well, so I will be withdrawing it. Thank you.

The SPEAKER pro tempore. The Chair thanks Representative Brooks.

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

Ms. DELOZIER offered the following amendment No. **A11651**:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR DEFINITIONS, FOR"

Amend Bill, page 1, lines 26 through 29; page 2, lines 1 and 2, by striking out "AND FOR PRIZE LIMITS, FOR LIMITS ON SALES, FOR " in line 26, all of lines 27 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 301 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this chapter may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5, all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes or for the purchase of games of chance as permitted by this act. An eligible organization, except a club licensee, may use its proceeds from games of chance to fulfill its own public interest purpose.

Section 2. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. On the question, the Chair recognizes the gentlelady, Representative Delozier, for a brief explanation of the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

This is purely a simple amendment to clarify language that has been in the existing law to clarify that clubs only have to split their proceeds and have the capability of keeping 30 percent for capital expenditures, returning 70 to our communities.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—195

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

NAYS—2

Clymer	Murt
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NOT VOTING—0

EXCUSED—4

Hanna Killion Mullery Smith, K.

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?

Ms. **DELOZIER** offered the following amendment No. **A11654**:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR DEFINITIONS, FOR"

Amend Bill, page 1, lines 26 through 29; page 2, lines 1 and 2, by striking out "FOR PRIZE LIMITS, FOR LIMITS ON SALES, FOR" in line 26, all of lines 27 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting distribution of proceeds

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Sections 301 and 502 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended or added February 2, 2012 (P.L.7, No.2), are amended to read:

Section 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this chapter may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5, all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes [or], for the purchase of games of chance [as permitted], for the payment of the license fee or for the payment of the fee for background checks, as required by this act.

Section 502. Distribution of proceeds.

(a) Distribution.—The proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 70% of the proceeds shall be paid to organizations for public interest purposes in the calendar year in which the proceeds were obtained.

(2) No more than 30% of the proceeds obtained in a calendar year may be retained by a club licensee and used for the following operational expenses relating to the club licensee:

- (i) Real property taxes.
- (ii) Utility and fuel costs.
- (iii) Heating and air conditioning equipment or repair costs.
- (iv) Water and sewer costs.
- (v) Property or liability insurance costs.
- (vi) Mortgage payments.
- (vii) Interior and exterior repair costs, including repair to parking lots.
- (viii) New facility construction costs.
- (ix) Entertainment equipment, including television, video and electronic games.
- (x) Other expenses adopted in regulation by the department.
- (xi) License fees as required under this act.
- (xii) Background check fees as required under

this act.

(a.1) Amounts retained.—Amounts retained by a club licensee under subsection (a)(2) shall be expended within the same calendar year unless the club licensee notifies the department that funds are being retained for a substantial purchase or project. Notification shall include a description of the purchase or project, the cost and the anticipated date of the purchase or project.

(b) Prohibition.—

(1) Proceeds shall not be used for wages, alcohol or food purchases or for the payment of any fine levied against the club licensee.

(2) An officer or employee of a club licensee who operates the game of chance shall not participate in the game. This paragraph shall not apply to a raffle.

Section 2. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentelady, Representative Delozier, for a brief explanation of the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

This amendment just clarifies the capability of small groups that raise money. One of those stipulations that is required of groups is to provide a small games of chance license as well as possibly provide for background checks. Both of those expenditures are just clarifying, can come out of the proceeds in which they earn from small games of chance. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

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

NAYS-2

Clymer Murt

NOT VOTING-0

EXCUSED-4

Hanna Killion Mullery Smith, K.

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?

Ms. DELOZIER offered the following amendment No. A11697:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting

licensing of eligible organizations to conduct games of chance

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 307(b.1) of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 307. Licensing of eligible organizations to conduct games of chance.

\* \* \*

(b.1) Location of games of chance.—

(1) [Every] Except as otherwise provided in this section, a licensed eligible organization, except a limited occasion licensee, may conduct small games of chance [only] at a licensed premises. The licensed premises shall be indicated on the eligible organization's license application. [Only one license shall be issued per licensed premises. Except as provided under paragraph (4), a licensed eligible organization may not share a licensed premises with another licensed eligible organization; and no licensed eligible organization may permit its premises to

be used for small games of chance by another licensed eligible organization.]

(2) Where there exists a location or premises which is the normal business or operating site of the eligible organization and the location or premises is owned or leased by that eligible organization to conduct its normal business, that site shall be the eligible organization's licensed premises. If that location consists of more than one building, the eligible organization shall [choose] identify the building that will be designated as the licensed premises.

(2.1) If an eligible organization wishes to conduct games of chance in a different location from the one that is listed on its application and license, the eligible organization must submit a written request to the district attorney. The request must include the change in the location and the dates and times the games of chance will be operated at the new location. The district attorney may approve the request, deny the request or stipulate additional requirements as a condition of approval.

(3) When an eligible organization does not own or lease a specific location to conduct its normal business, the eligible organization may use the premises of another eligible organization to conduct games of chance or may make arrangements that are consistent with this act to establish a licensed premises, including leasing a premise under a written agreement for a rental; however, the rental may not be determined by either the amount of receipts realized from the conduct of games of chance or the number of people attending. An eligible organization may lease a facility for a banquet in connection with the serving of a meal based on a per-head charge. Prior to the use of the premises of another eligible organization to conduct games of chance, an eligible organization must notify, in writing, the district attorney regarding the location of the premises and the dates and times the games of chance will be operated. When an eligible organization permits another eligible organization to use its licensed premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the other eligible organization is conducting its games on the premises.

(4) An eligible organization that has obtained a limited occasion license under subsection (b.3) may use another eligible organization's licensed premises to conduct its games of chance. When a licensed eligible organization is permitting a limited occasion licensee to use its licensed premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the limited occasion licensee is conducting its games on the premises.

\* \* \*

Section 2. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentlelady, Ms. Delozier, for a brief explanation of the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

Again, this is a clarifying amendment to allow for small groups that have a license but have a premises to allow for other groups that have their own small games of chance license to possibly rent that facility or use that premises to hold their own form of small games of chance. It is simply a clarification that two groups that have a small games are allowed to share a premises one at a time.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady on the amendment.

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

The following roll call was recorded:

YEAS—195

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

NAYS—2

Clymer	Creighton
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NOT VOTING—0

EXCUSED—4

Hanna	Killion	Mullery	Smith, K.
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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?

Mr. GROVE offered the following amendment No. A11653:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR"

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out ", FOR GAMES OF CHANCE " in line 25, all of lines 26 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding a definition to read:

Section 103. Definitions.

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

\* \* \*

"Coin auction." A game in which a participant buys a numbered paddle for a chance to bid on a donated prize with the winner determined by a random drawing of corresponding numbers.

\* \* \*

"Games of chance." Punchboards, daily drawings, weekly drawings, raffles, coin auctions and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\* \* \*

Amend Bill, page 74, line 7, by striking out "22" and inserting  
2

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from York County, Representative Grove, for a brief explanation of the amendment.

Mr. GROVE. Thank you, Mr. Speaker.

This amendment, A11653, will legalize coin auctions, also known as quarter auctions, a newer small games of chance that is very popular with local fire departments and individuals raising money to help cancer patients. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes on the floor of the House the minority whip, Mr. Hanna, whose leave shall be canceled.

CONSIDERATION OF SB 444 CONTINUED

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

The following roll call was recorded:

YEAS—183

Table listing names of members who voted 'YEAS' (183 total). Includes names like Adolph, Baker, Barbin, Barrar, Benninghoff, Bishop, Boback, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Cohen, Conklin, Costa, D., Costa, P., Cruz, Culver, Curry, Daley, Davidson, Davis, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, DePasquale, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hornaman, Hutchinson, James, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Longietti, Mackenzie, Maher, Mahoney, Major, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Mustio, Myers, Neilson, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schmotzer, Simmons, Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS—15

Table listing names of members who voted 'NAYS' (15 total). Includes names like Aument, Bear, Bloom, Boyd, Clymer, Cox, Creighton, Cutler, Denlinger, Emrick, Gillen, Hickernell, Lawrence, Maloney, Murt.

NOT VOTING—0

EXCUSED—3

Killion Mullery Smith, K.

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?

Mr. GROVE offered the following amendment No. A11658:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting regulations of the department

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 306 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 306. Regulations of department.

(a) Authorization.—The department shall promulgate regulations to:

(1) Impose minimum standards and restrictions applicable to games of chance manufactured for sale in this Commonwealth, which may include standards and restrictions which specify the maximum number of chances available to be sold for any single game of chance or prize and such other standards and restrictions as the department deems necessary for the purposes of this chapter. The department shall consider standards adopted by the National Association of Gambling Regulatory Agencies and other standards commonly accepted in the industry.

(2) Establish procedures by which manufacturers may register and distributors of games of chance may apply for licensure on forms which the department shall provide. Procedures shall include a requirement that manufacturer and distributor applicants provide criminal history record information obtained from the Pennsylvania State Police under 18 Pa.C.S. § 9121(b) (relating to general regulations) for each officer and manager of the manufacturer's or distributor's organization and for any other individual specified by the department. As used in this paragraph, the term "criminal history record information" has the meaning given in 18 Pa.C.S. § 9102 (relating to definitions).

(3) Provide for the suspension or revocation of distribution licenses or manufacturer certificates for violations of this act or regulations of the department.

(4) Carry out other provisions of this act.

(a.1) Review.—The department shall, on an annual basis, review this act and regulations promulgated under this act to determine if regulations relating to games of chance require revision.

(a.2) Expansion.—Based on its review, the department may authorize any additional games of chance for eligible organizations except for club licensees and promulgate regulations for the games. The department may consult with law enforcement officials responsible for enforcement of this act prior to authorizing any additional games of chance.

(b) Limitation on recordkeeping requirements.—This section shall not be construed to authorize the department to promulgate regulations providing for recordkeeping requirements for licensed

eligible organizations which require unreasonable or unnecessary information or a repetitious listing of information. The department shall strive to keep such recordkeeping requirements from being an undue hardship or burden on licensed eligible organizations. Except as provided under section 701(b), the department may not require the retention of records for a period in excess of two years.

(c) Reporting requirements.—Each eligible organization shall submit an annual report to the department including:

(1) Prizes awarded as required under section 335 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2) Amounts expended for public interest purposes.

Section 2. This act shall take effect in 60 days.

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

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from York County, Mr. Grove, for a brief explanation of the amendment.

Mr. GROVE. Thank you, Mr. Speaker.

I will be withdrawing this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. REESE offered the following amendment No. **A11655**:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting distribution of proceeds

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. Section 502 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, added February 2, 2012 (P.L.7, No.2), is amended to read: Section 502. Distribution of proceeds.

(a) Distribution.—[The] Except as provided for in subsection (a.2), the proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 70% of the proceeds shall be paid to organizations for public interest purposes in the calendar year in which the proceeds were obtained.

(2) No more than 30% of the proceeds obtained in a calendar year may be retained by a club licensee and used for the following operational expenses relating to the club licensee:

- (i) Real property taxes.
- (ii) Utility and fuel costs.
- (iii) Heating and air conditioning equipment or repair costs.
- (iv) Water and sewer costs.
- (v) Property or liability insurance costs.
- (vi) Mortgage payments.
- (vii) Interior and exterior repair costs, including repair to parking lots.
- (viii) New facility construction costs.
- (ix) Entertainment equipment, including television, video and electronic games.

(x) Other expenses adopted in regulation by the department.

(a.1) Amounts retained.—[Amounts] Except as provided for in subsection (a.2), amounts retained by a club licensee under subsection (a)(2) shall be expended within the same calendar year unless the club licensee notifies the department that funds are being retained for a substantial purchase or project. Notification shall include a description of the purchase or project, the cost and the anticipated date of the purchase or project.

(a.2) Extra proceeds.—After notifying the department and getting approval, a club retaining funds for a substantial purchase or project under subsection (a.1) may use an extra 20% of the proceeds, in addition to the 30% the club retains under subsection (a), toward the purchase or project.

(b) Prohibition.—

(1) Proceeds shall not be used for wages, alcohol or food purchases or for the payment of any fine levied against the club licensee.

(2) An officer or employee of a club licensee who operates the game of chance shall not participate in the game. This paragraph shall not apply to a raffle.

Amend Bill, page 74, line 7, by striking out "22" and inserting  
2

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

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Westmoreland County, Representative Reese, for a brief explanation of the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I will be withdrawing this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. REESE offered the following amendment No. **A11705**:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of lines 25 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting distribution of proceeds

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 502 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, added February 2, 2012 (P.L.7, No.2), is amended to read: Section 502. Distribution of proceeds.

(a) Distribution.—The proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 70% of the proceeds shall be paid to organizations for public interest purposes in the calendar year in which the proceeds were obtained. This paragraph includes charity events, scholarship programs and other philanthropic events:

- (i) held by the club on its licensed premises; and
- (ii) available to club members, club member families or the general public.

(2) No more than 30% of the proceeds obtained in a

calendar year may be retained by a club licensee and used for the following operational expenses relating to the club licensee:

- (i) Real property taxes.
- (ii) Utility and fuel costs.
- (iii) Heating and air conditioning equipment or repair costs.
- (iv) Water and sewer costs.
- (v) Property or liability insurance costs.
- (vi) Mortgage payments.
- (vii) Interior and exterior repair costs, including repair to parking lots.
- (viii) New facility construction costs.
- (ix) Entertainment equipment, including television, video and electronic games.
- (x) Other expenses adopted in regulation by the department.

(a.1) Amounts retained.—Amounts retained by a club licensee under subsection (a)(2) shall be expended within the same calendar year unless the club licensee notifies the department that funds are being retained for a substantial purchase or project. Notification shall include a description of the purchase or project, the cost and the anticipated date of the purchase or project.

(b) Prohibition.—

(1) Proceeds shall not be used for wages, alcohol or food purchases or for the payment of any fine levied against the club licensee.

(2) An officer or employee of a club licensee who operates the game of chance shall not participate in the game. This paragraph shall not apply to a raffle.

Section 2. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Westmoreland County, Representative Reese, for a brief explanation of the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, amendment 11705 clarifies the term "public interest" as defined in Act 2 of 2012. Mr. Speaker, when we amended the Small Games of Chance Act earlier this session, we permitted for the first time that a club or organization could use not less than 70 percent of its revenue for public interest purposes. But as clubs around the Commonwealth have learned about these new regulations, some questions arose regarding the definition of "public interest." Amendment 11705, Mr. Speaker, seeks to clarify that charitable events and scholarship programs hosted by the clubs that benefit the club members, families, and the public at large as a public interest event. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Ellis	Kirkland	Quigley
Aument	Emrick	Knowles	Quinn
Baker	Evankovich	Kortz	Rapp
Barbin	Evans, D.	Kotik	Ravenstahl
Barrar	Evans, J.	Krieger	Readshaw

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

NAYS—3

Clymer	Creighton	Murt
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NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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?

Ms. **BOBACK** offered the following amendment No. **A11657**:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR"

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out ", FOR GAMES OF CHANCE " in line 25, all of lines

26 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding a definition to read:  
Section 103. Definitions.

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

"A night at the races." A game in which a participant places a wager on a prerecorded horse race.

\* \* \*

"Games of chance." Punchboards, daily drawings, weekly drawings, raffles, a night at the races and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\* \* \*

Amend Bill, page 74, line 7, by striking out "22" and inserting  
2

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

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Representative Boback, for a brief explanation of the amendment.

Ms. BOBACK. Thank you, Mr. Speaker.

A11657 would legalize "A night at the races" as a small game of chance. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—176

Adolph	Evans, D.	Krieger	Ravenstahl
Baker	Evans, J.	Kula	Readshaw
Barbin	Everett	Longietti	Reed
Barrar	Fabrizio	Mackenzie	Reese
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyle, B.	Freeman	Mann	Sabatina
Boyle, K.	Gabler	Markosek	Saccone
Bradford	Galloway	Marshall	Sainato
Brennan	Geist	Marsico	Samuelson
Briggs	George	Masser	Santarsiero
Brooks	Gerber	Matzie	Santoni

Brown, R.	Gergely	McGeehan	Saylor
Brown, V.	Gibbons	Miccarelli	Scavello
Brownlee	Gillespie	Micozzie	Schmotzer
Burns	Gingrich	Millard	Simmons
Buxton	Godshall	Miller	Smith, M.
Caltagirone	Goodman	Milne	Sonney
Carroll	Grell	Mirabito	Staback
Causser	Grove	Moul	Stephens
Christiana	Hackett	Mundy	Stern
Cohen	Hahn	Murphy	Stevenson
Conklin	Haluska	Mustio	Sturla
Costa, D.	Hanna	Myers	Swanger
Costa, P.	Harhai	Neilson	Taylor
Cruz	Harhart	Neuman	Thomas
Culver	Harkins	O'Brien, M.	Tobash
Curry	Harper	O'Neill	Toepel
Daley	Harris	Oberlander	Toohil
Davidson	Heffley	Parker	Truitt
Davis	Helm	Pashinski	Turzai
Day	Hennessey	Payne	Vereb
Dean	Hess	Payton	Vitali
Deasy	Hornaman	Peifer	Vulakovich
DeLissio	James	Perry	Waters
Delozier	Josephs	Petrarca	Watson
DeLuca	Kampf	Petri	Wheatley
DePasquale	Kavulich	Pickett	White
Dermody	Keller, M.K.	Preston	Williams
DiGirolamo	Keller, W.	Pyle	Youngblood
Donatucci	Kirkland	Quigley	
Dunbar	Knowles	Quinn	Smith, S.,
Ellis	Kortz	Rapp	Speaker
Evankovich	Kotik		

NAYS—22

Aument	Creighton	Hutchinson	Metcalfe
Bear	Cutler	Kauffman	Metzgar
Bloom	Denlinger	Keller, F.	Murt
Boyd	Emrick	Lawrence	Rock
Clymer	Gillen	Maloney	Tallman
Cox	Hickernell		

NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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?

Ms. PICKETT offered the following amendment  
No. A11666:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting  
licensing of eligible organizations to conduct games of chance.

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. Section 307(h) of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 307. Licensing of eligible organizations to conduct games of

chance.

\* \* \*

(h) Background checks.—[Each]

(1) Except as set forth in paragraph (2), each application for a license shall include the results of a criminal history record information check obtained from the Pennsylvania State Police, as defined in 18 Pa.C.S. § 9102 (relating to definitions) and permitted by 18 Pa.C.S. § 9121(b) (relating to general regulations), for the executive officer and secretary of the eligible organization making the application for a license or any other person required by the department.

(2) Paragraph (1) does not apply as follows:

(i) An application submitted by an eligible organization that is not a club, shall not be required to include the results of a criminal history record information check if the application includes an affidavit executed by the eligible organization's executive officer affirming that, if granted a license, the eligible organization does not anticipate that the organization's total small games of chance revenue will exceed \$2,500 during the period for which the license is valid. The department shall prescribe an affidavit form for this purpose and make the form available to licensing authorities.

(ii) If, following the issuance of a license to an eligible organization under subparagraph (i), the eligible organization's total small games of chance revenue receipts surpass \$2,500 during the period for which the license was valid, the eligible organization shall:

(A) within 180 days of surpassing the specified amount, provide the issuing authority with the results of a criminal history record information check for its executive officer and secretary which meets the requirements of paragraph (1); and

(B) when it next applies for licensure, comply with paragraph (1).

Amend Bill, page 74, line 7, by striking out "22" and inserting 2

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentledady from Bradford County, Ms. Pickett, for a brief explanation of the amendment.

Ms. PICKETT. Thank you, Mr. Speaker.

Amendment 11666 would allow those organizations who are eligible for a small games of chance license and will have proceeds of less than \$2500 in a calendar year, will exempt them from obtaining a background check. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

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

The following roll call was recorded:

YEAS—187

Adolph	Evankovich	Kirkland	Quinn
Aument	Evans, D.	Knowles	Rapp
Baker	Evans, J.	Kortz	Ravenstahl
Barbin	Everett	Kotik	Readshaw
Barrar	Fabrizio	Krieger	Reed

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

NAYS—11

Clymer	Davidson	Lawrence	Neuman
Cohen	Davis	Murt	Schmotzer
Creighton	DePasquale	Neilson	

NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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?

Mr. SONNEY offered the following amendment No. A11698:

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out all of said lines on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2 and inserting



licensing of eligible organizations to conduct games of chance

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Section 307(d) of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended to read:

Section 307. Licensing of eligible organizations to conduct games of chance.

\* \* \*

(d) Operation.—Each licensed eligible organization shall be prohibited from the following:

(1) Permitting any person under 18 years of age to operate or play games of chance.

(2) Permitting any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act to manage, set up, supervise or participate in the operation of games of chance.

(3) Paying any compensation to any person for conducting any games of chance. Games of chance may only be conducted by managers, officers, directors, bar personnel and bona fide members of the eligible organization.

(4) Conducting games of chance on any premises other than on the licensed premises or as otherwise provided by this chapter.

(5) Leasing the licensed premises under either an oral or a written agreement for a rental which is determined by either the amount of receipts realized from the playing of games of chance or the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal. An eligible organization shall not lease such premises from any person who has been convicted of a violation of this act or the Bingo Law within the past ten years.

(6) Purchasing games of chance, other than raffles, daily drawings and weekly drawings, from any person other than a registered manufacturer or licensed distributor approved by the department.

(7) (Reserved).

(8) Raffle tickets may be sold off the licensed premises as follows:

(i) In a municipality which has adopted the provisions of this act by an affirmative vote in a municipal referendum. A licensed eligible organization which plans to sell raffle tickets in a municipality located in a county other than the county in which the eligible organization is licensed must notify that county's district attorney and licensing authority as to the location and the dates that the eligible organization plans to sell raffle tickets.

(ii) In a licensed "eating place," "restaurant" or "retail dispenser," as defined in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code. A licensed eligible organization which plans to sell raffle tickets at a licensed eating place, restaurant or retail dispenser must notify the county's district attorney and licensing authority as to the location of the eating place, restaurant or retail dispenser and the dates that the eligible organization plans to sell raffle tickets at the club.

\* \* \*

Section 2. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Erie County, Representative Sonney, for a brief explanation of the amendment.

Mr. SONNEY. Thank you, Mr. Speaker.

This amendment would simply allow our local restaurants and retailers to be able to sell raffle tickets to help support their local community. It would require the licensee to notify the local district attorney so that they would know which establishments would be offering these tickets for sale.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—178

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

NAYS—20

Aument	Cox	Gillen	Metcalf
Bear	Creighton	Hickernell	Murt
Bloom	Cutler	Kauffman	Rock
Boyd	Denlinger	Lawrence	Swanger
Clymer	Emrick	Maloney	Tallman

NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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?

Mr. MILLER offered the following amendment No. A11660:

Amend Bill, page 1, line 25, by striking out "LEGISLATIVE INTENT, FOR"

Amend Bill, page 1, lines 25 through 29; page 2, lines 1 and 2, by striking out ", FOR GAMES OF CHANCE " in line 25, all of lines 26 through 29 on page 1, all of line 1 and "ADVERTISING AND FOR PENALTIES; AND MAKING EDITORIAL CHANGES" in line 2 on page 2

Amend Bill, page 36, lines 29 and 30; pages 37 through 73, lines 1 through 30; page 74, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The definition of "games of chance" in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, renumbered and amended February 2, 2012 (P.L.7, No.2), is amended and the section is amended by adding a definition to read:

Section 103. Definitions.

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

\*\*\*

"Games of chance." Punchboards, daily drawings, weekly drawings, raffles, vertical wheel games and pull-tabs, as defined in this act, provided that, except for vertical wheel games, no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

\*\*\*

"Vertical wheel game." A game in which a participant places a coin or chip on a color, number or word or purchases a ticket containing a color, number or word and watches a spinning vertical wheel until the pointer of the wheel rests on a section of the wheel designating a winner.

\*\*\*

Amend Bill, page 74, line 7, by striking out "22" and inserting 2

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Miller, on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

The purpose of this amendment is to help our volunteer fire companies and other volunteer organizations. Most of us from the rural areas of the State are very familiar with the big six wheel at carnivals. The intent is to make sure that that is something that they can legally use.

It has just been brought to my attention by staff that we may have a possible conflict with this in Title 4, and I certainly do not want to endanger the chances of this bill, even though it is something that we really need to address for our local fire companies and nonprofits.

AMENDMENT WITHDRAWN

Mr. MILLER. So, Mr. Speaker, with that understanding, I am going to withdraw this amendment and ask for support in the future to try to figure out a way to get this done to help our nonprofit organizations. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 528, PN 3725, entitled:

An Act requiring certain long-term care facilities to coordinate with licensing agencies and local area agencies on aging to provide assistance to consumers in circumstances involving relocation of consumers; and providing for powers and duties of the Department of Aging.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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 Chair recognizes the gentlelady, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

Mr. Speaker, this legislation grew out of an Aging and Older Adults Services Committee hearing that took place in October 2007. A woman, due to a horribly inadequate care system and a lack of communication between the facilities and the local areas on aging, died a tragic death. Since this legislation was first proposed in the 2007-08 session, licensing agencies have made great strides in developing relocation standards and procedures.

HB 528 will help to ensure systematic consistency and commonsense communication between and among the effective parties in a facility transfer. The bill will help to generate that the area agencies on aging will have the information they need in order to utilize their resources in the best interest of older Pennsylvanians.

I ask for your support on HB 528. Thank you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentlelady from Luzerne County, Representative Mundy, on the question.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in strong support of HB 528. It is a perfect example of the fact that around here persistence pays off. It grew out of a public hearing in 2007, and it has been a very much-needed change to the law that requires continuity of care for our vulnerable senior citizens who are impaired. So I commend the lady from Luzerne County, and I am very pleased to see that we finally have gotten this accomplished. I hope the Senate will see the wisdom of HB 528 and move it quickly and let it be enacted into law.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—2

Bloom Perry

NOT VOTING—0

EXCUSED—3

Killion Mullery Smith, K.

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 2407, PN 3670**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in criminal history for employees, further providing for information relating to prospective facility personnel.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Thomas, who is seeking recognition and reminds the gentleman nothing is in order during the taking of a vote, but as a courtesy to my good friend, the gentleman from Philadelphia, I am going to ask the clerk to strike the board and allow the gentleman to please explain to the Chair the purpose for which you are seeking recognition.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am seeking recognition to acknowledge an amendment that was timely filed to HB 2407. I want an opportunity to consider that amendment, even on third consideration through suspension of the rules.

The SPEAKER pro tempore. For the information of the member, the Chair is unaware of the amendment.

Could you please approach the rostrum with the amendment number and the certification of its timely filed nature, because to remind the gentleman, we are on third consideration, when ordinarily amendments are not in order except for technical amendments absent the suspension of the rules.

It is the understanding of the Chair that the gentleman from Philadelphia, Mr. Thomas, would like a motion to suspend the rules for the immediate consideration of amendment 11701. If that is correct, the Chair will accommodate the gentleman by rescinding his announcement of third consideration so that you may offer. Is my understanding correct? You wish to offer?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. So without objection, the Chair rescinds the announcement of third consideration.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas, for the purpose of seeking a suspension of the rules. So the bill is currently on third consideration, and the gentleman from Philadelphia, Mr. Thomas, is being recognized for the purpose of asking for a suspension of the rules for the immediate consideration of amendment A11701.

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

The SPEAKER pro tempore. On the question of suspension of the rules, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I rise to encourage support for this motion to suspend the rules. I have an amendment that is necessary as a part of HB 2407 in light of a Federal, a recent Federal opinion around background checks and employment opportunities.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of suspension, the Chair recognizes the majority whip, the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

We would oppose suspending the rules for the offering of this amendment. This is a substantial amendment and is not agreed to by the maker of the bill. So we simply ask for a "no" vote on rules suspension.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is the minority leader seeking recognition on the question of suspension? Is the minority leader seeking recognition?

I was not clear if you were or not.

Mr. DERMODY. Yes, Mr. Speaker.

The SPEAKER pro tempore. You may proceed on the question of suspension.

Mr. DERMODY. Mr. Speaker, I would urge the members to support the motion to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—89

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

NAYS—109

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

Culver	Helm	Mustio	Tobash
Cutler	Hennessey	O'Neill	Toepel
Day	Hess	Oberlander	Toohil
DeLozier	Hickernell	Payne	Truitt
Denlinger	Hutchinson	Peifer	Turzai
DiGirolamo	Kampf	Perry	Vereb
Dunbar	Kauffman	Petri	Vulakovich
Ellis	Keller, F.	Pickett	Watson
Emrick	Keller, M.K.	Pyle	
Evankovich	Knowles	Quigley	Smith, S.,
Evans, J.	Krieger	Quinn	Speaker
Everett	Lawrence	Rapp	

NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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 agreed to.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

**STATEMENT BY MR. HACKETT**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hackett, from Delaware County. For what purpose do you seek recognition? Under unanimous consent?

Unanimous consent seems to be granted. Please proceed.

Mr. HACKETT. Thank you, Mr. Speaker.

I would like to thank all the members on both sides of the aisle. This is a very important piece of legislation on this bill here today. It will expedite employment in the health-care industry on the background checks for fingerprinting. Currently the Department of Aging is the only State agency that does not use the electronic fingerprinting for the background investigations.

Thank you very much. I am looking forward to moving the bill through the Senate to the Governor's Office.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2275, PN 3661**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Killion	Mullery	Smith, K.
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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 2400, PN 3728**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications, for possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices, for issuance of order and effect; providing for target-specific orders; and further providing for emergency hostage and barricade situations, for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for evidentiary disclosure of contents of intercepted communication or derivative evidence, for requirements for governmental access, for cost reimbursement, for mobile tracking devices, for application for an order for use of certain devices and for issuance of an order for use of certain devices.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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 Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, Mr. Speaker, I wish to stand and voice my concerns with this legislation. Mr. Speaker, I look forward to the day where I can cast an affirmative vote on updating our wiretap acts. I appreciate the work of the chairman as well as staff on many of these fine points. However, Mr. Speaker, I continue to have some concerns, which I wish to briefly highlight here that I hope are addressed when the legislation reaches the Senate.

Mr. Speaker, I have great concerns regarding the definition of "constructive notice." I believe that that should be removed from the bill. Mr. Speaker, additionally, I have concerns regarding the definition of "oral communications." I personally believe that that needs to be tightened up somewhat for a variety of reasons, but specifically in regard to the addition regarding the expectation of privacy that is alluded to in the following language: "An expectation is not justified if it is objectionably reasonable that what is spoken will or could be overheard by another person...." Mr. Speaker, I personally believe there are plenty of situations where you would believe you are alone in either a room or a hallway, and I think that we should appropriately tighten up that definition.

Mr. Speaker, my greatest areas of concern, which I wish that we had been able to come to some resolution of but my understanding is it will continue to be worked on as it heads to the Senate, involves a mobile device exception. I personally

believe the definition of contemporaneously intercepting the device as well as the message needs to be time-limited. Mr. Speaker, it is not because I believe those devices should in fact not be used that way. I believe that the case that was referenced regarding the text messaging of a drug deal does need to be updated. However, to leave that open-ended leaves it open to court interpretation. I think that opens us up to varying interpretations across the Commonwealth. I believe that we should put 24 hours, 72 hours, 96 hours, some time limit on there to prevent a phone from sitting in an evidence locker for weeks and then suddenly being used afterwards and then losing a case because we did not appropriately define that term in the language.

Mr. Speaker, I also have concerns regarding legally obtaining such a device, and it is my understanding that privileged communications would be trumped, but it would be my preference that that is actually specifically referenced in the legislation. Mr. Speaker, I can see examples where individuals would communicate with their attorneys over a mobile device that could be legally obtained, and while I think that the court would appropriately rule on that as being a privileged communication, I would rather see it explicitly outlined in the legislation.

Mr. Speaker, the other area of concern deals with the use and the admissibility of civilian wiretaps. I personally believe that that area is drafted too broadly. I would like to see it tightened because the threshold that is currently in place says "...a reasonable suspicion that the intercepted party is committing, about to commit or has committed a crime of violence or felony of the first degree...." I actually have two levels of concern with this one. Mr. Speaker, reasonable suspicion is an extremely low legal threshold. There is a reasonable suspicion that I think a lot of people could have regarding a variety of people, whether it is us as political figures, individuals that they encounter in public, public officials, political activists. There is a whole host of possible scenarios that I think is opened up by this, and I wish to see some tighter definitions.

Additionally, I believe the crime should be expanded, and my understanding is that this will be addressed additionally and hopefully in the Senate, but I think that witness retaliation and witness intimidation charges should potentially be included in this list of crimes, because those are the crimes where I think this would be beneficial. Those are the areas where that kind of proof will only be obtained through this method. I do not know that they are included in the current language.

Concerning the admissibility of the illegal wiretaps, I have another concern. It says that it will be admissible if the individual is not acting at the discretion – excuse me – not acting at the direction of or with the knowledge of the police. Mr. Speaker, what about informants? What about informants who use illegal wiretaps? They are acting at the direction of the police perhaps in their normal informant duties, if there is such a thing, but I think that there raises an issue of if they use an illegal wiretap, that the police officer would have in fact had the knowledge of the illegal informant's activity, but not the approval of the illegal wiretap. I believe that that causes yet another gray area that we should potentially look at and clear up.

Mr. Speaker, these are my concerns with the bill. I think it opens up a whole host of potential conflicts and areas where Judiciary will have to make decisions on this. I am hopeful that

this will be addressed in the Senate. I again want to thank the chairman and the staff of both sides working on the target-specific updating. I think that was severely needed. I also appreciate the gentleman from York County offering the out-of-State clarification regarding the admissibility of out-of-State wiretaps. I also am personally appreciative of the work to include one of my concerns, which was the probable cause requirement for mobile tracking. Previously our State had a statute that said that it was only reasonable suspicion. Again, I reference that as being an extremely low legal hurdle. We were the only State in the country that only had reasonable suspicion for mobile tracking, and that is corrected with this legislation.

Mr. Speaker, I think there is a lot of good in this legislation. In fact, I think the majority of the legislation is good. However, my reservations about the problems that are associated with this, I will remain a "no" vote until such time that these changes are made. Mr. Speaker, I am not asking anyone to join me in my "no" vote, although I certainly think that if I am not alone, it would send a message that there are others who share this concern. But I do think it is important that as it heads to the Senate that we address these concerns because we are the legislature. We have the duty to be very clear in our areas, and I am hopeful that these issues can be resolved satisfactorily, and I will eventually have the opportunity to cast an affirmative vote in favor of the legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the prime sponsor of the legislation, the gentleman from Dauphin County, Judiciary Chairman Marsico, on the question.

Mr. MARSICO. Thank you, Mr. Speaker.

Just to let the members know that my explanation of this bill could take more than a few minutes, but just to respond to the previous speaker's concerns.

First of all, I want to say that I appreciate his suggestions and his concerns. Two of the things that he mentioned will be, or one of the things he mentioned is already illegal under the law, and number two, is illegal under this bill.

Mr. Speaker, if the members can just listen and understand, and for clarification, some of the points I am going to give a briefing on, on why we need the bill and give you some examples, real-world examples from our prosecutors and from our police. I appreciate your attention with this.

The last time Pennsylvania updated our Wiretap Act was in 1998. Mr. Speaker, technology has changed a lot since then, but we have not. For example, law enforcement officers today have to apply for and get a court order every time a suspect switches phones. Criminal enterprises, criminals know that. They can stay ahead of investigators and our law enforcement community by stopping at Walmart or somewhere and buying a dozen phones. Our statute is stuck in the days of Princess rotary phones. It is time to move to the days of the iPhone.

Mr. Speaker, 38 States allow that only one party to a conversation has to consent to record it. In other States, they require consent of everyone. Several such as California allow recording by law enforcement or a person who believes the person recorded is or has committed a crime. That is not allowed in Pennsylvania. So, Mr. Speaker, what price are we paying for that?

I have a real-world example. In Philadelphia, a woman was murdered by her boyfriend. Now, listen to this. He stuffed her body in the wall of her house. Her family was frantic to find her when she did not come home. They talked to him and he gave them statements that did not make sense, so her sister recorded him. Later the body was discovered and he told police a different story. The sister gave them the inconsistent statements which made it no doubt that he was lying. The D.A. had to tell her that not only could they not use it, the recording, she also committed a felony for doing it.

In Montgomery County, another real-world, real-life story that happened in Montgomery County, a victim of childhood sex abuse, a victim of childhood sex abuse, who is now an adult, was contacted by the perpetrator. During a phone conversation, which the victim recorded, the perpetrator made statements that were admissions to the offense. The victim took the recording to the police. The prosecutors had to tell the victim that not only could they not use the recording to prosecute the perpetrator but she had had committed a felony for making that recording.

Mr. Speaker, allowing recordings where a crime of violence or a first-degree felony is involved will also free the innocent. For example, in California, where that exception exists, a student athlete at the University of Southern California was accused of sexually assaulting a woman, and though he maintained innocence, pled guilty to a 5-year sentence to avoid decades in prison. The victim received a \$1.5 million settlement from the school. He served the 5 years and had to be registered as a sex offender in his State. Later a private investigator recorded the victim, who admitted that she made the accusation up. He was exonerated. Even though California, like Pennsylvania, requires all parties to consent to a recording, their law allows someone to record a conversation if it is reasonably believed to relate to the commission of the crime of extortion, kidnapping, bribery, any felony involving violence against a person.

In Pennsylvania, Mr. Speaker, in Pennsylvania, recording the conversation with the accuser would have been a felony. For this reason the Pennsylvania Innocence Project has given its full support. If our criminal justice system is in search for the truth, why would we suppress the best evidence of the truth? Mr. Speaker, our statute gives a violent criminal a license to commit perjury. It is time we revoke that license.

There are all kinds of claims that Pennsylvania will become the home of Mr. Big Brother, that we will become an Orwellian society. Under this bill, Pennsylvania retains all party consent as the rule, while 38 States let anyone, let anyone record another person without their knowledge. Mr. Speaker, we could pass this bill and Pennsylvania will still have more privacy protections, we will have more privacy protections than 38 other States and the Federal government.

With cellular technology, the cell companies can tell the general location of where a call is made or where a phone is turned on. Giving investigators access to this information may help locate a child who has been kidnapped or a fugitive or identify where an extortion originated.

Mr. Speaker, this technology is crucial. For example, in Denver, a man by the name of Brent Brents went on a rampage. In the course of a week he raped four women, two little girls, and beat a woman nearly to death before stealing her car. Her cell phone was in the car. The police were able to track him

across the country, across the State, across the country, and took him into custody when they knew where he was.

This bill will permit, will permit a court having jurisdiction over the crime to issue an order to get the information if there is probable cause that it will assist an ongoing investigation.

My bill clarifies some of the common circumstances where no one would expect that a conversation is private: if someone is told recording may be taking place or has reasonable notice, if recording equipment is plainly visible, or where the communication can be overheard by persons not involved in it. Mr. Speaker, the claim that this bill, Mr. Speaker, the claim that this bill destroys privacy rights is a scare tactic. This bill will enhance privacy by making people aware when recording equipment may be in use.

If someone is holding a hostage with a deadly weapon or has barricaded himself and has a firearm, our law permits an officer who is on the phone with that person to record the conversation, but only if he can show the person will resist with the use of weapons or is threatening harm to another. My bill reflects the realities of these kinds of emergencies and permits the recording if there is reasonable cause to believe the person may resist with the use of weapons. Mr. Speaker, the police should not have to wait until the suspect shoots the hostage to start recording what he is saying.

Mr. Speaker, this bill will protect the citizens of Pennsylvania by bringing us into the 21st century with technology that is now being used against us by the criminals. I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question, the gentleman from Washington County, Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

There is one thing consistent about this bill that I think everybody understands. We definitely need to update some information and allow the police officers the ability to collect the information they need to collect. I, however, still have many concerns with this bill and the expansion of the wiretap law in Pennsylvania. I share concerns with my colleague from Lancaster County when it comes with privacy notions and the expectation of privacy in this great Commonwealth.

However, I have been assured that this bill is going to be in the Senate and properly vetted to fix my concerns, to address a lot of the concerns that the gentleman from Lancaster County has spoken about. The DePasquale amendment really helped the bill, and I appreciate the work that the chairmen did on this bill. I will be supporting this bill today, understanding that the Senate will fix a lot of the problems and knowing that this law does need to be updated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Saccone, on the question.

Mr. SACCONI. Thank you, Mr. Speaker.

Mr. Speaker, some of my objections are more basic than what has been outlined here so far. We are all familiar with the First Amendment, and we cherish the Second Amendment, but sometimes we neglect or we overlook the importance of the Fourth Amendment.

I just want you to hear these words: "The right of the people to be secure in their persons, houses, papers, and effects,..." from "...unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause,



supported by oath or affirmation,...particularly describing the place to be searched, and the persons or things to be seized." Mr. Speaker, our Founding Fathers carefully crafted those words to protect us from unwanted government intrusion. I say today that we have to be very careful that we do not give up those personal liberties under the guise of increasing our security.

Now, Mr. Speaker, this bill has many positive aspects to it, and I do agree with some of the negative aspects outlined by my good colleague from Lancaster County. And as to the argument that, well, 38 other States have a different standard, I want to tell you that the standard is the Fourth Amendment, not the privacy in 38 other States.

But having said that, as my good colleague from Washington County just pointed out, I have been assured that some of these concerns have been taken care of or will be taken care of. And the many positive aspects – and this bill is a complicated bill – the many positive aspects of it, I think, make it important that we do support this bill at this time. But I promise you that I will keep my eye on this process to make sure that our civil liberties are protected. So I will be supporting this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen, on the question.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, a few years ago, before he passed away in his nineties, Senator Byrd, West Virginia, said, and I quote, "There is no doubt that constitutional freedoms will never be abolished in one fell swoop, for the American people cherish their freedoms, and would not tolerate such a loss if they could perceive it. But the erosion of freedom rarely comes as an all-out frontal assault but rather as a gradual, noxious creeping, cloaked in secrecy, and glossed over by reassurances of greater security."

I think those words affect this bill. I voted in 1978 to reestablish wiretapping in Pennsylvania after it had been made totally illegal in 1958. It had been made illegal in 1958 because there were gross abuses of it. Since then, there have been several changes, the last in '98. Each time changes are made, we are told that the wiretapping law just is not quite strong enough, that things are changed, that modernization is needed, that more power should be in the hands of prosecutors, and we have to be willing to accept whatever abuses there are.

Not everybody who has favored the expansion of wiretapping in Pennsylvania is able to be here today. A couple of our former friends and colleagues who consistently supported greater prosecution power, who are friends of mine and friends of many of the people here, Bill DeWeese and John Perzel, probably would love to be here today to debate in favor of this legislation, but as we know, they are not able to do so.

The SPEAKER pro tempore. The Chair reminds the gentleman that raising names of those not in attendance in this chamber is not appropriate.

Mr. COHEN. Mr. Speaker, these are former members; they are not current members. I think the reference is perfectly within our rules.

The SPEAKER pro tempore. The Chair is not going to engage in a debate with the gentleman but simply reminds the gentleman that House rules do not provide for such conversation.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the fact is that it is not clear what felonies are. People do not know for sure what the elements of a crime are that constitute a felony. Increasing the severity that prosecutors must meet by raising the standards for prosecutors from reasonable suspicion to probable cause is fine, but unfortunately, this proposal more than balances that by allowing everybody, everybody to be an assistant prosecutor and go out and gather evidence. And yes, there are cases where people are committing terrible crimes and this will help bring people committing terrible crimes to justice.

But there are also things that are not terrible crimes, and what this bill does is it gives everybody who can afford spyware, which is the vast majority of the population – spyware is now available for about \$100; it is easily purchasable over the Internet – it allows anybody to purchase spyware and figure out how to install it in someone's cell phone, the power to do that, and then turn over everything they find to prosecuting authorities who are then allowed to use this information not only as part of criminal investigations, but they are allowed to use it in any court trial for any felony, no matter how obscure the facts are. They are allowed to use it in any administrative proceeding. They are allowed to use it in any divorce proceeding, any civil suit, any suit at all. If it is in court, if it is in any court, it is public information.

The idea that we have a nation of universal spying is a rather new notion. And there may be some provisions in which 38 States are tougher than Pennsylvania, but we have been given no list at all of other States that allow anybody at all to purchase spyware and place the spyware anywhere they want and have conversations with whomever they want, and have these conversations introduced into law in numerous proceedings which are noncriminal in nature as well as proceedings which are criminal in nature. This proposal represents the serious erosion of privacy.

Now, it is true that there have been changes since 1998. Certainly we did not have smartphones in 1998. Certainly just about everybody has more phone numbers than they had in 1998, and that fact may create a burden for prosecutors in certain circumstances. But it is also true there are other innovations which have made things much easier for prosecutors since 1998.

In 1998 you did not have software which transcribes telephone conversations. So in 1998 somebody had to be listening to every conversation in order to find out what was going on. In 2012 transcripts can easily be prepared of every conversation that is going on. There is no need for people to have to hire some person to listen. The software automatically makes transcriptions.

Now, when you give everybody in this Commonwealth who can afford \$100 and who has enough technical expertise to figure out how to install the software and how to have conversations in which the software is activated, and then you have automatic transcription of these conversations as well as the conversations themselves, this is a major addition to prosecutorial power and it is a major erosion of privacy. As Mr. Saccone says, this is a major erosion of the Fourth Amendment. Are people really secure when everybody cannot only record their conversations but tape their conversations and produce transcripts and have these transcripts turned over to prosecuting authorities and other authorities?

This is not about let us get a few bad guys who do terrible things. This is a proposal that totally changes the relationship between people and the Commonwealth. I do not know which spyware company hired a lobbyist to get a total legalization of spyware in Pennsylvania, but whoever did it is a superb lobbyist. I do not know for a fact that there is any State in the country that has totally legalized spyware as this legislation does. Maybe some other State has, but we have not been told that another State has and my efforts to find another State who did it on the Internet were unsuccessful. This certainly is not common in every State, and it may be unique.

I am encouraged by talk that the Senate will take a good look at this proposal and the Senate will make changes in this proposal. I would encourage that. I know Senator Greenleaf, the chair of Judiciary Committee, well. I have confidence in his judgment, but I think that the strongest message we could send Senator Greenleaf and members of the Senate is to vote against this bill as an unwarranted expansion of governmental authority, an unwarranted erosion of individual privacy. I think this bill is very worrisome. Its provisions go far, far beyond the need to go after a few bad guys.

Under this bill, a very high percentage of the population, anybody who has alienated anybody may find themselves a target. We spend over \$2 billion a year on our prisons. We have over 60,000 people in prisons in Pennsylvania, and we are not safe. I do not believe we should be willy-nilly trying to see how soon we can get to 100,000 or 200,000 prisoners. I think we ought to be targeting the bad guys. This bill does not target the bad guys. This bill targets many people who think they are good guys in white hats, not bad guys with black masks.

I would urge a "no" vote on this legislation.

I hope and I am confident the Senate will improve it, but I think the best thing we could do is to show our concerns and vote against it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Stephens, on the question of final passage.

Mr. STEPHENS. Thank you, Mr. Speaker.

I rise in support of this bill. Let me just clear up the record for the members on a couple of things that have been mentioned and a couple of the concerns that have been raised. It is true our wiretap law is currently outdated. It is 14 years old since its last update. It is quite cumbersome for our prosecutors and our law enforcement entities to deal with. And most importantly, Mr. Speaker, it prevents our juries from hearing the best and most credible evidence available when it comes to criminal activity. And even more importantly, Mr. Speaker, our current Wiretap Act denies justice. It denies justice both to victims of crimes and to defendants and those who might be wrongfully accused of crimes. You see, our Wiretap Act prevents us from obtaining the best evidence possible to determine exactly what happened during criminal activity or a fraudulent claim of criminal activity.

Mr. Speaker, it is clear that over the last 14 years technology has evolved. As a matter of fact, I can see some members in this chamber text messaging and using technology today that 14 years ago was not available, Mr. Speaker. You know, I just need to point out a couple of the very important benefits. I know that the good chairman of the Judiciary Committee mentioned a few examples as to really egregious situations that our Wiretap Act prevented us from bringing justice to a case, but there is one

that I really think the members need to hear about and it happened just down the road in Cumberland County. It happened just down the road in Cumberland County in 2006. Three individuals were accused of raping an individual's girlfriend's minor daughter.

The SPEAKER pro tempore. Would the gentleman suspend for a moment.

Mr. STEPHENS. Yes, Mr. Speaker.

The SPEAKER pro tempore. I notice that a number of members seem to be wishing to hear what you are saying but are having difficulty hearing what you are saying. I would urge members in their conversations in the aisles to respect the gentleman who is speaking. Thank you.

You may continue.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, the case I want to bring to everyone's attention involves an individual by the name of David Deck and John and Traci – I am going to brutalize this word – but Georgiadis. These three individuals raped Mr. Deck's girlfriend's minor daughter, and as a matter of fact, the minor daughter recorded Mr. Deck admitting to the assault, admitting, admitting to the rape. Mr. Speaker, this tape and this recording were inadmissible. The prosecution, although they had the best possible evidence that this rape occurred, was precluded from using this evidence. And even worse, Mr. Speaker, because the victim through the trauma of the ordeal was unable to continue testifying in trial, the charges were dismissed as it related to all three defendants in that case. That is a gross miscarriage of justice, Mr. Speaker.

You know, to my good friend from Washington County and his concerns about the Fourth Amendment, the Fourth Amendment still applies. You still have all, all of the protections of the Fourth Amendment regardless of what this bill says. No statute we pass can undermine the protections that you receive under the Fourth Amendment. As a matter of fact, right here in Pennsylvania, you are subject to a far more permissive Wiretap Act because the Federal Wiretap Act, which satisfies the Fourth Amendment by the way, is available to Federal authorities in the Commonwealth of Pennsylvania. So you are subject to a far more permissive Wiretap Act than what is even being proposed here by virtue of your presence in the Commonwealth and the Federal Wiretap Act and the standards that it sets.

Even with the passage of HB 2400, even with that, Pennsylvania will still be one of only 12 States that require all parties to consent to a recording. Right now Pennsylvania is one of those five States that have no exceptions to that. HB 2400 adds the appropriate exceptions to protect our victims and make sure that we are bringing justice in every case.

Mr. Speaker, I would urge the members to affirmatively cast their votes for HB 2400 and move this over to the Senate so that we can get this to the Governor's desk so that our criminal justice system can do that, deliver justice to all the citizens of this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I do not claim to be an expert in this subject matter, but I did take the time to review a letter of opposition from the ACLU (American Civil Liberties Union), and I did take the

time to chat with their representative, and that conversation yielded a couple of concerns which I just want to relay to this House for thought.

One of the things they mention, and I will quote this, this bill "...amends the definition of 'oral communications' to allow audio recording without consent anywhere at anytime if notice of possible recording has been posted somewhere." I asked them what they meant by that, and they said, let us say your employer in his handbook, or a school in its handbook, says, "Notice: These conversations can be recorded." Then anything is fair game. And by that, I mean two students who think they are alone in a classroom and having a private conversation, that, under this new definition, can be legally recorded. Or if you are an employee and somewhere in the handbook it talks about you could be possibly recorded, according to the ACLU then, that now is legal to record anywhere, anytime in that place of employment. And if that is correct – and, please, if it is not, please, please correct me – but if that is correct, I find that aspect of the bill very troubling.

A second aspect of this bill that was relayed to me, and I will just read again from the ACLU letter dated June 8, 2012. It says, "HB 2400 allows recording of private conversations without consent if the person recording thinks the conversation or situation may produce evidence of a past, present, or future crime..." Now, I asked, what did they mean by that? Well, you know, for example, he said, well, if you are in your own office and people are in your conference room and you think that maybe they are going to admit to campaigning with tax dollars or something, you can record that legally. You can record a private conversation without the consent of the other party if you think there is a possibility it may yield evidence of a crime. So I find it quite disturbing that perhaps I could get my recording device out in maybe a private breakfast I might have and record people because I think it might yield evidence of a crime. That is the second thing that I found a little troubling. And again, if I am wrong on this, I urge the maker of the bill to bring this to my attention.

The third and final point I will mention, and I will read from again the ACLU's letter, it says, "HB 2400 allows law enforcement to intercept incoming messages and even send outgoing messages from phones it has seized without ever informing a court of its activity." So in other words, what they are saying is, and I brought this example, let us say I was picked up for DUI (driving under the influence). I am in a cell now sobering up. They take my cell phone. They can intercept incoming messages with full legality and even make outgoing messages representing themselves to me. This, again, is something that I find troubling. And again, if I am wrong in this characterization or the ACLU is wrong in this characterization, I ask that the maker of the bill correct that for the record.

But I just find some of the aspects of this bill troubling, and I just wanted to put that out to the body for their consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 2400. The chairman of the Judiciary Committee, our majority chairman, had expressed some of those scenarios in which this bill would address for capturing information that could be used in

prosecutions. I certainly agree with him on those examples. And as was said by the gentleman from Lancaster earlier tonight in this debate, earlier today in this debate, the majority of this bill, I think, the supermajority of us agree with, but I think there is still some work that needs to be done. I think it is drafted in certain areas in too broad a fashion that ends up throwing a net out and ends up capturing or ends up being thrown over the whole population, and many citizens that have no intent to do anything criminal, and with this net being thrown over them, most likely the majority would not do anything that this would even impact them other than creating a new State for us to live under, especially in the school districts as was referred to by the gentleman from Delaware County, whom I agree on very little with but do find myself agreeing with him tonight, today, on the school district situation that this legislation will create.

I think what was very alarming was the legislative position paper that was put out by the Pennsylvania School Boards Association in support of a wiretapping bill. It was kind of a surprise at first when I received the e-mail. The Pennsylvania School Boards Association is sending me a support memo in regard to a wiretapping bill, which of course caused you to read further. And when you look at some of the excerpts from that memo, to quote them in the memo, it says that in addition to video monitoring, which is not covered by the act, audio recording on school buses, in school hallways, stairwells, courtyards, and other areas that are not always monitored by teachers can be a useful tool to ensure the safety of students and staff.

The gentleman from Allegheny County who spoke so impassioned earlier tonight – and I thought he was going to come out against the bill, but he ended up being in favor of it – his defense of the Constitution and liberty and what our forefathers had argued for that I many times have risen on this floor to argue for also, but I think when you look at that assurance that what they are doing is to ensure the safety of students and staff, it makes you think back to the quote from Benjamin Franklin, to paraphrase, that those who are going to give up their security for, going to give up their rights in the name of security will end up having neither their rights nor their security at the end of the day, Mr. Speaker.

But the memo from the PSBA goes on to say that the reasonable expectation of privacy will now be nonexistent in the lunchroom, on the playground, and while getting books out of lockers in between classes, Mr. Speaker. Mr. Speaker, I think you are changing the whole thought about the reasonable expectation of privacy. If we are going to do this to the children in our schools, you are going to change our society in a way that they will never know what a reasonable expectation of privacy is. When they thought that they were sharing a conversation with a friend over lunch, over their lunch boxes, and that they are going to be recorded, or that they are in the hallway exchanging books at their locker and they do not think that they are having a conversation that the school district is actually taping, Mr. Speaker, and recording. What about the parents coming in for the parent-teacher conferences? They are coming in to talk about one of the teachers that they might be having a problem with, with teaching their students. They are going to be on recordings also? Is that going to be occurring? Will they— I mean, most likely they probably know that.

Mr. Speaker, I think that the support from the PSBA, the Pennsylvania School Board Association, for this legislation that raised my concerns should raise concerns for us all. I know

some school districts already seem to be doing this and they are posting signs in certain areas, but some, according to the memo from the PSBA, it seems that some school districts are not utilizing this type of technology to record every move that our children are making in the schools, Mr. Speaker. I think when you do that, you change the conditioning of the culture; that ultimately, the next generation, if they have to go to school buildings and go onto school property where we are taking taxpayer dollars from their parents in the first place and forcing them into the system and then they are forced, we are also forcing them to submit themselves to be monitored continuously and continuously recorded, Mr. Speaker, I think that is a problem. I think that is where we are reaching a little too far with this legislation. I would like to see this changed. When it goes to the Senate, I know there have been a couple of members that have mentioned that they will support this because they have been assured that there will be amendments made in the Senate. I think that we should be making those amendments before it goes to the Senate. I mean, let us fix it now. Let us deliver a sound legislative product that can address the issues, those very heinous crimes that have been committed, to deliver better prosecution as the chairman of our Judiciary Committee had noted in his remarks and some of the other members. We need to update the law regarding the use of technology, but we need to also ensure that we are not reaching so far that we are growing the nanny State, the big-government State, growing the State where we are going to condition our youth that they should have an expectation whenever they are out in public that there will always be a camera rolling, that there will always be a recording occurring, and that they will not be assured of any privacy, whether they think they have it or not, because somebody might always be running a recorder, Mr. Speaker.

Mr. Speaker, as I have talked to some of my colleagues and some of them have shared concerns on this legislation also, and once again, some have noted that, well, it will get fixed in the Senate. I do not think that that is what our constituents have sent us here for, is to defer to the other chamber when we know that we have some corrections that could be made here. I would like to be able to vote for this legislation. I just think that it is drafted too broadly and we are setting our kids up to be in a situation where they are under constant recording, Mr. Speaker.

Mr. Speaker, in a day and age when we are watching these current prosecutions that are ongoing with the Sandusky trial, Mr. Speaker, when we look back to what happened with the WebcamGate that occurred with the Lower Merion School District, where the computers were sent home with the kids and some of those computers were still being turned on and the kids still monitored by those laptops in their homes, Mr. Speaker, well, Mr. Speaker, it appears from the information I have that there was a lawsuit, that it was settled in one of those cases there in the Lower Merion School District, where the victim was actually rewarded a settlement fee of hundreds of thousands of dollars because of what was done to him and his family because of that laptop being sent home by the school district.

But, Mr. Speaker, I think there are school districts in this State that have been overreaching for a long time, and some of them are lobbying to have this language in this legislation so they can continue to overreach and monitor our children every step of the way on school property, from classroom to classroom, from classroom to bathroom, from bathroom to locker, Mr. Speaker.

Mr. Speaker, the abuse that occurred in the Lower Merion School District with that laptop, with a child being viewed in their bedroom, Mr. Speaker, with the abuses that have occurred that are being prosecuted that had allegedly occurred on the Penn State campus, Mr. Speaker, I think parents are continually wondering, are my kids going to be safe at school? Well, if we are going to be recording constantly, I think parents will also have to be wondering, is there another Sandusky behind that camera, Mr. Speaker?

Mr. Speaker, I would urge a "no" vote on this legislation, and if it does pass, which I would expect it will based on the mood here in the chamber today, I would hope that the Senate would correct some of these grave deficiencies, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentlelady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I rise to state that I am sure that law enforcement, in particular, is very frustrated that they are outgunned not only because the bad guys have all sorts of resources and weapons at their disposal, both hard resources like assault weapons as well as electronic resources, and I applaud the concept of what this piece of legislation is attempting to correct and that it is addressing a much-needed and much-overdue topic. However, this is a good idea and I would say it is a decent piece of legislation, but it needs to be the best that we can produce, and this piece of legislation is not that.

I really regret that there are a number of amendments that were proposed but did not make it into this piece of legislation, and I think that we would be very remiss to approve the legislation as it currently stands. I am in opposition to this piece of legislation for those reasons and am encouraged by what I have heard in some conversations that the Senate appears willing to address some of those concerns, but I think we need to be very, very clear that I feel that I have a responsibility to my constituents to produce the best legislation possible. HB 2400 in its current iteration is not that example of the best that we can produce, and therefore I will be a "no" vote, and hopefully, in the near future we will have that opportunity to revisit this with the necessary corrections that need to be made. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Philadelphia, Representative Waters, on the question. The gentleman may proceed.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to say, starting off the conversation, today is June 13, 2012, and I want everybody to know that not often do I get to say this, but I agree with the gentleman from Butler County. That does not happen too often, but he cited some very important issues here. One thing is to protect young people. We have to because we have to understand how young people are not that mature, and once this kind of information gets out there, people tend to take and run with what they hear and do not investigate; they do not do the research. They definitely are not going to read this bill, and the next thing you know we have a whole bunch of I spies running around out there. We have a whole lot of little Columbos and everybody else running around outside, and what it will end up doing –

because this could be damaging to the courts, because now they have to take in many more cases at least to consider, the D.A.s and all that have to start looking at what is being presented to them. The courts are already admitting counties are overburdened as it is. Now we are going to add this to the mix, and then we have got people who want to sue because a person made a mistake thinking that they had permission to do this. So now we have got the civil courts tied up. This could really be something that could lead to a major problem, a major problem, and we have to think about this. And this is why I want to stand up and talk about my concerns that I have with this. Once you let it out of the bag, you cannot control it.

There are some good points to this legislation. In the cases that were cited by the chairman of the Judiciary Committee, there were some good cases that were cited about a person in the case of being victimized having the ability to record who is victimizing them in real time. I believe that that is the good side about it, but just like the sun that shines on the roses, this will also shine on the weeds. We cannot just limit how the sun is going to shine here, what we are exposing the community to. This is like "A Tale of Two Cities." We have a good story to tell, but we have a tragedy to tell, too, if this legislation in its current form is passed. So it does have some good and some meritable – it has some good things to be considered, but it also has a lot of bad that needs to be considered, too, and we need to remove what is bad about it, clean up what is wrong with it for the protection of the citizens out there without them knowing that this General Assembly allowed a free-for-all with people within the community to go out and investigate whomever they want to investigate. And we have to be careful, because there are a lot of people who might like us, but then there are some people who do not like us and what we are doing. So every 2 years we might find a big problem in our neighborhood with people who are trying to cause us harm. They do it now. We definitely do not want to give them the legal reason to do it.

And I am not saying that we are doing anything wrong. You do not have to do anything wrong with this legislation. You just have to think something is going wrong with this legislation. We understand it, we understand what is good about it, but there are a lot of people out there who will not understand it in its totality. So let us make sure that we clean it up so even if they go off the deep end out there, that they cannot go too far off the deep end.

So, Mr. Speaker, what I wanted to say is that in its current form, in its current form the way it is drafted right now, this legislation is problematic, and we should take it back, work it out, fix it, and since it is going to be a public issue – I do not even know how many hearings we had on this, and I do not think we had any – but because it is going to be a public – could be a major public problem, I think that we should at least have thought about holding some public hearings on this.

So what I want to talk about here is protecting people's reputation. What happened in the school district that the gentleman from Butler County talked about, that right there alone should make us back off, but there was a case where I know someone was victimized, too, and they were shot and killed while they had their telephone on and the shooter, who was an off-duty police officer, did not realize that everything was being recorded. Now, in a case like that, this might have been helpful. So we do have some cases that we can cite where this bill and this measure could be helpful, but we cannot ignore the fact that it can also be extremely problematic, too.

So for that reason, Mr. Speaker, I think that we should take another look at this bill. We should even withdraw it in its current form and finish working on it. We have too many other important things to be working on right now, and then we can come back and revisit this again after we take care of what is problematic in this bill, Mr. Speaker. But I am not going to make a motion to withdraw it. I will leave that up to the prime sponsor of the bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who asks that the gentleman from Delaware County, Mr. MICOZZIE, be placed on leave for the balance of the day. Without objection, leave is granted.

### CONSIDERATION OF HB 2400 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes, for the second time, the gentleman from Philadelphia, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, after saying that I could not find anything on the Internet indicating that any State has gone so far in the direction of legalization of spyware as this legislation goes, I called the NCSL, the National Conference of State Legislatures, office in Denver, Colorado, and I said I want to speak to somebody who knows something about the regulation of spyware. I spoke to a staffer named Pam Greenberg. She gave me a list of States that have restricted spyware. She was unaware of a single State that had encouraged spyware or legalized it. States of Alaska, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Iowa, Louisiana, Nevada, New Hampshire, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington have all passed legislation restricting spyware. This, in all likelihood, is going to be the first State to give a virtual blank check to the use of spyware.

Finally, Mr. Speaker, Pennsylvania is going to be the most liberal State in something. We are going to be the most liberal State in allowing the use of spyware. As Mr. Metcalfe, the gentleman from Butler, indicated, spyware is going to be used in the schools to check the behavior of students, and there may be bad actors in schools, people like Jerry Sandusky, who will use spyware to see which of the students might be most receptive to their advances. Spyware is going to be used in personal matters. There are numerous Internet ads recommending that spyware be used in potential divorce cases or child support cases.

Pennsylvania is going in a new direction and the wrong direction. This act in the guise of fighting crime is seriously eroding privacy. If this act passes, people will certainly have less expectations of privacy than they do now. People will be well advised to be very, very cautious as to whom they talk to, what answers they give to questions, what subjects they are willing to discuss. This erodes interpersonal trust. It makes conversations difficult between lawyers and clients. It makes conversations difficult between teachers and students. It makes conversations difficult between old friends. It makes

conversation difficult between relatives. Under certain circumstances, it may make conversations difficult between spouses. This is a very radical piece of legislation which fundamentally changes the nature of privacy in Pennsylvania. We will be the State, despite the fact that some States may have more restrictions on governmental use of wiretapping, we will be the number one State in citizen wiretapping.

Now, Mr. Saccone raises the Fourth Amendment. The Fourth Amendment applies to Federal actions. Through the 14th Amendment, the 4th Amendment also applies to State actions. It is not at all clear, though, that the Fourth Amendment applies to citizen actions. If the State allows citizens to wiretap each other, I am not confident under Federal constitutional law or State constitutional law that allowing one citizen to wiretap another citizen is a violation of the U.S. Constitution or of the Pennsylvania Constitution. If I was confident that it would be thrown out, then this legislation might not be so threatening, but giving citizens a blank check to wiretap other citizens is not necessarily and is probably not at all governmental action.

This act creates a fundamental change in the way people relate to each other and a fundamental change in the right of privacy as we know it. I think that the more votes are cast against it, the stronger the message will be to the Senate that serious study has to be given to this legislation and that that study ought to be followed by serious change. We ought not to be giving our fellow citizens blank checks to wiretap each other. We ought not to be giving prosecutors a reason to encourage our fellow citizens to wiretap each other. We ought not to be encouraging the spyware industry. We ought not to be voting for this legislation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Representative Caltagirone, on the question.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I think it has already been said that it has been 14 years since we have updated our wiretap legislation, and during those 14 years the technologies have been implemented and have become mainstream. Cell phones including prepaid cell phones, e-mails, Internet, video conferencing, etc., the time has come for us to update our technology.

And the various groups, and I want to reiterate the groups that are in support of this legislation: the Pennsylvania District Attorneys Office, their association; the Attorney General; State Police; Chiefs of Police; the Fraternal Order of Police; the Coalition Against Rape; Pennsylvania State Troopers Association; the Pennsylvania Innocence Project; Governor's Office.

The time is now. If corrections have to be made, they can be made in the Senate. It happens with a lot of the legislation that we pass in this body. I would urge the members to please consider a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the majority leader, the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you very much.

I rise in support of HB 2400 and applaud both the majority and minority Judiciary chairs in their outstanding work in crafting this legislation.

I first personally heard about the need for updating our wiretap laws two sessions ago when we had hearings across the State dealing with, how do you handle illegal drugs on a variety

of fronts? One on law enforcement, one on treatment, and one on deterrents. And when we dealt with the law enforcement part of it, we had testimony from investigators, police officers, on both a State and local level. When they indicated the extent of illegal drug activity in the Commonwealth of Pennsylvania, they said in very commonsense language, folks, this is business activity. These are business organizations trafficking in illegal substances, and they set up networks based on particular market areas, and it is very, very difficult to break into those organizations or those illegal enterprise activities.

The police, the State Police in particular, had very, very tangible suggestions to help them address being able to garner legal evidence in modern technological society to be able to get the bad perpetrators who are pushing illegal drugs in our communities and to our kids. Their first recommendation, their very first and most tangible recommendation was this: You must update your wiretap legislation in the Commonwealth of Pennsylvania. These were the individuals who are on the frontline, on the frontline, and I remember this particular specific example. They said, you know, keep in mind, when these statutes were written, there were only stationary phones. My goodness, how many people today no longer have landline phones? They get rid of them. Not only do they have mobile phones, but they actually go and buy those temporary phones so that they can discard. Given the millions and millions of dollars that they are exchanging, it is a cost of business just to go out and buy a bunch of temporary phones. And he said, you have got to update your law. When we go get these wiretaps from the Superior Court, you must update it so that it allows us to begin to focus on the bad perpetrators and not just on a singular piece of equipment. Part of this update allows you to go back to the Superior Court on that same wiretap and quickly be able to enumerate the additional phones that you uncover as the trafficking enterprise occurs. What we have had in this State, law enforcement operating with one hand tied behind their back because we have an outdated wiretap statute.

So I agree with the good gentleman from Allegheny and Washington Counties that you have responsibilities with respect to the Fourth Amendment. No one here disputes that, but you must be able to, under the existing case law, update your wiretap statute to allow us to actually catch and apprehend people in the business of illegal narcotics activity, not to mention other crimes, but it is certainly pervasive in that context.

I will give you one example of the way that HB 2400 updates this and brings the statute into the 21st century. Now, there have been some, I must say, I think some smoke and mirrors here personally with those who are against. They act as if this spyware stuff is legal and that you can just willy-nilly as an individual go plant a bug in a home and that evidence can be used against you. That is absolutely not correct. That is already prohibited by law, and under this statute and under existing case law, you cannot go plant a bug even if you are in law enforcement, a wiretap, without the court order. You have got to go to the Superior Court to get it. The statute, however, recognizes the changes in technology so that we can in fact go after these illegal perpetrators. And, Mr. Speaker, it is big business. These are the people that are bringing illegal drugs into your communities, into your schools, and into your homes.

I stand with law enforcement on this one. I think it meets the right balance, and I think of all those hearings that I went to, one in particular in Armstrong County, where this All-American

kid had gotten caught up in his first time using this drug died, a teen just graduating from high school.

Look, anybody who thinks that it is not pervasive and that you are not fighting people with millions and millions of dollars at their hands and updated technology, which is at the cost of doing business, with law enforcement that is limited in its ability to go after them, come on, we know that; we all know that. Why would we not give them the tools to get the job done?

Again, I applaud the two chairs – the Judiciary chair, the majority chair from Dauphin County; the minority chair from Berks County. This is outstanding work, outstanding work. I applaud it and I am happy to support it. Please vote "yes."

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentlelady from Cumberland County, Representative DeLozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

I have listened to a lot of the debate. We go back and forth on many of the issues, but I just want to make one point very, very clear. As we worked through this and we have heard many different sides, one of the sides that gets forgotten in a lot of these types of debates is that of the victims, the people that were innocently going about their daily lives and something happened to them through no fault of their own and they became a victim.

At this point in time we need to update this law. We need to take into consideration that we are asking our law enforcement, our D.A.s, to make sure they defend us. We need to give them the tools in order to do their job. We need to think about the victims having their rights, not the perpetrators having more rights than the innocent victims. I want to stress the fact that the victims get forgotten in a lot of these debates. We need to defend them, and we need to give the police and the D.A.s the ability to do their job, update this law, get it passed, and allow them to protect us as they want to do.

I commend the sponsor of this legislation, and I ask for your support to remember that we need to stand up for those who right now cannot stand up for themselves. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

Are there any other members seeking recognition?

Then the Chair recognizes the prime sponsor of the bill, the gentleman from Dauphin County, Representative Marsico, on the question.

Mr. MARSICO. Thank you, Mr. Speaker.

I just want to thank the members that have the courage to stand up and speak in support of this bill and those that are going to be supporting this bill with your "yes" vote. I thank you on behalf of the law enforcement community, the Victim Advocate, the Pennsylvania Coalition Against Rape, yes and even the Pennsylvania Innocence Project, and they recognize that our system is based on finding out the truth.

I have got to tell you that this bill protects our citizens, protects the Fourth Amendment, protects our victims, and it puts the bad guys in jail. It puts those that have committed murder, rapists, terrorists, drug dealers, it is going to put them in jail where they belong. That is what this bill does.

I ask for your support. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—145

Adolph	Emrick	Keller, M.K.	Pickett
Aument	Evans, J.	Keller, W.	Pyle
Baker	Everett	Knowles	Quigley
Barbin	Fabrizio	Kotik	Quinn
Barrar	Farry	Kula	Ravenstahl
Bear	Fleck	Lawrence	Readshaw
Benninghoff	Galloway	Longietti	Reed
Bloom	Geist	Mackenzie	Rock
Boback	George	Maher	Saccone
Boyd	Gergely	Mahoney	Sainato
Boyle, B.	Gibbons	Major	Samuelson
Boyle, K.	Gillespie	Mann	Santarsiero
Bradford	Gingrich	Markosek	Santoni
Brennan	Godshall	Marshall	Saylor
Brown, R.	Goodman	Marsico	Scavello
Burns	Grell	Masser	Simmons
Buxton	Grove	Matzie	Smith, M.
Caltagirone	Hackett	Miccarelli	Sonney
Carroll	Hahn	Millard	Staback
Causer	Haluska	Miller	Stephens
Christiana	Hanna	Milne	Stern
Clymer	Harhai	Mirabito	Stevenson
Conklin	Harhart	Moul	Swanger
Costa, D.	Harkins	Murphy	Tallman
Creighton	Harper	Murt	Taylor
Culver	Harris	Neilson	Tobash
Daley	Heffley	Neuman	Toepel
Davis	Helm	O'Neill	Toohil
Day	Hennessey	Oberlander	Turzai
Dean	Hess	Parker	Vereb
Deasy	Hickernell	Pashinski	Vulakovich
DeLozier	Hornaman	Payne	Watson
DeLuca	Hutchinson	Payton	White
DePasquale	Kampf	Peifer	
Dermody	Kauffman	Perry	Smith, S.,
DiGirolamo	Kavulich	Petrarca	Speaker
Ellis	Keller, F.	Petri	

NAYS—52

Bishop	Denlinger	Kortz	Roae
Briggs	Donatucci	Krieger	Roebuck
Brooks	Dunbar	Maloney	Ross
Brown, V.	Evankovich	McGeehan	Sabatina
Brownlee	Evans, D.	Metcalfe	Schmotzer
Cohen	Frankel	Metzgar	Sturla
Costa, P.	Freeman	Mundy	Thomas
Cox	Gabler	Mustio	Truitt
Cruz	Gerber	Myers	Vitali
Curry	Gillen	O'Brien, M.	Waters
Cutler	James	Preston	Wheatley
Davidson	Josephs	Rapp	Williams
DeLissio	Kirkland	Reese	Youngblood

NOT VOTING—0

EXCUSED—4

Killion	Micozzie	Mullery	Smith, K.
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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.

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The House proceeded to third consideration of **HB 2406, PN 3650**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township, certain lands in Susquehanna Township, Dauphin County.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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 the question of final passage, the Chair recognizes the gentledady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am not suggesting that we vote against this bill, but I do want to talk a little bit about the procedure. For those of you who have never been on the State Government Committee, all of the conveyances that we do require something known as a rule 32, which basically clears title, quiets title, which you would get if you bought property and everybody should get.

I know that the maker of this transfer understood that we needed a rule 32 and she asked for it in great advance of the meeting. However, we did not get it ourselves, the Democratic side, until it was too late to make any amendments because it came in the day before after 11:15, which is to say it came to us June 4 after 11 o'clock, and the opportunity to create amendments had passed.

I did not make a fuss in committee, and I am not going to suggest that people vote against this bill now, because when I was the chair, we did a transfer that was connected to this one. It was much bigger, and I was convinced or understood then that there was not the problem. So I only got up and said basically what I am saying now.

I am very disappointed that we cannot get and I guess it was DGS (Department of General Services) to cooperate with us. The rules are important. The rules need to be followed. We need to have a rule 32 for every transfer to make sure that we are doing right by the citizens of Pennsylvania. They own this land. We do not. I hope that they are listening somehow from DGS and we get better performance from them. That is the point I am trying to make.

Thank you, Mr. Speaker. I will vote for this.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

NAYS—1

Schmotzer

NOT VOTING—0

EXCUSED—4

Killion	Micozzie	Mullery	Smith, K.
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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 2349, PN 3476**, entitled:

An Act redesignating the bridge on State Route 322 over North Fork Creek in Brookville Borough, Jefferson County, as the Purple Heart Memorial Bridge of Jefferson County.

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

(Bill analysis was read.)

**LEAVES OF ABSENCE**

The **SPEAKER pro tempore**. The Chair recognizes the majority whip, who asks for leave for the balance of the day for Representative **HACKETT** and Representative **VEREB**. Without objection, those leaves will be granted.

**CONSIDERATION OF HB 2349 CONTINUED**

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—195**

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

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—6**

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2390, PN 3604**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in cities of the first class, further providing for definitions, for contested complaints, for driver certification program, for power of authority to issue certificates of public convenience, for certificate and medallion required, for additional certificates and medallions, for wages and for civil penalties.

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

The **SPEAKER pro tempore**. On the question, the Chair recognizes the gentleman from Philadelphia.

Mr. Thomas, you have five amendments presented to this bill. Do you intend to offer each of them?

Mr. THOMAS. Mr. Speaker, I am going to offer all five.

The **SPEAKER pro tempore**. Thank you. The Chair thanks the gentleman.

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

Mr. **THOMAS** offered the following amendment  
No. **A10798**:

Amend Bill, page 1, line 1, by striking out "Title" and inserting  
Titles

Amend Bill, page 1, line 1, by inserting after "Generally")  
and 66 (Public Utilities)

Amend Bill, page 1, line 8, by inserting after "penalties"  
; and adding provisions relating to taxicabs regulated by the  
Pennsylvania Public Utility Commission

Amend Bill, page 14, by inserting between lines 25 and 26

Section 4. Section 102 of Title 66 is amended by adding  
definitions to read:

§ 102. Definitions.

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

\* \* \*

"Taxicab." A motor vehicle designed for carrying no more than  
eight passengers, exclusive of the driver, on a call or demand-service  
basis and used for the transportation of persons for compensation.

\* \* \*

"Wheelchair-accessible taxicab." A taxicab that can  
accommodate at least one person in a wheelchair without the person  
having to transfer from the wheelchair to another seat and meets the  
requirements established pursuant to the Americans with Disabilities  
Act of 1990 (Public Law 101-336, 104 Stat. 327) or requirements that  
are a functional equivalent and approved by the Pennsylvania Public  
Utility Commission.

Section 5. Title 66 is amended by adding a chapter to read:

CHAPTER 26

TAXICABS

Sec.

2601. Wheelchair-accessible taxicabs.

§ 2601. Wheelchair-accessible taxicabs.

(a) General rule.—Within ten years of the effective date of this  
section, at least 10% of the total number of taxicabs operated by any  
taxicab company that operates under the jurisdiction of the  
commission, pursuant to a certificate of public convenience issued by  
the commission, shall be comprised of wheelchair-accessible taxicabs.

(b) Driver certification program.—The commission shall provide  
for the establishment of a driver certification program and special  
certification for drivers of wheelchair-accessible taxicabs under its  
jurisdiction.

(c) Regulations.—The commission shall have the authority to  
promulgate any and all regulations it deems necessary in order to carry  
out the provisions of this section.

Amend Bill, page 14, line 26, by striking out "4" and inserting

6

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

The SPEAKER pro tempore. On the question of the  
amendment, the Chair recognizes the gentleman from  
Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment, and what  
this amendment basically does is says that the people in York  
and Allegheny Counties and in other parts of Pennsylvania are

entitled to the same benefit as handicapped riders in  
Philadelphia County.

This bill is designed to provide a limited, limited venue of  
wheelchair-accessible cabs only in Philadelphia County. Now,  
if we are familiar with the taxicab and limousine business in  
Pennsylvania, in Philadelphia County there is a specific  
authority that oversees taxicabs and limousines. In other parts of  
the State, it is governed by the Pennsylvania Utility  
Commission, the PUC, and in this particular situation, this  
benefit, this program is targeted solely for Philadelphia County.  
And there are even questions— Mr. Speaker, can I get some—

The SPEAKER pro tempore. The gentleman is quite correct.  
Would the conferences in the aisles please break up or reduce  
the volume of your conversations to a whisper.

The gentleman may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think it is also important that I point out to my  
colleagues on both sides of the aisle, the handicapped  
community in Philadelphia County went into Federal court. The  
case has been certified. A decision is going to be rendered  
within the next week or so on the issue of, one, whether there  
needs to be wheelchair-accessible cabs in Philadelphia  
County, and secondly, what is the number? How many  
wheelchair-accessible cabs should be available in Philadelphia  
County? Now, this bill is an end run on Federal court.

Now, the author of the bill is well intentioned, and I have a  
lot of respect for him. And my point through this amendment, if  
we want to do this, then let us not just do it for the handicapped  
riders in Philadelphia County; let us do it for handicapped riders  
throughout Pennsylvania. This is not about just Philadelphia.  
And I ask each and every one of you to vote "yes" if you  
believe, if you believe, as I do, that handicapped people in  
Allegheny County are entitled to the same benefit that this  
legislature is providing for people in Philadelphia County or  
York County or any of the other 66 counties in the  
Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the  
gentleman and recognizes the gentleman from Chester County,  
Representative Ross, on the question of final passage.

Mr. ROSS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment; I am sorry.

Mr. ROSS. On the amendment.

On the amendment, thank you, Mr. Speaker.

First of all, this bill came through Urban Affairs and it came  
through Urban Affairs because the Urban Affairs Committee  
handles the Philadelphia Parking Authority, who in turn handles  
taxicabs in Philadelphia. The Consumer Affairs Committee  
handles taxicabs in the rest of the State because they are  
managed through the Public Utility Commission. We did not, in  
our discussions in the Urban Affairs Committee, discuss  
taxicabs and the correct provisions of handicapped cabs  
elsewhere in the State. So there is no record at this point as to  
the correct way to address that issue. There have been  
considerable discussions with the Parking Authority, with the  
handicapped or disability community, and also with other  
affected medallion owners and others in Philadelphia. We have  
the data and the information to address that issue here, and that  
is why the underlying bill is structured the way it is.

But I am delighted to hear that my colleague from Philadelphia is interested in seeing that this issue is addressed elsewhere, and I think a bill drafted to address that, that has been carefully negotiated with the Public Utility Commission could be run in the future and should be, and I am sure my colleagues on the Consumer Affairs Committee would be happy to tackle that issue in a timely fashion, but this is the wrong place, in the wrong bill, and I urge a "no" vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure it is all the analysis that the chairman of the Urban Affairs Committee gave about whether this is the right bill or not, but I know that in Philadelphia and other parts of the State there are handicapped persons right now who are elderly, who are sick, who really need handicapped-accessible taxicabs to get around. And maybe all the negotiation could be handled quickly, and if that happened, that would be wonderful, but if we are talking about a long extended negotiation process, it could take 5 or 10 years to dot every i and cross every t. It is going to be too late for many of the people in Pennsylvania who really need taxicab service for handicapped people right now.

This is an urgent problem. It is a problem that vitally affects the lives of many handicapped people in Philadelphia and other parts of the State. I am a user of taxicabs in Philadelphia and Harrisburg, and I am generally familiar with the problems of the taxicab industry, and it requires some State action in order to get handicapped-accessible taxicabs.

I commend Mr. Thomas for introducing this amendment. I strongly urge a "yes" vote on the Thomas amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas, for a second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think it is important that the record is clear. Yes, the Philadelphia Parking Authority is the authority in Philadelphia County, but there are actually two taxi and limousine companies operating in Philadelphia County – one under PPA, the other under the PUC. So if we go forward with this, it will be available for a small number of people who do business with the Parking Authority, but for those workers and people associated with Germantown Cab Co. or other cab companies that handle the northwest section of Philadelphia County, they will not be able to take advantage of this.

Secondly, Mr. Speaker, in 2010 I was the majority chair of Urban Affairs. We had a public hearing in Philadelphia County on this issue. A number of recommendations were made to us in 2010. We have had plenty of time to look at the impact of this issue on physically disabled persons in Pennsylvania, not just in Philadelphia. It is kind of ironic that in 2 years we have not been able to take a look at what is the need in the Commonwealth of Pennsylvania. That is why the physically disabled have gone into Federal court, because they are tired of people, policymakers, playing with their interests.

It is an issue that we need to deal with. This amendment would allow us to empower the Public Utility Commission and any other authorities that have jurisdiction over this issue to deal with this issue of making taxicabs and limousines available for the physically disabled. It is only fair.

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

The following roll call was recorded:

#### YEAS—88

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

#### NAYS—107

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

#### NOT VOTING—0

#### EXCUSED—6

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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

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

Mr. **THOMAS** offered the following amendment  
No. **A11148**:

Amend Bill, page 1, line 7, by striking out ", for wages and" and inserting

and for wages; establishing an injured taxicab driver relief fund; and further providing

Amend Bill, page 5, line 10, by striking out ", 5720(A) AND (B), 5725(A) AND 5745(A)" and inserting  
and 5720(a) and (b)

Amend Bill, page 13, by inserting between lines 11 and 12

Section 4. Title 53 is amended by adding a section to read:

§ 5721.1. Injured taxicab driver relief fund.

(a) Establishment and deposit.—At least 25% of the total proceeds of the annual auction of the wheelchair accessible taxicab medallions provided for under section 5711(relating to power of authority to issue certificates of public convenience) shall be deposited by the authority into a dedicated account, which shall be known as the injured taxicab driver relief fund, within 30 days of the auction.

(b) Administration.—

(1) The fund shall be administered by a nonprofit corporation with at least ten years of experience in providing services to the disabled within the geographical area under the jurisdiction of the authority.

(2) The authority shall choose an eligible nonprofit corporation to review and make determinations on applications for assistance from the fund.

(3) A standard application for assistance form shall be developed by the nonprofit corporation and used by it in soliciting requests for relief funds under this section.

(c) Advisory board.—An advisory board comprised of members of organizations that represent the interests of taxicab drivers and individual taxicab owners or drivers shall be established by the authority to assist the nonprofit organization in administering the fund established under this section. The advisory board shall hold regular meetings.

(d) Review of applications.— In reviewing requests for assistance from the fund, the nonprofit organization shall take into consideration all other sources of income or assistance available to the applicant and the applicant's household members. Priority consideration for assistance shall be given based on the severity of injury or disability of the applicant.

(e) Fees.—The authority may establish and collect a nominal fee from each taxicab driver who applies for assistance under this section as a condition of eligibility for assistance.

(f) Limitation of administrative costs.—No more than 10% of the fund may be expended by the nonprofit organization to administer the fund.

(g) Financial report.—

(1) The nonprofit corporation selected to administer the fund shall provide to the authority a financial report detailing all monies received and all expenditures of the fund for the year being reported.

(2) The nonprofit corporation shall submit to the authority on an annual basis the results of an independent audit of the fund as conducted by an outside certified public accountant.

Section 5. Sections 5725(a) and 5745(a) of Title 53 are amended to read:

Amend Bill, page 14, line 26, by striking out "4" and inserting

6

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I thank my colleagues that did think it was okay to include other people in Pennsylvania, physically disabled persons in Pennsylvania, other than just in Philadelphia County. So I thank those of you who stood tall.

On this amendment taxicabs and limousine operators are facing all kinds of challenges out there in the community. Some communities are safe; other communities are not so safe. What this amendment would do is to ask taxicab and limousine operators along with the Philadelphia Parking Authority to put aside a certain percentage of proceeds and establish a taxicab and limousine relief fund, a relief fund that would be set up to deal with challenges that result in injuries to taxi and limousine operators.

This is something that the industry has been asking for for the last decade. There is nothing wrong with having – they are not entitled to workmen's comp, they are not entitled to other avenues that are available to you and me in situations where we are injured. Gentlemen, please. I tried to take care of this in committee, but I got shut down, so this is my only opportunity.

It is fair. It is the right thing to ask the authority along with taxicab and limousine operators to contribute a small percentage of proceeds into a taxicab and limousine relief fund. That relief fund would be available to deal with injuries that face taxicab and limousine operators in Philadelphia County, and I ask for an affirmative vote on amendment 11148.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

It is indeed a worthy goal for a relief fund or some form of workers' compensation to be provided for the drivers.

It is interesting that actually there is a case currently with the Baltimore taxicab drivers where they have been able to establish workers' compensation rights even though they otherwise appear to be independent contractors. I am interested in exploring that Baltimore alternative, and I have told the drivers who have come to see me about this issue that I am interested in trying to develop something that is appropriate, fiscally sound, and adequate for their needs.

This language is extremely vague. It has not been worked through properly. I think it would create an unreasonable expectation that will not be met and also raises some very serious questions about fiduciary responsibility and the potential for abuse. And the vagueness of the language, the uncertainty as to whether it is going to meet the needs that it is expressly stated for, along with some of the other challenges associated lead me to say that this is not ready yet. I am going to work with those that are affected over the summer to see if we can work up something that is practicable and workable, but the language we have here would actually be, I think, very unfortunate if it were to be adopted at this point and lead us into a lot of problems. It is not supported by the Parking Authority, and I think, as I said in committee, that it is not ready yet, and I would urge a negative vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes the gentleman from Philadelphia, Mr. Payton.

Mr. PAYTON. Thank you. Thank you, Mr. Speaker.

I rise today to support this measure knowing that we can do better. I think this is a worthy goal. It comes out of a lawsuit that forced the Commonwealth's hand, and I think that 15 medallions a year is not nearly enough. I think that we should go for a market-based solution and let the market decide how many medallions and we will see if we cannot service the folks with disabilities a little better.

So I am going to support the bill, but I know that we can do better and we should do better. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes, for the second time, the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the only response to this amendment has been this is not the right time. For injured taxicab and limousine operators, now is not the time? When is the time? When will we get the time? We have had 2 years to address this issue. I tried to address it in committee, but I was the minority chair.

Mr. Speaker, we have a growing number of injured taxicab and limousine operators in Philadelphia County. These injured taxicab drivers and drivers who have not been injured, they are not asking for any revenues from the Commonwealth of Pennsylvania. They are only asking – based on the last amendment, it looks as though this program is going to go forward – and so that the only thing that these cab drivers and limousine operators are asking is, give us the opportunity to deposit a small percentage of their revenues into a relief fund. They will have very definitive guidelines as to when those revenues would be available to taxicab and limousine operators who are injured.

Philadelphia, parts of Philadelphia County can be less than safe places to work. There are no workmen's comp provisions available. This is our opportunity to give them an opportunity to not do for them what they should be doing for themselves, but this is our opportunity to give them an opportunity to do for themselves, and by setting aside a small percentage, I think 10 percent of proceeds into a taxicab and limousine relief fund, I think it will go a long way in keeping this meaningful business opportunity available to taxicab and limousine operators in Philadelphia County.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, this amendment very wisely and very capably deals with the economic feasibility of creating some form of limited relief for injured taxicab drivers who are not covered by the workers' compensation law. This spends no State money. All the money to pay for it comes out of new Parking Authority revenues generated by the sale of medallions for handicapped-accessible taxicabs. It is strongly in the interest of the taxicab workers; it is in the interest of the taxicab industry.

I would urge a "yes" vote in support of the Thomas amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of the amendment, the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I reluctantly rise a second time, but I wanted to clear up some confusion apparent with my good friend from Philadelphia who indicated that the only problem was that the timing was wrong on this. That is not at all true. In fact, I would be delighted if we had a good proposal here, but this one is not well thought out and would actually create a lot of trouble and be very difficult to administer and create misunderstandings. We need a better version of this. So that is the reason why I am a negative on it.

Thank you.

The SPEAKER pro tempore. The Chair notices that the gentleman from Philadelphia, Mr. Thomas, is seeking recognition. You have been recognized twice on the amendment. Are you seeking recognition on the amendment, or are you seeking recognition for another purpose?

Mr. THOMAS. Personal privilege, Mr. Speaker.

The SPEAKER pro tempore. Sir, will you state your point of personal privilege.

Mr. THOMAS. I just wanted my colleagues to be clear that Representative W. Curtis Thomas did not fashion this proposal. This came from the stakeholders in the industry.

The SPEAKER pro tempore. While the Chair is not certain that is a bona fide point of personal privilege, the horses are out of the barn, as we say in the agricultural world, and we will move on.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—87

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

#### NAYS—108

Adolph	Evans, J.	Lawrence	Rapp
Aument	Everett	Mackenzie	Reed
Baker	Farry	Maher	Reese
Barbin	Fleck	Major	Roae
Barrar	Gabler	Maloney	Rock
Bear	Geist	Marshall	Ross
Benninghoff	Gillen	Marsico	Saccone
Bloom	Gillespie	Masser	Saylor
Boback	Gingrich	Metcalfe	Scavello
Boyd	Godshall	Metzgar	Simmons

Brooks	Grell	Miccarelli	Sonney
Brown, R.	Grove	Millard	Stephens
Causser	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
DeLissio	Hickernell	Peifer	Truitt
Delozier	Hutchinson	Perry	Turzai
Denlinger	Kampf	Petri	Vulakovich
DiGirolamo	Kauffman	Pickett	Watson
Dunbar	Keller, F.	Pyle	
Ellis	Keller, M.K.	Quigley	Smith, S.,
Emrick	Knowles	Quinn	Speaker
Evankovich	Krieger		

NOT VOTING—0

EXCUSED—6

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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

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

Mr. **THOMAS** offered the following amendment  
No. **A11200**:

Amend Bill, page 1, line 3, by striking out the comma after "definitions" and inserting  
and

Amend Bill, page 1, line 4, by striking out the comma after "complaints" and inserting  
; providing for contracts to promote participation; and further providing

Amend Bill, page 5, by inserting between lines 8 and 9

Section 3. Title 53 is amended by adding a section to read:

§ 5710. Contracts to promote participation.

(a) General rule.—The authority shall develop, adopt and implement binding policies or guidelines to ensure that all persons are accorded equal opportunity in employment and contracting associated with authority operations.

(b) Lists from Department of General Services.—

(1) The authority may use lists of certified minority-owned, women-owned and veteran-owned business enterprises which have been certified under the Department of General Services' disadvantaged business program to compete for and participate in the authority's contracting process.

(2) The Department of General Services shall cooperate with and assist the authority in carrying out the requirements of this subsection.

(c) Applicability.—This section shall apply to the authority's contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

Amend Bill, page 5, line 9, by striking out "3" and inserting  
4

Amend Bill, page 14, line 26, by striking out "4" and inserting  
5

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

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I know my colleagues want to go home and want to get out of here and want to get on to some other issues. I am only here because I was not permitted an opportunity to deal with this issue in committee, and it is an issue that needs to be dealt with right now.

So this amendment, 11200, raises the question of whether or not the available medallions, the available medallions in Philadelphia County should be a certain percentage, should go to veteran-owned businesses who want to operate a wheelchair-accessible cab or limousine, or women-owned businesses who might have an interest in operating a wheelchair-accessible cab, or other disadvantaged businesses.

There is nothing in the underlying bill that allows for the majority of business owners in Philadelphia County. The majority of small businesses in Philadelphia County are women-owned, minorities, and there are a growing number of veteran-owned businesses. Those communities make up the majority population in Philadelphia County. So the only question before us this evening is, should they be able to participate in this opportunity now, not whether they should be able to participate tomorrow or next year? And since we have said that the opportunity is only available to Philadelphia County residents and Philadelphia businesses, we have said that the Germantown Cab Co., other cab operators that are not under the jurisdiction of the Philadelphia Parking Authority, they have no right to participate unless they comply with a double standard, because right now they operate under the jurisdiction of the PUC. In order to— Ladies, gentlemen, now I have sat through a whole lot of bridge designations and a whole lot of other stuff, and I—

The SPEAKER pro tempore. Will the gentleman please remain on the amendment.

Mr. THOMAS. I am trying, Mr. Speaker, but I do not want to raise my voice too loud.

So, Mr. Speaker, the question embodied in this amendment is whether or not women-owned businesses, veteran-owned businesses, disadvantaged businesses should have access, should be able to participate in this opportunity, wheel-chair accessible taxicab and limousine transportation in Philadelphia County. And what my amendment does is not only says that they should be able to participate, but we put in place a process that will almost guarantee that they are able to participate.

Thank you. I ask you for a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Representative Ross, on the amendment.

Mr. ROSS. Thank you, Mr. Speaker.

I want to begin by saying that my good colleague from Philadelphia had every opportunity to offer amendments in committee, and I am unclear on his problem for saying that he had difficulty in some way offering amendments. This was properly advertised. He has offered amendments. So if he chose not to offer this one in committee, that was his decision, and he was in no way prevented.

Second, the text of this amendment basically is designed to – it states "...to promote participation" by minority-, women-owned, and veteran-owned business enterprises, but I am unaware of any situation where minority-, women-, and veteran-owned enterprises have been to date disadvantaged or unable to participate. In fact, I checked with the Philadelphia Parking Authority, and they already have policies in place to promote hiring and contracting for these very groups. There are no known complaints.

This is a "may" provision. It is unnecessary. I urge a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria County, Representative Barbin, on the amendment.

Mr. BARBIN. Thank you.

I rise in opposition to this amendment.

I have read the amendment. The amendment only says that the authority shall develop regulations and it may use lists of the Department of General Services. The chairman speaker says that the regulations already exist to allow veteran-owned businesses and women-owned businesses. This amendment does not do any of the things that it has been stated it will do. The underlying bill already addresses the issue. We should vote this amendment down.

The SPEAKER pro tempore. On the amendment, is there anyone other than the author of the amendment seeking recognition?

The Chair recognizes, for the second time on the amendment, the gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to debate with my majority chair, but the author of the bill will tell you that I restrained from introducing amendments in committee because he wanted a clean bill to come out of committee. I did not want to stand in the way of this bill moving forward, because it is something that needs to be done across the Commonwealth of Pennsylvania, not just in Philadelphia County. So I wanted to take care of this business in committee.

Secondly, you and I should know that the Philadelphia Parking Authority is a creature of State government. The Commonwealth Court and the State Supreme Court have had to say to the Philadelphia Parking Authority that because you are a creature of State government, you must comply with IRRC (Independent Regulatory Review Commission) regulations before you can adopt certain practices. In order to do business with a State-created agency, you must comply with the rules of the Pennsylvania Department of General Services, which outline the circumstances under which women-owned and disadvantaged businesses can take advantage of business opportunities with the Commonwealth of Pennsylvania. This is not the Philadelphia Parking Authority. It is called the Philadelphia Parking Authority, but it was created by this body, the Pennsylvania General Assembly, and so to that end, they cannot adopt and implement any regulations without complying with the basic tenets of IRRC.

Getting that out of the way, to my good friend on this side, unless we do what we did in mass transit, what we have done in gaming, what we have done in energy, what we have done in a number of economic development activities, we provided, we said that there needs to be participation from women-owned, veteran-owned, and disadvantaged businesses, but in order to

participate, you must comply with the set of rules established by the Pennsylvania Department of General Services. So we are not talking about – yes, the Parking Authority has some rules, but until those rules are signed off by IRRC – and we just went through this whole thing with PPA and we had to waste a lot of money in Commonwealth Court and in Supreme Court to resolve this issue. This is a State agency, and we must govern through the process of IRRC of determining circumstances under which opportunities are available.

So my amendment would ask that a certain percentage of these medallions that will be available for wheelchair-accessible cabs or limousines, that we make it clear and that we make sure women-owned businesses can participate, veteran-owned businesses can participate, disadvantaged businesses can participate.

Please vote "yes" on amendment 11200.

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

The following roll call was recorded:

YEAS—86

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

NAYS—109

Adolph	Evankovich	Krieger	Rapp
Aument	Evans, J.	Lawrence	Reed
Baker	Everett	Mackenzie	Reese
Barbin	Farry	Maher	Roae
Barrar	Fleck	Major	Rock
Bear	Gabler	Maloney	Ross
Benninghoff	Geist	Marshall	Saccone
Bloom	Gillen	Marsico	Saylor
Boback	Gillespie	Masser	Scavello
Boyd	Gingrich	Metcalfe	Simmons
Brooks	Godshall	Metzgar	Sonney
Brown, R.	Grell	Miccarelli	Stephens
Causar	Grove	Millard	Stern
Christiana	Hahn	Miller	Stevenson
Clymer	Harhart	Milne	Swanger
Costa, D.	Harper	Moul	Tallman
Cox	Harris	Murt	Taylor
Creighton	Heffley	Mustio	Tobash
Culver	Helm	O'Neill	Toepel
Cutler	Hennessey	Oberlander	Toohil
Day	Hess	Payne	Truitt
Delozier	Hickernell	Peifer	Turzai

DeLuca	Hutchinson	Perry	Vulakovich
Denlinger	Kampf	Petri	Watson
DiGirolamo	Kauffman	Pickett	
Dunbar	Keller, F.	Pyle	Smith, S.,
Ellis	Keller, M.K.	Quigley	Speaker
Emrick	Knowles	Quinn	

NOT VOTING—0

EXCUSED—6

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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

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

Mr. **THOMAS** offered the following amendment  
No. **A11256**:

- Amend Bill, page 6, line 6, by striking out "15" and inserting 25
- Amend Bill, page 6, line 11, by striking out "1,750" and inserting 1,850
- Amend Bill, page 6, line 15, by striking out "15" and inserting 25

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Again I want to thank my colleagues that thought that it was not robbery to create an avenue for women, veterans, and disadvantaged businesses to participate in this economic opportunity for people.

This particular amendment, Mr. Speaker, deals with the question of whether or not there should only be 15 wheelchair-accessible cabs in Philadelphia County. I have not seen any studies which say that Philadelphia County needs 5, 10, 20, 30 wheelchair-accessible cabs or limousines. The industry, the industry suggests – and I guess until the Federal court really answers this question – but the industry, the people out there that come in contact with folks who are physically disabled, believes that we need to extend the number of wheelchair-accessible cabs from 15 to 25. Twenty-five is a more reasonable number for the physically disabled persons who need cabs and limousines in Philadelphia County. That is not a number that Curt Thomas has come up with. There are no studies contained in the bill which suggest that 15 is the number. That number basically has been provided by the people at the Philadelphia Parking Authority, and I have not seen any studies that they have undertaken to say that 15 is too many, not enough, or the right number. The industry tells us that 25 is a more appropriate number, and my amendment would increase the number in the bill from 15 to 25.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

In fact, there were extensive studies, discussions that were carried on with the disability community, with the taxicab medallion owners, and also with the Parking Authority.

And I want to clear up one point. It is not 15. It is 15 a year for 10 years, or 150.

Now, it is important to remember that these taxicabs, while they are wheelchair accessible, are also going to be picking up regular fares as well, and so it is very important to balance the need to expand the wheelchair-capacity cabs in balance with not disrupting the underlying number of medallions that are in the city of Philadelphia. Excessive introduction of cabs too rapidly is going to make it very difficult for those that are currently earning their living driving taxicabs to get enough fares and to be able to adequately take care of their families.

So there is a balancing act. It was not taken arbitrarily. It was done with a good deal of consideration. And I would point out that although my good colleague has indicated that, quote, unquote, "the industry has asked for more," that is not true. Some people in the industry have asked for more, others have not, and that is not a uniform position by the medallion owners. It is a position that has been advanced by a group of medallion owners, but there are plenty of other medallion owners that do not want to see the numbers expanded in the way that this amendment suggests.

So that having been said, I urge the members to defeat this amendment and to stay with the negotiated agreement that is embodied in the underlying bill. I urge a negative vote.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the amendment, the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, whether you vote for or against this, I ask you to look to the case in Federal court and look at the diverse number of companies that are in court raising the question of whether or not this will provide sufficient number of wheelchair-accessible cabs and limousines in Philadelphia County. They would not be in Federal court asking hello. They are in Federal court because they have a concern with, number one, we do not have wheelchair-accessible cabs or limousines in Philadelphia or in the Commonwealth of Pennsylvania.

Secondly, what they are saying is that we are out there. We are the ones with the disability. Should you not listen to us on an appropriate number of wheelchair-accessible cabs and limousines? Now, there are 15 per year that were provided by the taxicab – suggested by the taxicab industry, but if you look at HB 2390, we are not just talking about taxicabs, we are also talking about limousines, and when you look at the totality of the industry, 15 a year over the next 10 years is not going to be sufficient. So I am guided by the industry, and when I say the industry, I am not necessarily talking about the operators. I am talking about the disability community, and we have not sat down with the disability community in conjunction with the operators and said to them, what is an appropriate number and what should be the appropriate process for making wheelchair-accessible cabs and limousines available in Philadelphia County?



The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—87

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

NAYS—108

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

NOT VOTING—0

EXCUSED—6

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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

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

Mr. THOMAS offered the following amendment No. A11709:

Amend Bill, page 1, line 7, by striking out ", for wages and" and inserting

and for wages; establishing an injured taxicab driver relief fund; and further providing

Amend Bill, page 3, by inserting between lines 2 and 3

"Natural gas powered." A vehicle powered by natural gas using compressed natural gas or by liquid natural gas.

Amend Bill, page 5, by inserting between lines 6 and 7

Section 3. Title 53 is amended by adding a section to read:

§ 5710. Use of natural gas powered vehicles.

(a) General rule.—On an annual basis, the authority shall use 25% of the proceeds of the annual auction of medallions authorized under section 5711 (relating to power of authority to issue certificates of public convenience) for a grant or low interest loan program to increase the number of natural gas refueling stations for natural gas powered wheelchair-accessible taxicabs in cities of the first class.

(b) Intergovernmental cooperation.—The authority shall coordinate with the Pennsylvania Public Utility Commission, the Department of Environmental Protection and each city of the first class in the development of the program priorities, the application process and the process and manner by which grants and loans shall be made in order to increase the number of natural gas refueling stations for natural gas powered wheelchair-accessible taxicabs in cities of the first class.

(c) Natural gas refueling stations.—Any person or entity receiving a grant or loan under this section shall agree to make natural gas refueling stations available to the general public.

(d) Public participation.—The authority shall publish the proposed details of the grant or low interest loan program in the Pennsylvania Bulletin and shall take public comments.

Amend Bill, page 5, line 9, by striking out "3" and inserting 4

Amend Bill, page 5, line 10, by striking out ", 5720(A) AND (B), 5725(A) AND 5745(A)" and inserting and 5720(a) and (b)

Amend Bill, page 6, line 13, by striking out "maximum"

Amend Bill, page 6, lines 15 through 21, by striking out ". The authority, in its " in line 15 and all of lines 16 through 21 and inserting , which must be natural gas powered wheelchair-accessible taxicab service.

Amend Bill, page 12, line 13, by striking out "may" and inserting shall

Amend Bill, page 12, line 13, by inserting after "to" natural gas powered

Amend Bill, page 12, line 15, by inserting after "(2)" Natural gas powered

Amend Bill, page 12, line 16, by inserting after "to" where it occurs the second time natural gas powered

Amend Bill, page 13, by inserting between lines 11 and 12

Section 5. Title 53 is amended by adding a section to read:

§ 5721.1. Injured taxicab driver relief fund.

(a) Establishment and deposit.—At least 25% of the total proceeds of the annual auction of taxicab medallions issued after the effective date of this section shall be deposited by the authority into a dedicated account, which shall be known as the injured taxicab driver relief fund, within 30 days of the auction.

(b) Administration.—

(1) The fund shall be administered by a nonprofit corporation with at least ten years of experience in providing services to the disabled within the geographical area under the jurisdiction of the authority.

(2) The authority shall choose an eligible nonprofit corporation to review and make determinations on applications for assistance from the fund.

(3) A standard application for assistance form shall be developed by the nonprofit corporation and used by it in soliciting requests for relief funds under this section.

(c) Advisory board.—An advisory board comprised of members of organizations that represent the interests of taxicab drivers and individual taxicab owners or drivers shall be established by the authority to assist the nonprofit organization in administering the fund established under this section. The advisory board shall hold regular meetings. The executive director of the authority or a designee shall be a member of the advisory board.

(d) Review of applications.— In reviewing requests for assistance from the fund, the nonprofit organization shall take into consideration all other sources of income or assistance available to the applicant and the applicant's household members. Priority consideration for assistance shall be given based on the severity of injury or disability of the applicant.

(e) Fees.—The authority may establish and collect a nominal fee from each taxicab driver who applies for assistance under this section as a condition of eligibility for assistance.

(f) Limitation of administrative costs.—No more than 10% of the fund may be expended by the nonprofit organization to administer the fund.

(g) Financial report.—

(1) The nonprofit corporation selected to administer the fund shall provide to the authority a financial report detailing all monies received and all expenditures of the fund for the year being reported.

(2) The nonprofit corporation shall submit to the authority on an annual basis the results of an independent audit of the fund as conducted by an outside certified public accountant.

Section 6. Sections 5725(a) and 5745(a) of Title 53 are amended to read:

Amend Bill, page 14, line 26, by striking out "4" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, again I want to thank my colleagues for standing tall. This is the last amendment. This might be the more progressive of all the amendments.

We have had a lot of conversations about energy, conservation, moving into the 21st century, and looking at the 22d century, and so what this small opportunity would give us an opportunity to do is to use a certain percentage of the proceeds to support natural gas-powered wheelchair-accessible taxicabs and limousines in Philadelphia County, natural gas-powered wheelchair-accessible cabs and limousines.

We are not asking for money from the Commonwealth. We are asking that this business opportunity set aside a certain percentage of proceeds for these natural gas-powered wheelchair-accessible cabs and limousines.

The SPEAKER pro tempore. The Chair recognizes the majority whip, the gentleman from York County, Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question.

Mr. SAYLOR. I rise to oppose the amendment offered by the gentleman from Philadelphia.

I certainly commend him on his goal. There has been no bigger advocate than myself for the use of natural gas here in Pennsylvania, and I want to see taxicabs and mass transit vehicles converted to what I believe is economically and environmentally friendly natural gas here in Pennsylvania to benefit us all.

This legislation, however, is important, and I believe that the gentleman from Delaware County who has worked hard on it deserves to have it sent to the Senate in its current form. To ensure that we facilitate the conversion of a segment of taxis to natural gas correctly, it must be done in an orderly fashion and in concert with the Parking Authority of Philadelphia and other interested parties.

The chairman of the Urban Affairs Committee has assured me that the issue will be explored further in the hopes that we can come up, with the gentleman, with a piece of legislation that is a comprehensive piece of legislation to cover this issue, and consequently, I ask for a negative vote on this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, according to cngprices.com, right now there are a grand total of 13 natural gas stations in Pennsylvania – one in Berwyn, one in Eddystone, one in Punxsutawney, one in Coatesville, one in Phoenixville, one in Roaring Spring, one in Coolspring, two in Pittsburgh, one in State College. There are none in Philadelphia.

Those people who want to support the natural gas industry should want there to be more throughout the State of Pennsylvania. Certainly Philadelphia, with about one-eighth of the total population, ought to be represented. This would guarantee that Philadelphia would have natural gas stations. Philadelphia would probably be quickly the leader in natural gas stations in Pennsylvania. That would certainly encourage further growth of natural gas throughout the State of Pennsylvania.

I think this is a strong pro-natural gas vote. It is a strong vote against pollution because the natural gas stations and the use of natural gas would produce less pollution than exists now. This is a strong pro-environmental vote. This is a strong pro-natural gas vote. It is a strong pro-taxi vote. I urge support of this amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I urge and I appreciate the worthy goal of trying to promote the natural gas and taxicabs in Philadelphia, but this really is not thought through yet. We do not know how much it is going to cost to make natural gas taxicabs operational and successful in Philadelphia. We do not know and I do not know yet what it would cost to put the necessary facilities together, and we need to know before we start a program like this.

This amendment is two parts. The natural gas is one part. The second part is the same language that we earlier defeated on the injured taxicab relief fund. So really, this is not ready yet. I am very interested in pursuing this further over the summer to find out what really might be the correct way to do this, but we should not fire first and aim later. We need to get our facts together.

So therefore I urge a negative vote on this amendment.

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

The following roll call was recorded:

YEAS—86

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

NAYS—109

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

NOT VOTING—0

EXCUSED—6

Hackett	Micozzie	Smith, K.	Vereb
Killion	Mullery		

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

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

SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1913, PN 3211**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1916, PN 3730**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 375, PN 2278**.

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

SENATE MESSAGE

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1433, PN 2257**.

**COMMUNICATION FROM SPEAKER****SPEAKER PRO TEMPORE APPOINTED**

The SPEAKER pro tempore. The Chair is in receipt of a communication from the Speaker of the House of Representatives, which the clerk shall read.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

June 13, 2012

To the Honorable House of Representatives:

Pursuant to House Rule 1, this is to advise the House that I have appointed the Honorable John Maher to serve as Speaker Pro Tempore for Wednesday, June 13, 2012.

Sincerely,  
Samuel H. Smith  
The Speaker

The SPEAKER pro tempore. The House will come to order.

**BILLS SIGNED BY  
SPEAKER PRO TEMPORE**

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

**HB 1913, PN 3211**

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.

**SB 1067, PN 2127**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "emergency vehicle"; and adding a definition.

**SB 1433, PN 2257**

An Act providing for the Homeowner Assistance Settlement Act; establishing a fund for the purpose of funding the Homeowner's Emergency Mortgage Assistance Program; and providing for the effect of noncompliance with the notice requirements of the homeowner's emergency mortgage assistance program and for allocations from the fund.

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

The SPEAKER pro tempore. For the information of the members, there will be no further votes.

**BILLS RECOMMITTED**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves the following bills be recommitted to the Committee on Appropriations:

HB 646;  
HB 1521;  
HB 1991;  
HB 2043;  
HB 2316;  
HB 2390;  
HB 2421;  
HB 2438;  
SB 157;  
SB 444;  
SB 449; and  
SB 1398.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 276 and SB 887 be removed from the tabled calendar and placed on the active calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 2270 be removed from the tabled calendar and placed on the active calendar.

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

**BILL TABLED**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 2270 be removed from the active calendar and placed on the tabled calendar.

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1329, PN 3097**, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, raising the threshold for applicability; further providing for specifications and for duty of secretary; and providing for protection of workmen.

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

**BILL TABLED**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1329 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1329 be removed from the tabled calendar and placed on the active calendar.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Representative Bloom, who moves that this House do now adjourn until Monday, June 18, 2012, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 6:04 p.m., e.d.t., the House adjourned.